

CITY OF SANTA CRUZ  
809 Center Street  
Santa Cruz, California 95060



## CITY COUNCIL AGENDA

**Regular Meeting - September 14, 2021**

**Updated September 13, 2021**

9:00 A.M. CLOSED SESSION, ZOOM

12:00 P.M. CONSENT, PUBLIC HEARING, ORAL COMMUNICATIONS AND GENERAL BUSINESS, ZOOM

**COVID-19 ANNOUNCEMENT: This meeting will be held via teleconference ONLY.**

In order to minimize exposure to COVID-19 and to comply with the social distancing suggestion, the meeting may be viewed remotely, using any of the following sources:

- Click on Zoom link (no time delay): <https://zoom.us/j/94684401344>
- Online at <http://www.cityofsantacruz.com/government/city-council/council-meetings>
- Online at [Watch - Community Television of Santa Cruz County](#)
- Comcast Channel 25

Or: Call any of the numbers below. If one is busy, try the next one.

- 1-833-548-0276 (Toll Free)
- 1-833-548-0282 (Toll Free)
- 1-877-853-5247 (Toll Free)
- 1-669-900-9128

Enter the meeting ID number: **946 8440 1344**

- When prompted for a Participant ID, press #.
- Press \*9 on your phone to "raise your hand" when the Mayor calls for public comment.
- It will be your turn to speak when the Mayor calls on you. Press \*6 to unmute yourself. The timer will then be set to 2 minutes.

**Correspondence to be included in the agenda packet must be received by 3pm on Monday, September 13<sup>th</sup>.**

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email [CityClerk@cityofsantacruz.com](mailto:CityClerk@cityofsantacruz.com). The Cal-Relay system number: 1-800-735-2922.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 420-5030 al menos cinco días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a [cityclerk@cityofsantacruz.com](mailto:cityclerk@cityofsantacruz.com). El número del sistema Cal-Relay es: 1-800-735-2922.

**Closed Session**

**9:00 AM**

**Closed Session**

1. Conference With Legal Counsel - Liability Claims (Government Code §54956.95)

- 1) Claimant: Kelly DiGirolamo
- 2) Claimant: Noe Castaneda

Claims against the City of Santa Cruz

2. Conference with Legal Counsel - Existing Litigation (Government Code §54956.9(d)(1))

- 1) City of Santa Cruz v. Richard L. Santee, et al.  
(Santa Cruz County Superior Court Case No. 19CV01304 - 744 River St. & 808 River St.)

- 2) Haytasingh v. City of San Diego  
Court of Appeal, Fourth Appellate District Division One Case No. D076228  
(request for amicus support)

3. Conference with Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(2))

Significant exposure to litigation (1 potential case to be discussed)

4. Real Property Negotiations (Government Code §54956.8)

Property: City-owned property on Front Street  
APNs: 005-151-48 and 005-151-35  
Owner: City of Santa Cruz  
City Negotiator: Bonnie Lipscomb  
Negotiating Parties: City of Santa Cruz and SCFS Hotel Venture LLC  
Under Negotiation: Price, terms of payment, or both



**City Council**

**12:00 PM**

**Call to Order**

**Roll Call**

**Presentations**

5. Jack Sprow 30-year Service Pin Recognition
6. Mayoral Proclamation Declaring September as Childhood Cancer Awareness Month
7. Library Mixed-Use Project Update

**Presiding Officer's Announcements**

**Statements of Disqualification**

**Additions and Deletions**

**Oral Communications Announcement** - Community members may address the Council for two minutes or less about any matter not on the agenda. 30 minutes is allocated for Oral Communications. No extra time for groups will be granted.

**City Attorney Report on Closed Session**

**City Manager Report**

8. The Interim City Manager will report and provide updates on the City's business, COVID-19 response, and events.

### **Council Meeting Calendar**

9. The City Council will review the meeting calendar attached to the agenda and revise it as necessary.

### **Consent Agenda**

10. Minutes of the August 24, 2021 City Council Meeting (CC)  
Motion to approve as submitted.
11. Minutes of the August 31, 2021 City Council Special Meeting (CC)  
Motion to approve as submitted.
12. Minutes of the September 7, 2021 City Council Special Meeting (CC)  
Motion to approve as submitted.
13. Resolution Related to Adult Personal Use and Personal Possession of Entheogenic Psychoactive Plants and Fungi (CN)  
  
Resolution declaring that the investigation and arrest of individuals twenty-one (21) years of age and older involved with the adult personal use and personal possession of entheogenic psychoactive plants and fungi listed on the Federal Schedule 1 list be amongst the lowest priorities for the City of Santa Cruz, and rescinding Resolution No. NS-29,623.
14. Liability Claims Filed Against the City of Santa Cruz (FN)  
  
Motion to reject the liability claim of a) Kelly DiGirolamo; and to return as late the claim of b) Noe Castaneda, based on staff recommendation.

**Consent Agenda (continued)**

15. Resolution Amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans for the Parks and Recreation Department (HR)

Resolution amending the Classification and Compensation Plans for the FY 2022 Budget Personnel Complement by approving position changes and a classification job title change in the Parks and Recreation Department.

16. Office of Traffic Safety Selective Traffic Enforcement Program - Grant Acceptance (#PT22134) and Budget Adjustment (PD)

Resolution amending the FY 2022 budget and authorizing the acceptance and appropriation of funds from the Office of Traffic Safety for the Selective Traffic Enforcement Program. The City Manager is hereby authorized and directed to execute the contract and agreements associated with the acceptance of this grant.

17. Downtown Intersection Improvements (c401903) - Award Contract (ED/PW)

Motion to approve a contract with Kimley-Horn and Associates, Inc. (Pleasanton, CA) for traffic system analysis and conceptual design of transportation and Downtown Intersection Improvements (c401903) along Front Street and authorize the City Manager to execute an agreement in a form acceptable to the City Attorney. The Public Works Director is authorized to execute change orders within the approved budget.

18. Emergency Leachate Booster Bypass Upgrade (m400019) - Award Contract (PW)

Motion to award the emergency contract with Don Chapin Co., Inc. (Salinas, CA) for repairing and upgrading the leachate booster bypass in the amount of \$149,600. Authorize the City Manager to execute an agreement in a form acceptable to the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budget.

**Consent Agenda (continued)**

19. Active Transportation Program Cycle 5 Grant Education and Encouragement Programs (c401403) - Award Contract (PW)

Motion to award the contract to Ecology Action (Santa Cruz, CA) in the amount of \$550,000 for the Active Transportation Program Cycle 5 Grant Education and Encouragement Programs. Authorize the City Manager to execute an agreement in a form acceptable to the City Attorney.

20. Caterpillar 972M-BR Hydraulic Wheel Loader - Additional Funds for Purchase (PW)

Motion to approve the increase of funds by \$14,756 for the Council-approved purchase of one Caterpillar 972M-BR Hydraulic Wheel Loader from Peterson Tractor Co. (San Leandro, CA) in the amount of \$480,000.

21. Annual San Lorenzo River Flood Control Maintenance (m409505) - Award Contract and Budget Adjustment (PW)

Motion to:

1) Award a contract for the annual San Lorenzo River Flood Control Maintenance with Kenny Robinson Construction (Santa Cruz, CA) in the amount of \$275,000, and authorize the City Manager to execute the agreement in a form acceptable to the City Attorney.

2) Adopt a resolution amending the FY 2022 budget by adding \$50,000 to Fund 752 from Fund 751 to conduct necessary vegetation removal around gravity outlets along the San Lorenzo River and channel disking to promote scouring during high flow events.

**End Consent Agenda**

## **Public Hearing**

22. 2nd Reading and Final Adoption of Ordinance No. 2021-17 Amending Chapter 13.40 of the Municipal Code Related to the Parks and Recreation Department's Adopt-a-Park Program (PR)

Motion to adopt Ordinance No. 2021-17 amending Chapter 13.40 of the Santa Cruz Municipal Code (SCMC) related to park adoptions.

## **General Business**

23. Temporary SEIU Local 521 Employee Association Memorandum of Understanding (HR)

Resolution adopting a Tentative Agreement with the Temporary SEIU, Local 521 Employee Association.

24. Contract for Mixed-Use Library Master Architect (ED)

Motion to award the contract for the Mixed-Use Library Master Architect to Jayson Architecture in an amount up to \$2,289,550 and authorize the City Manager to execute an agreement with Jayson Architecture in a form to be approved by the City Attorney.

## **Oral Communications**

## General Business

The below item was updated for the following:

- 1) Application and Plans set, dated 7/27/21 have been added as agenda materials
- 2) A supplemental agenda report and related attachment (Application and Plan set, dated 9/9/21) has been added to the packet.
- 3) The recommendation has been updated and is now: Motion to continue this item to the October 12, 2021 City Council meeting.

The Council will consider the continuation recommendation, and the following order of events would no longer be applicable if the item is continued.

The order for the below item will be as follows:

1. Staff presentation
2. Council questions
3. Council break for web-based public input
  - After brief instructions, the public will be invited to share comments via a web-based collaboration tool
  - The link to this tool will be provided during the meeting at [cityofsantacruz.com/831water](https://cityofsantacruz.com/831water)
  - As always, comments can also be shared before the meeting at [citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com) or during public comment
4. Public Comment
  - Not to exceed 90 minutes
  - Limited to 1 minute, per person
  - For groups wishing to request extra speaking time, please email the Mayor and the City Clerk no later than Sunday, September 12<sup>th</sup> at 5:00 p.m. Approval will be confirmed via email. [dmeyers@cityofsantacruz.com](mailto:dmeyers@cityofsantacruz.com) [bbush@cityofsantacruz.com](mailto:bbush@cityofsantacruz.com)
5. Return to Council for deliberation and action

**General Business (continued)**

25. 831 Water Street: CP20-0121 (APNs 009-212-30, -31, -38) - A Public Oversight Meeting to Assess Compliance with the City's Objective Standards Criteria and Accompanying Density Bonus Request for an Affordable Housing Project Proposed Pursuant to SB 35 (Planning and Zoning: Affordable Housing: Streamlined Approval Process). The Proposed Project Includes Demolition of Existing Commercial Buildings and Construction of a Five-story Mixed-use Building and a Four-story Residential Building Consisting of 2,727 Square Feet of Ground Floor Retail and 145 Residential Units (With 50% of the Base Units as Affordable per SB35) with Shared Underground Parking. (Owner: Novin Development Corp.) (PL)

Motion to continue this item to the October 12, 2021 City Council meeting.

~~Review the objective standards table, deny the application based on the fact that the project does not meet the City's objective standards and is therefore not eligible for SB 35, and direct the Planning and Community Development Department to prepare a written documentation letter that would be provided to the applicant that references the Council's denial and identifies what objective criteria are not being met and why. In order to proceed with the development, the applicants would need to correct any deficiencies and resubmit the application. Resubmittal of the application would restart the City's review timeline.~~

**Adjournment**

**INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS**

**ADDENDUM TO CITY COUNCIL AGENDA - SEPTEMBER 14, 2021**

26. City Clerk: Resignation of William Kempf from the Board of Building and Fire Appeals - 9/7/21 (CCFYI 217)
27. Human Resources Department: CitySERVE Volunteer Program Quarterly Report (3rd & 4th Quarter FY 21) - 8/16/21 (HRFYI 041)

**MAYOR'S PROCLAMATIONS**

**ADDENDUM TO CITY COUNCIL AGENDA - SEPTEMBER 14, 2021**

28. Proclaiming August 20, 2021 as “Elizabeth Carr Day” and encouraging all citizens to join in congratulating her on her 10th Anniversary as Chief Executive Officer of the Santa Cruz Community Credit Union and commending and thanking her for her years of outstanding leadership and service.
29. Proclaiming October 1, 2021 as “Chris Schneiter Day” and urging all his colleagues and fellow community members to join in thanking him for his years of service, recognizing his exceptional leadership and substantial contributions to the Public Works Department and to the smooth operation and safety of our community, and wishing him well in his retirement.
30. Proclaiming August 26, 2021 as “Martín Bernal Day” and calling upon all of his colleagues and fellow community members to join in thanking him for his quiet leadership and exemplary service to the City of Santa Cruz and wishing him the happiest—and safest (please be careful on your bike, Martín)—of retirements.



**Advisory Body Appointments**

The following positions are vacant. Council will make the appointments at a future meeting.

Board of Building Appeals	One opening
Downtown Commission	One opening

**Public Hearing**

If, in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action either 60 days or 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6. Please refer to code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes “final.” The 60-day rule applies to all public hearings conducted pursuant to the City’s Zoning Ordinance, Title 24, Santa Cruz Municipal Code. The 90-day rule applies to all other public hearings.

**City Council Agenda Legislative History Addendum**

No information was submitted.

City staff is responsible for providing the City Clerk with such documentation and information for the Legislative History Addendum. The information will be on file in the City Clerk’s Department.

The Addendum is a listing of information specific to City Council business, but which does not appear on a Council meeting agenda. Such entities would include, but not be limited to: Court decisions, Coastal Commission Appeals of City Council actions, Closed Session Agreements/Settlements, which are public record, Association of Monterey Bay Area Governments, Local Agency Formation Commission.

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# DOWNTOWN LIBRARY MIXED-USE PROJECT

CITY COUNCIL UPDATE September 14, 2021



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# AGENDA

- Summary of Efforts to Date and Introduction to Project Team
- Project Schedule Update
- Next Steps

## HIGHLIGHTS OF EFFORTS TO DATE

- Completed program, delivery and schedule analysis with owner's representative, Griffin Structures
- Implemented communications and outreach strategy, including stakeholder meetings and pop-up events
- Completed Library Re-Use Visioning Process and engaged over 700 constituents
- Secured Affordable Housing Master Developer to develop 100% more low and very-low income units than Council mandate
- Recommendation for Master Library Architect RFP and selection

# SUMMARY OF EFFORTS TO DATE

- Hired Owner's Representative- Griffin Structures
  - Owner's Rep- Program, Delivery and Schedule Analysis
- Communications and Outreach Strategy
- Library Re-Use Visioning Process Completed
- Affordable Housing Master Developer RFP and Selection
- Master Library Architect RFP and Selection



# Griffin Structures



- 40 years Serving Public Sector
- Affordable Housing
- Library Experience
- Mixed Use Development Experience
- Parking Structure Experience
- Program and Construction Managers

# REPRESENTATIVE PROJECT EXPERIENCE



**400 Public Sector Projects**



**20 Library Projects**



**20+ Parking Structure Projects**



**25 Affordable Housing Projects**

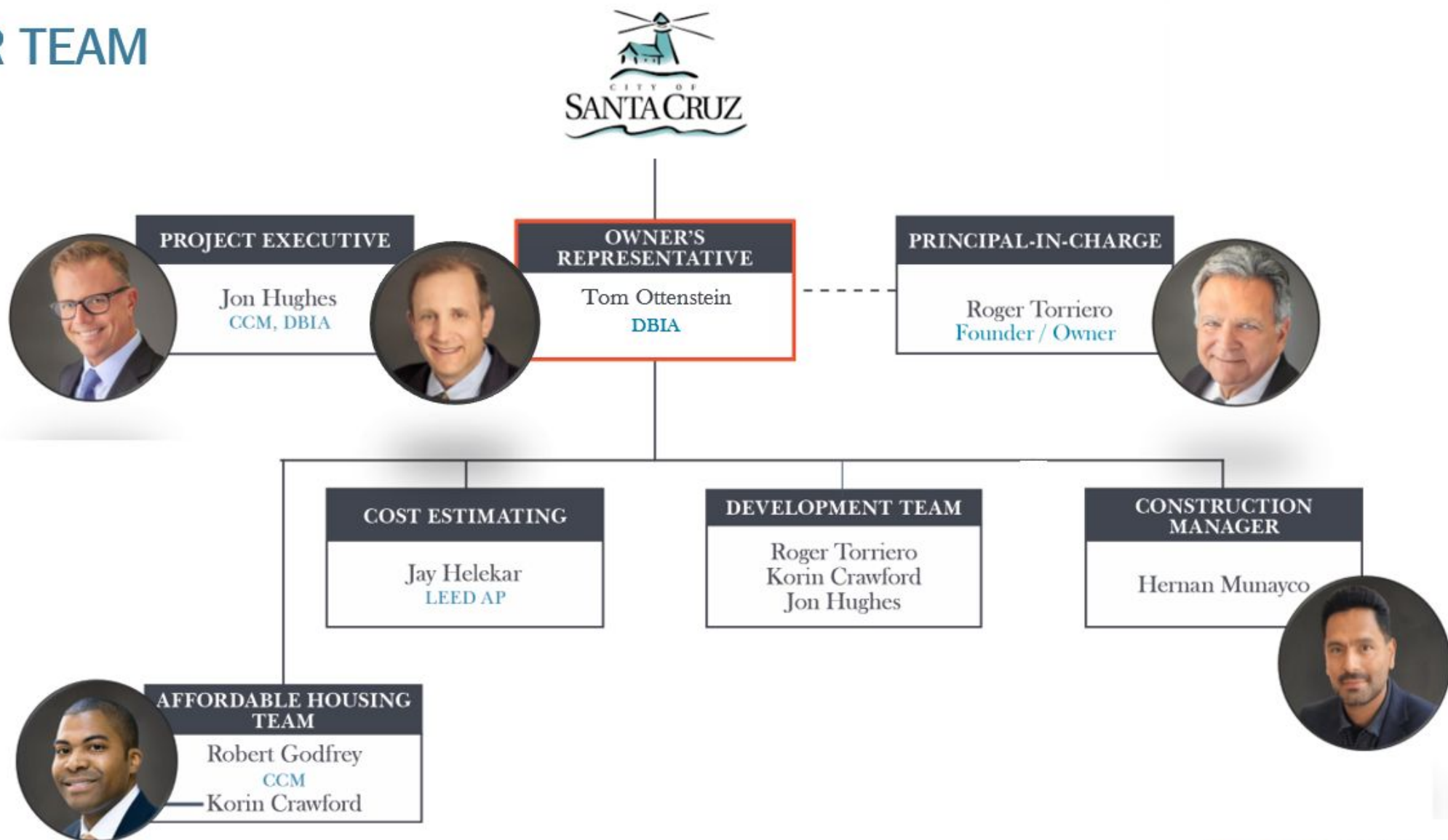


**80 Design Build Projects**



**50 Mixed Use Projects**

# YOUR TEAM





# SUMMARY OF EFFORTS TO DATE

- Hired Owner's Representative- Griffin Structures
  - Owner's Rep- Program, Delivery and Schedule Analysis
- Communications and Outreach Strategy
- Library Re-Use Visioning Process Completed
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# COMMUNITY OUTREACH & COMMUNICATION TOOLS

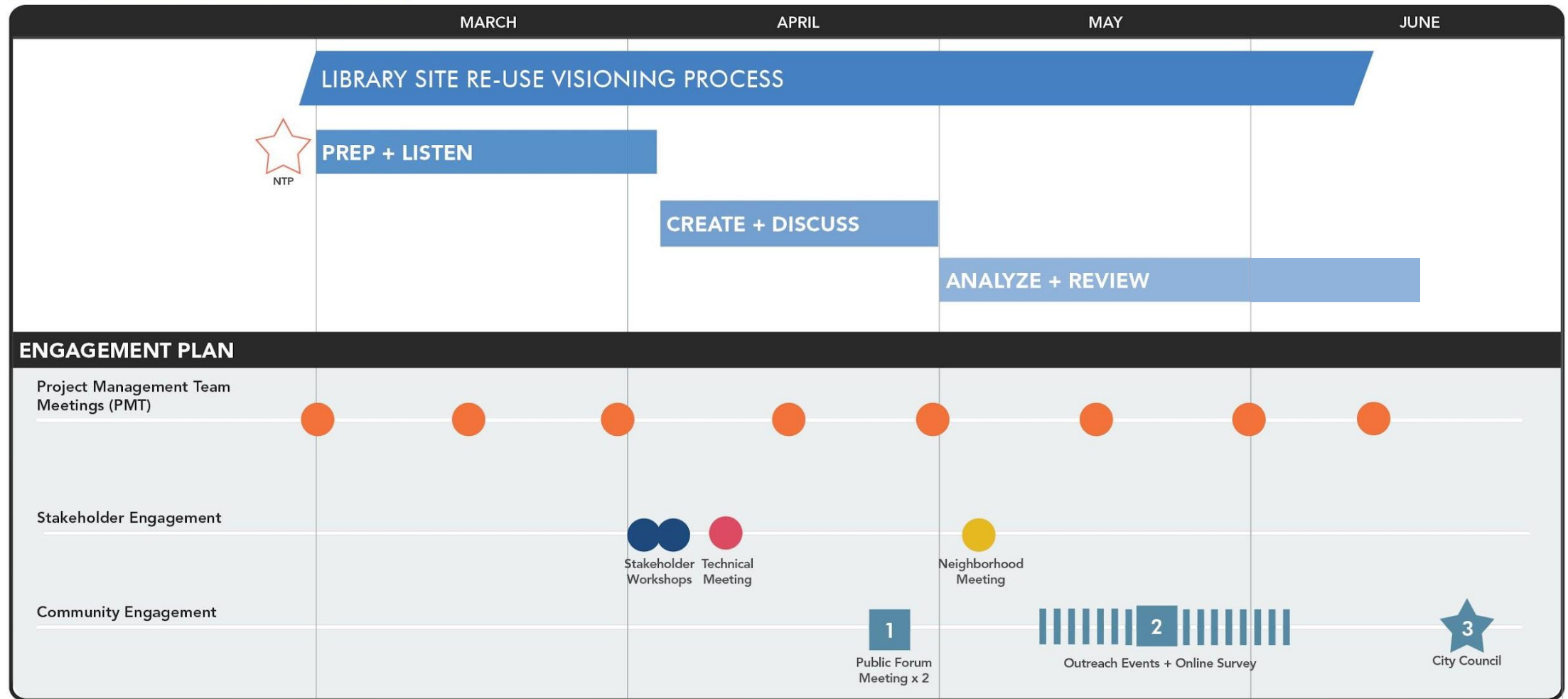
- Conceptual Design Workshops
- Schematic Design Focus Groups and Workshops
- Stakeholder Meetings & Presentations
- Pop-up Events
- Social Media Posts
- Project Newsletter
- E-blast updates
- Fact Sheet
- Website Content: [cityofsantacruz.com/mixeduselibrary](https://cityofsantacruz.com/mixeduselibrary)
- Press Releases
- Updates for Officials
- Quarterly Updates to Council (3<sup>rd</sup> Update in 2021)
- 24 Hour Hotline During Construction

## SUMMARY OF EFFORTS TO DATE

- Hired Owner's Representative- Griffin Structures
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- Affordable Housing Master Developer RFP and Selection
- Master Library Architect RFP and Selection



# LIBRARY SITE RE-USE VISIONING PROCESS



# RANKED ORDER PREFERENCE

Rank	Choice	Distribution
1.	Mixed Use Housing with Civic Plaza	
2.	Plaza + Park with Housing	
3.	Library Structure Re-purposed with Parking	

3<sup>rd</sup> preference
 2<sup>nd</sup> preference
 1<sup>st</sup> preference

**LIBRARY STRUCTURE REPURPOSED WITH PARKING**



**PLAZA + PARK WITH HOUSING**



**MIXED-USE HOUSING WITH CIVIC PLAZA + PARK**





# FINAL VISION RECOMMENDATION

- Affordable Housing
- Community-oriented Ground Floor Uses
- Civic Plaza/ Park focused on Downtown/ Daily uses
- Potential to host Farmers' Market

***"Affordable Housing is a priority for our community. I believe it can be done in a mixed-use format with an acknowledgement of place, respect and voice of the people served, housing elements guidelines, creative and cultural appropriate design and environmental sustainability."***

*-Community Survey Respondent*



7.13

## SUMMARY OF EFFORTS TO DATE

- Hired Owner's Representative- Griffin Structures
  - Owner's Rep- Program, Delivery and Schedule Analysis
- Communications and Outreach Strategy
- Library Re-Use Visioning Process Completed
- Affordable Housing Master Developer RFP and Selection
- Master Library Architect RFP and Selection

# Affordable Housing Master Developer Selection

- Request for Proposals was posted on April 12, 2021
- 5 firms submitted: First Community Housing, Related, John Stewart Company, Eden Housing/For The Future Housing, and Novin
- All proposals were evaluated based on:
  - Project Team
  - Past Related Experience
  - Design and Program
  - Approach to Scope including affordability
- Selected Eden/For the Future Housing
  - Strong team, approach to scope, thorough and detailed proposal, high number of low and very low income units in project



# Eden Housing and For the Future Housing



- Proposed 107 very low and extremely low income housing units versus 50 mandated by Council
  - 2 additional set-asides for permanent supportive housing and disabled individuals/households
- Supportive services for residents, potential on-site childcare, commitment to sustainability, including rooftop solar, rainwater catchment systems and an all-electric, low-energy building.
- 64 combined years of experience, with 13 projects completed or underway in Santa Cruz County
- Experience in successfully developing 100% affordable housing projects throughout California
- Ability to bring a high number of units targeting the lowest and most needed affordability levels

We have a little over 2 years to meet our RHNA goals for the 2015-2023 period

Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	180	5	1		6	45					57	123
	Non-Deed Restricted												
Low	Deed Restricted	118	7	15	13	47	17					199	
	Non-Deed Restricted					6	51	43					
Moderate	Deed Restricted	136										233	
	Non-Deed Restricted		39	112	41	1	16	24					
Above Moderate		313	94	44	109	90	26	12				375	
Total RHNA		747											
Total Units			145	172	163	150	155	79				864	123

Note: units serving extremely low-income households are included in the very low-income permitted units totals

**All** of the affordable units in the Project, **107+**, will be at the very lowest affordability levels –very low or extremely low.

Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	180	5	1		6	45					57	123
	Non-Deed Restricted												
Low	Deed Restricted	118	7	15	13	47	17					199	
	Non-Deed Restricted					6	51	43					
Moderate	Deed Restricted	136										233	
	Non-Deed Restricted		39	112	41	1	16	24					
Above Moderate		313	94	44	109	90	26	12				375	
Total RHNA		747											
Total Units			145	172	163	150	155	79				864	123

Note: units serving extremely low-income households are included in the very low-income permitted units totals



# EXPERIENCE



Water Street Apartments  
708 Water Street, Santa Cruz, CA



Riverwalk Apartments  
110 Lindberg Street, Santa Cruz, CA



# Eden Housing and For the Future Housing



Pacific Station South  
818 Pacific Street, Santa Cruz, CA



Granite Ridge  
37350 Sequoia Road, Fremont, CA



# Eden Housing and For the Future Housing



Alta Mira  
28901 Mission Boulevard, Hayward, CA



Hana Gardens Senior Apartments  
10860 San Pablo Avenue, El Cerrito, CA



# Eden Housing and For the Future Housing



Valor Crossing  
7500 Saint Patrick Way, Dublin, CA



Cottonwood Place  
3701 Peralta Boulevard, Fremont, CA

## SUMMARY OF EFFORTS TO DATE

- Hired Owner's Representative- Griffin Structures
  - Owner's Rep- Program, Delivery and Schedule Analysis
- Communications and Outreach Strategy
- Library Re-Use Visioning Process Completed
- Affordable Housing Master Developer RFP and Selection
- Master Library Architect RFP and Selection



# Master Library Architect and Selection

- Request for Proposals was posted on April 22, 2021
- 9 firms submitted proposals - preliminary review based on :
  - Project Team
  - Past Related Experience
  - Design and Program
  - Approach to Scope
- Following initial evaluation, four teams were interviewed; Dreyfus and Blackford, Jayson Architecture, ABA, and Group 4
- Following a second round of interviews, Jayson Architecture was selected as the preferred Master Library Architect
  - strong team, approach to scope, quality and success of community engagement, current relevant local projects and quality design

# LIBRARY MASTER ARCHITECT – JAYSON ARCHITECTURE



**ABE JAYSON**

**Principal-in-Charge  
Community Liaison  
Library Expert**

*Architect, AIA, California License # C33239  
LEED Accredited Professional, BD+C*



**KATIE STUART**

**Associate, Project Manager  
Main Point of Contact  
Library Expert**

*Architect, California License # C36427  
LEED Accredited Professional, BD+C*

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## TEAM

7.25

SANTA CRUZ DOWNTOWN LIBRARY  
MIXED USE PROJECT MASTER ARCHITECT



SANTA CRUZ  
**DOWNTOWN LIBRARY  
MIXED USE PROJECT**

I

## EXPERTISE

UNDERSTANDING THE  
COMPONENTS THAT CREATE  
A WONDERFUL LIBRARY

II

## ENGAGEMENT

PROMOTING DIALOGUE  
TO ACHIEVE ROBUST  
QUALITATIVE FEEDBACK

III

## VALUES

CRAFTING A NARRATIVE  
THAT REFLECTS THE  
VALUES OF SANTA CRUZ





# EXPERTISE



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# AGENDA

- Summary of Efforts to Date and Introduction to Project Team
- Project Schedule Update
- Next Steps

# PROJECT SCHEDULE UPDATE

2020	2021				2022				2023				2024				2025	
Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
TEAM BUILDING PHASE				DESIGN & PERMITTING PHASE				CONSTRUCTION PHASE								MOVE IN PHASE		
1. Program Delivery Analysis				1. Schematic Design				1. Site Clearing								1. Punch List		
2. AH Developer Selection				2. Design Development				2. Grading and Underground Utilities								2. Commissioning		
3. Master Architect Selection				3. Construction Documents				3. Shell and Core Construction								3. Catalogue Move-In		
4. Communications Planning				4. Entitlement				4. Interiors Construction								4. Grand Opening		
				5. Permitting				5. Site Work and Landscape										
				6. Contractor Selection														

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## NEXT STEPS

- Upcoming Community Outreach on Site Concepts and Library Design
  - Focus Groups- October/November
  - Workshops -November/December
- Farmers' Market engagement- Ongoing
- Council Presentation and Site Design-December



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# DOWNTOWN LIBRARY MIXED-USE PROJECT

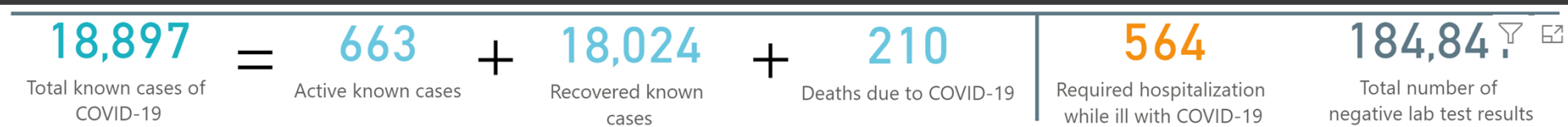
CITY COUNCIL UPDATE September 14, 2021



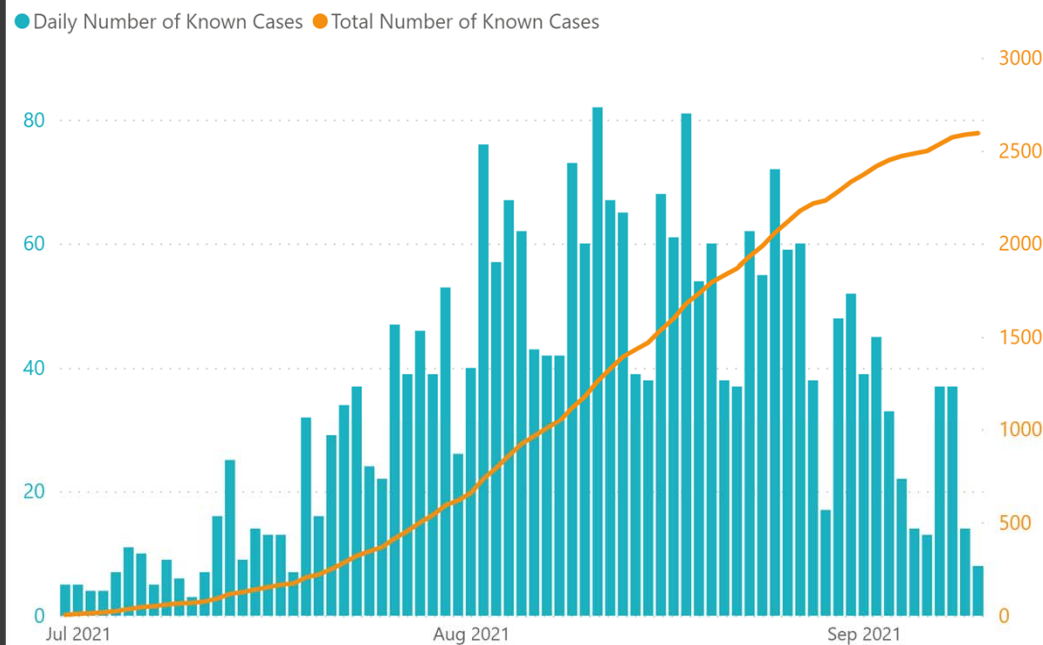
# COVID Update for September 14, 2021

- **Santa Cruz County Health COVID outlook is “optimistic” the Delta surge has peaked with cases trending down (30% decrease in last 14 days)**
- **Transmissibility in Santa Cruz County has decreased from “High” to “Moderate”**
- **358,066 vaccines administered in Santa Cruz County, 69.72% of Santa Cruz County Population**
- **Santa Cruz City EOC is again remotely operational to secure necessary supplies and track expenditures for potential FEMA reimbursement.**

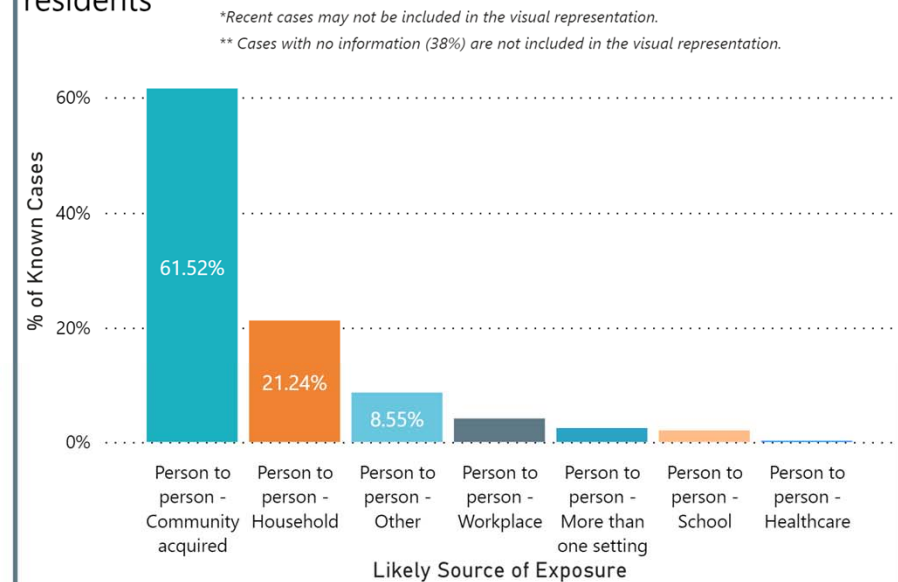
# Data on Known Cases in Santa Cruz County



Epidemic curve and total count of known cases



Identified most likely source of exposure to COVID-19 for known cases of COVID-19 among Santa Cruz County residents



Data represents Known Cases of COVID-19 among residents of Santa Cruz County, by date reported to the Communicable Disease Unit (CDU) from health providers or electronic lab reporting. Data for the last seven days are preliminary, and all data should be considered provisional and subject to change. It is important to look at trends over time when reviewing these data rather than drawing conclusions from any individual data points, as data can change based on additional reporting and case investigation. Data was extracted from the California Reportable Disease Information Exchange (CalREDIE). Dashboard was developed by the Epidemiology & Surveillance Division of the CDU for Santa Cruz County.

# Hospitalizations in Santa Cruz County

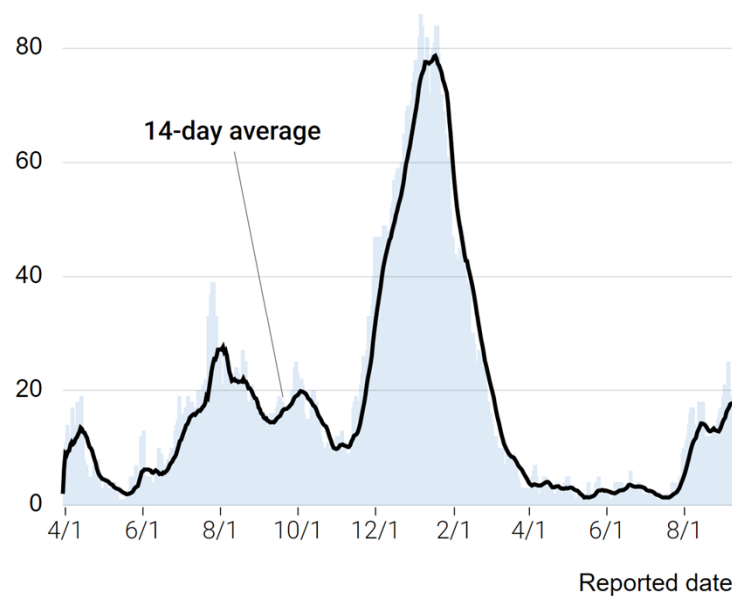
## COVID-19 hospitalized patients in Santa Cruz County

Hospitalized

ICU

**15 COVID-19 hospitalized patients**

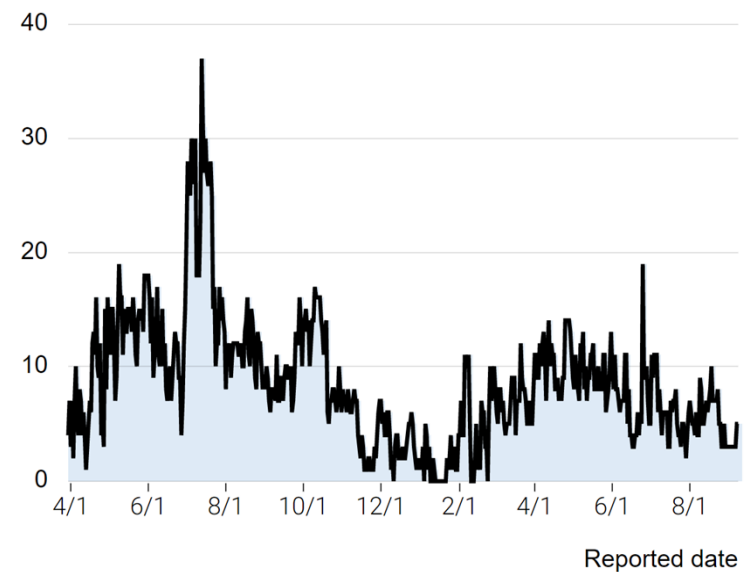
**1** more patients hospitalized from prior day total (7.1% increase)



## ICU beds in Santa Cruz County

**5 ICU beds available**

**0** more ICU beds available from prior day total (0% increase)





# Vaccinations in Santa Cruz County

## COVID-19 Immunization Data: Vaccine Administration in Santa Cruz County

190,473

Total county population vaccinated  
with at least one dose

69.72

% of total county population  
with at least one dose

171,068

Total county population fully  
vaccinated

62.61

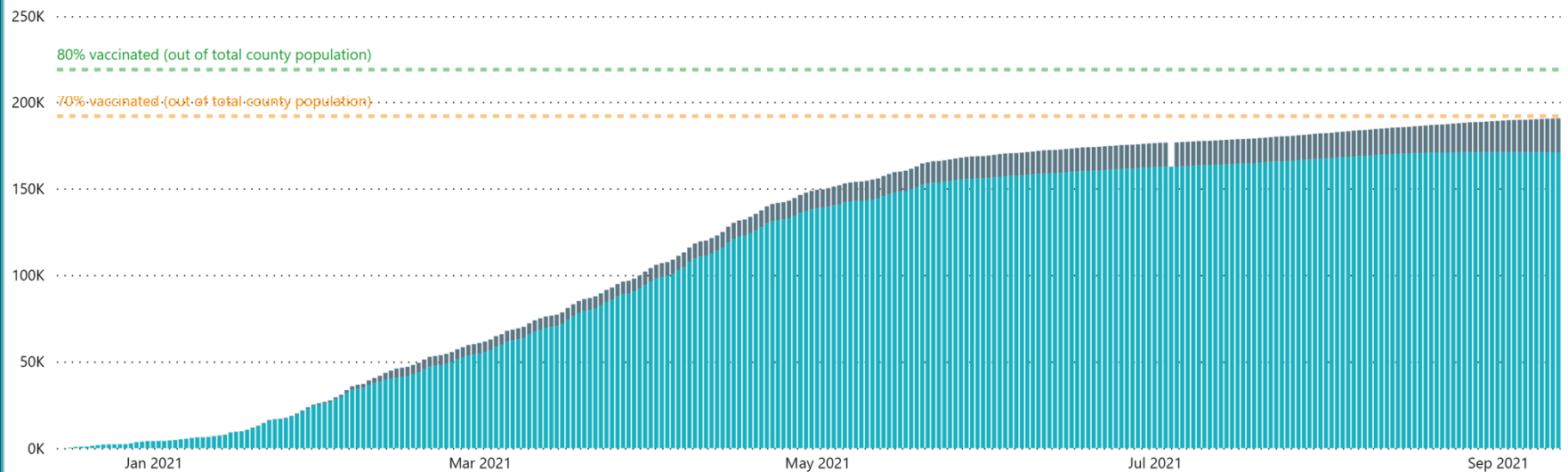
% of total county population  
fully vaccinated

Cumulative vaccines administered by vaccination status

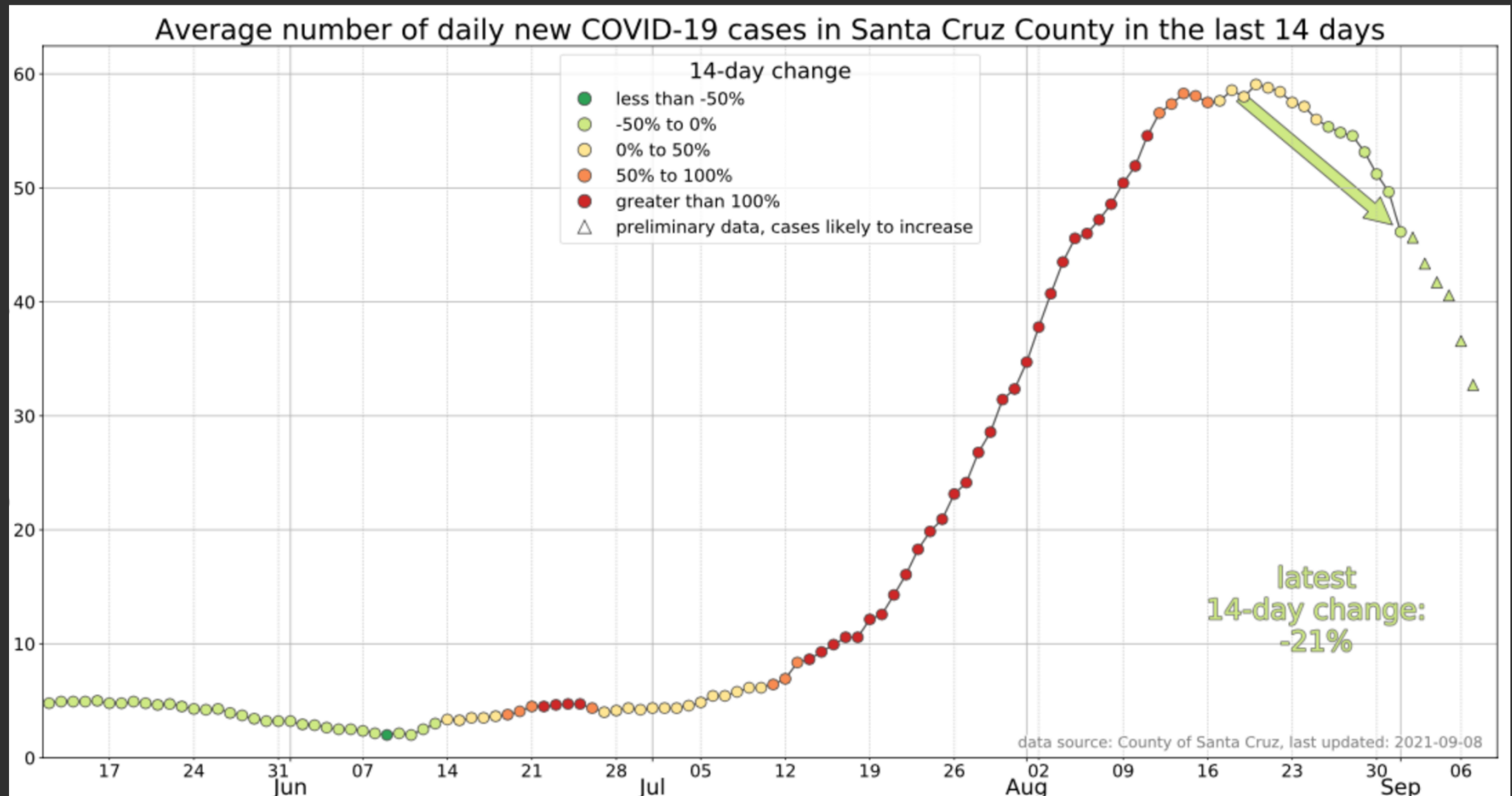
Vaccination status ● Fully ● Partially

Cumulative vaccines  
administered

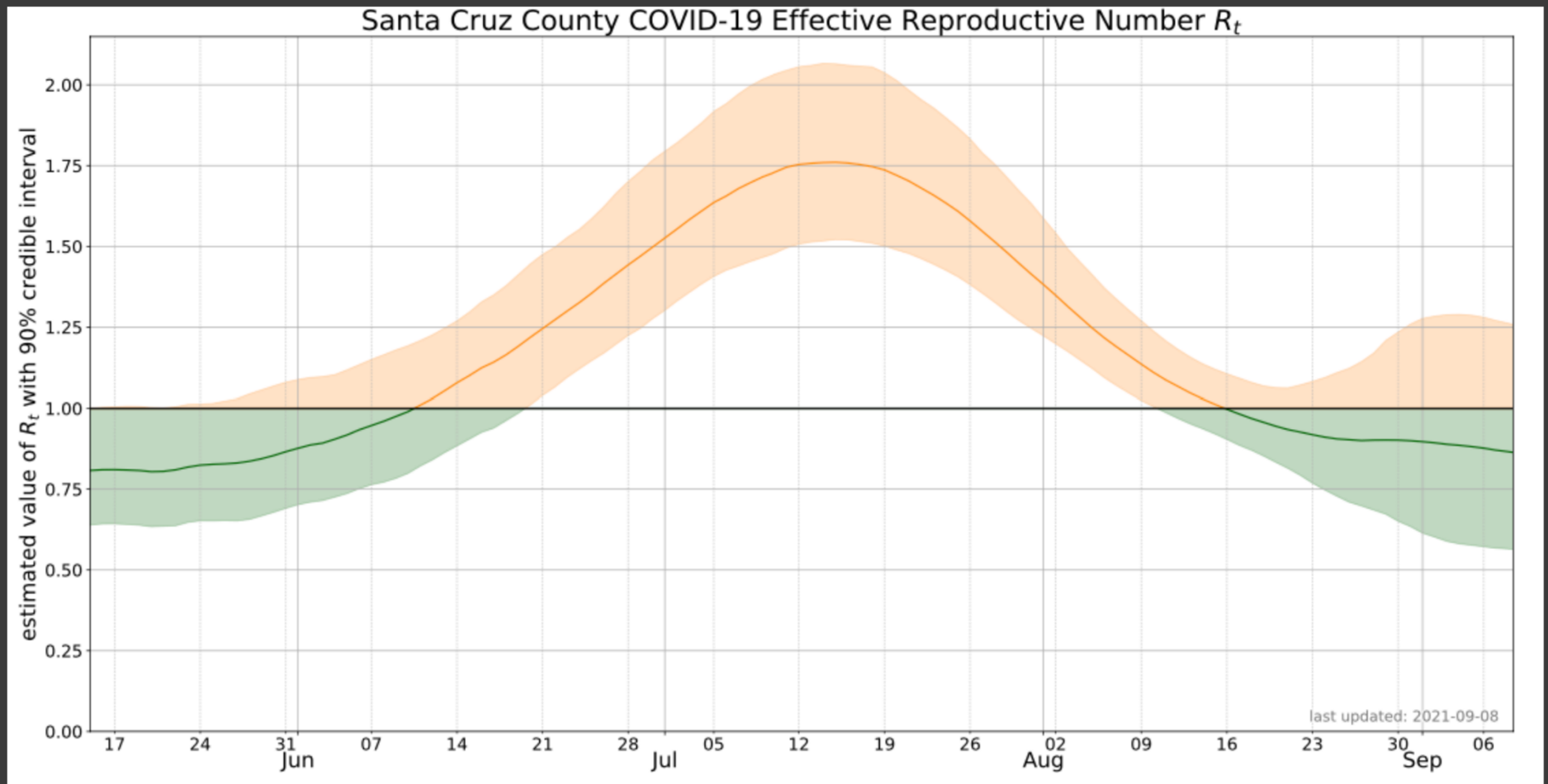
Daily vaccines  
administered



# Last 14 days . . 30% decrease in new COVID cases



# Transmissibility in Santa Cruz County





[santacruzhealth.org](http://santacruzhealth.org)





SANTA CRUZ  
ECONOMIC  
DEVELOPMENT

*CITY OF SANTA CRUZ  
ECONOMIC DEVELOPMENT*

*CHOOSESANTACRUZ.COM*



# Black Lives Matter Mural Update

Two Defendants being charged with vandalism and hate crimes

On Sept 8<sup>th</sup> Court directed City to produce a detailed restoration plan

Next Court Proceeding is October 7<sup>th</sup>

Santa Cruz Equity Collaborative is preparing the plan with cost estimate





18

### Artists

will paint for a purpose, shining a light on local marine environmental issues through ARTivism.

7

### Days

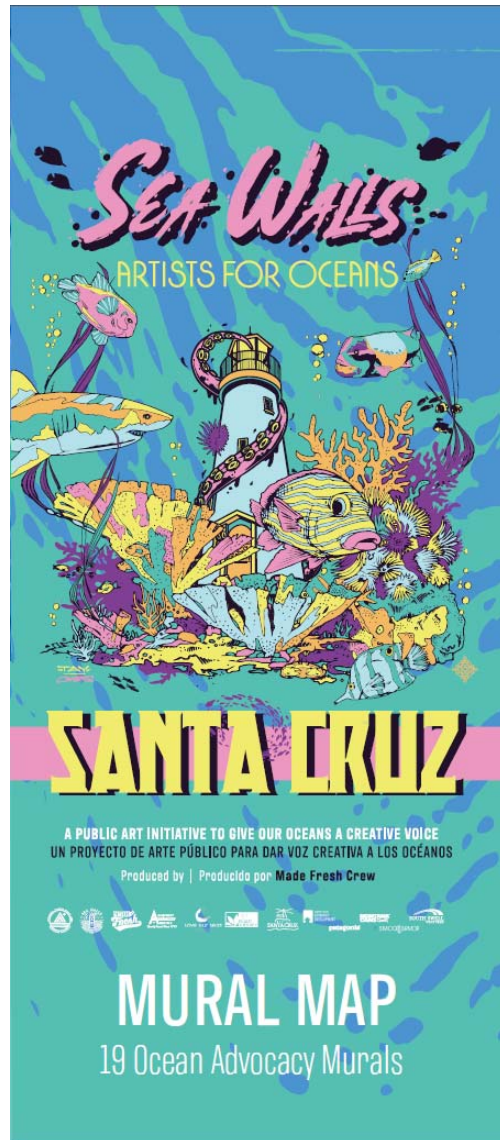
of varied public programming will invite the community to get involved in proactively advocating for Santa Cruz's ocean environment.

1

### Mission

unifying and inspiring the local Santa Cruz community and visitors to stand up for the Central Coast's coastal resources.





<https://seawalls.org/activation/santa-cruz-usa/>

## Santa Cruz ready for the Festival



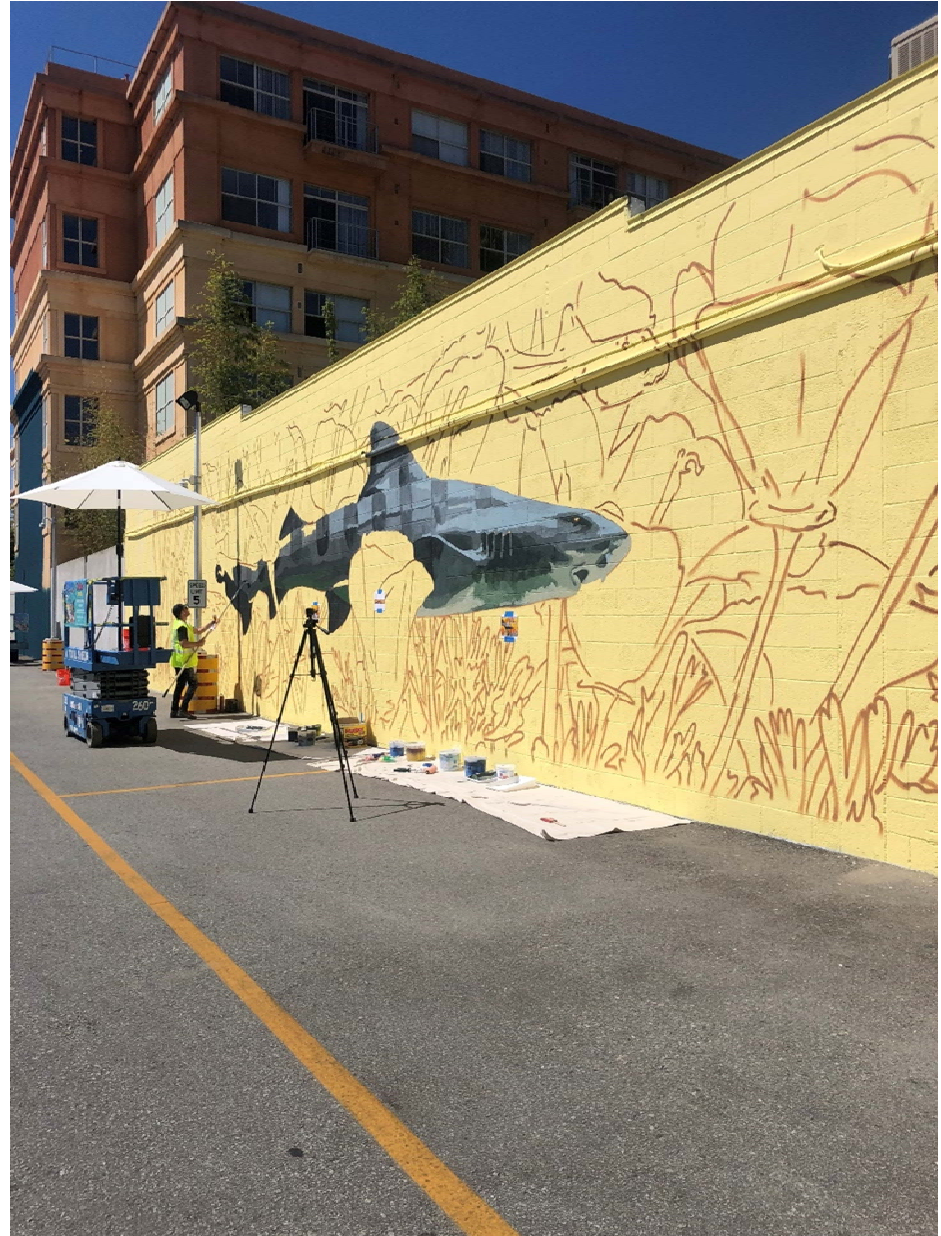


## Soquel Front Garage: Frazier Lewis Lane





## Monster Pot: Metro Parking Lot



## Soquel Ave





# Public Engagement



One of Sea Walls' mural projects in San Diego. (Via SeaWalls.org)

THE HERE & NOW

## Ambitious Sea Walls Santa Cruz mural project 'going to change the town forever'



BY WALLACE BAINE

Source: Lookout Santa Cruz

**Santa Cruz City Arts**  
Published by Kathryn Mintz · Yesterday at 2:59 PM ·

Of course Linda will transform everything into a teaching opportunity!

**Linda Cover**  
Yesterday at 1:35 PM ·

Oh my goodness! Here it comes!!! get to the witness this amazing process of these murals downtown this week ( and you can too) . I will be "tabling" from 12ish... [See More](#)

100 People Reached	13 Engagements	— Distribution Score
-----------------------	-------------------	-------------------------

Boost Unavailable

Meeting Type
Holiday
Jewish Holiday
Regular Meeting
Special Meeting
Study Session (will be added as scheduled)
Budget Hearing

## City Council Meeting Calendar for 2021

Please note: Meeting times are not final and are likely to change

DATE	Time	Location	Meeting Type
September 15-16	Yom Kippur (City observed - begins at sundown on the 15th)		
September 21	4:00 p.m. - 6:00 p.m.	TBD	Special Meeting - Open to the Public
September 28	1:30 p.m.	TBD	Closed Session - Closed to the Public
	2:30 p.m./7:00 p.m.	TBD	Council Regular Meeting - Open to the Public
October 2			Tentative Until Scheduled
October 12	1:30 p.m.	Courtyard Conf. Room	Closed Session - Closed to the Public
	2:30 p.m. (no 7pm)	Council Chambers	Council Regular Meeting - Open to the Public
October 26	1:30 p.m.	TBD	Closed Session - Closed to the Public
	2:30 p.m./7:00 p.m.	TBD	Council Regular Meeting - Open to the Public
November 6			Tentative Until Scheduled
November 9	1:30 p.m.	Courtyard Conf. Room	Closed Session - Closed to the Public
	2:30 p.m./7:00 p.m.	Council Chambers	Council Regular Meeting - Open to the Public
November 11	City Hall Closure - Veteran's Day (observed)		
November 23	1:30 p.m.	Courtyard Conf. Room	Closed Session - Closed to the Public
	2:30 p.m./7:00 p.m.	Council Chambers	Council Regular Meeting - Open to the Public
November 25	City Hall Closure - Thanksgiving Day		
December 4			Tentative Until Scheduled
November 28	Hanukkah (City observed - begins at sundown on November 28)		
December 14	1:30 p.m.	Courtyard Conf. Room	Closed Session - Closed to the Public
	2:30 p.m./7:00 p.m.	Council Chambers	Council Regular Meeting - Open to the Public
December 25	City Hall Closure - Christmas Day		
December 28 Meeting Cancelled - CITY COUNCIL DARK			

**MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL**

City of Santa Cruz  
809 Center Street  
Santa Cruz, California 95060

**MINUTES OF A CITY COUNCIL MEETING**

August 24, 2021

**10:00 AM**

Mayor Meyers opened the City Council Closed Session at 10:00 a.m. in a public meeting via Zoom, for the purpose of announcing the agenda, and receiving public testimony.

**Roll Call**

**Present:** Councilmembers Watkins (arrived at 10:45 a.m. via Zoom), Kalantari-Johnson (via Zoom), Brown (via Zoom), Cummings (via Zoom), Councilmember Golder (arrived at 11:45 a.m. via Zoom); Vice Mayor Brunner (via Zoom); Mayor Meyers (via Zoom).

**Absent:** None.

**Staff:** City Manager M. Bernal (via Zoom), Assistant City Manager L. Schmidt (via Zoom), City Attorney T. Condotti (via Zoom), Water Director R. Menard (via Zoom), Interim Finance Director B. Magee (via Zoom), Human Resources Director L. Murphy (via Zoom), Director of Economic Development B. Lipscomb (via Zoom), Director of Planning, Community Development and Homelessness Response L. Butler (via Zoom), Interim Fire Chief R. Oatey (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush (via Zoom).

**Public Comment**

Mayor Meyers opened the public comment period at 10:02 a.m. There were no speakers. Mayor Meyers closed the public comment period at 10:03 a.m.

**Closed Session**

1. Public Employment (Government Code §54957 (b)(1))

City Manager



**Closed Session (continued)**

2. Conference with Labor Negotiators (Government Code §54957.6)  
SEIU Temporary Employees  
City Negotiator - Lisa Murphy
3. Conference with Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(2))  
Significant exposure to litigation (1 potential case to be discussed)
4. Conference with Legal Counsel - Existing Litigation (Government Code §54956.9(d)(1))
  1. City of Santa Cruz v. Richard L. Santee, et al.  
(Santa Cruz County Superior Court Case No. 19CV01304 - 744 River St. & 808 River St.)
  2. Stevens, Don et al. v. The Regents of the University of California, et al.  
(Santa Cruz County Superior Court Case No. 19CV03696)
  3. Habitat & Watershed Caretakers, et al v. The Regents of the University of California, et al.  
(Santa Cruz County Superior Court Case No. 21CV01022)
5. Real Property Negotiations (Government Code §54956.8)  
Property: 125 Coral Street  
APNs: 008-171-24 and 008-171-25  
Owner: James P. Gillespie and one Jean Gillespie, Trustees, and Harley F. and Sandra I. Gillespie, Co-trustees  
City Negotiator: Bonnie Lipscomb  
Negotiating Parties: City and Owners  
Under Negotiation: Price, terms of payment, or both for potential purchase of property

At this time, the meeting was closed to the public. (See pages 5771–5772 for a report on Closed Session.)

City of Santa Cruz  
809 Center Street  
Santa Cruz, California 95060

MINUTES OF A CITY COUNCIL MEETING  
August 24, 2021

1:00 PM

**Call to Order** - Mayor Meyers called the meeting to order at 1:00 p.m. via Zoom.

**Roll Call**

**Present:** Councilmembers Watkins (via Zoom), Kalantari-Johnson (via Zoom), Brown (via Zoom), Cummings (via Zoom), Golder (left at 2:30 p.m., returned at 3:18 p.m. via Zoom); Vice Mayor Brunner (via Zoom); Mayor Meyers (via Zoom).

**Absent:** None.

**Staff:** City Manager M. Bernal (via Zoom), City Attorney T. Condotti (via Zoom), Assistant City Manager L. Schmidt (via Zoom), Director of Public Works M. Dettle (via Zoom), Chief of Police A. Mills (via Zoom), Director of Planning, Community Development and Homelessness Response L. Butler (via Zoom), Interim Finance Director B. Magee (via Zoom), Director of Information Technology K. Morgan (via Zoom), Human Resources Director L. Murphy (via Zoom), Interim Fire Chief R. Oatey (via Zoom), Water Director R. Menard (via Zoom), Director of Parks and Recreation T. Elliot (via Zoom), Recreation Superintendent R. Kaufman (via Zoom), Assistant Director of Public Works/City Engineer C. Schneiter (via Zoom), Economic Development Manager R. Unitt (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush (via Zoom).

**Presentations**

6. 418 Project New Downtown Facility

Laura Bishop, Executive Director of 418 Project, spoke regarding the new downtown facility.

**Presentations (continued)**7. Monarch Services Presentation

Kalyne Foster Renda, Co-Executive Director of Monarch Services, gave a presentation on the summary of services provided in 2020–2021.

8. Beach Clean Up Presentation

Recreation Supervisor R. Kaufman gave a presentation regarding the 2021 City Councilmember Beach Cleanup Challenge.

9. Mayoral Proclamation Declaring October 1, 2021 as Chris Schneider Day

Mayor Meyers read from a proclamation declaring October 1, 2021 as Chris Schneider Day.

10. Mayoral Proclamation Declaring August 26, 2021 as Martín Bernal Day

Mayor Meyers read from a proclamation declaring August 26, 2021 as Martín Bernal Day.

**Presiding Officer's Announcements**

**Statements of Disqualification** - Vice Mayor Brunner announced she will be recusing herself from voting on item 29 due to her employment with the Downtown Association, which is funded in part by the Downtown Management Association.

**Additions and Deletions** - None.

**Oral Communications Announcement** - The Mayor provided a brief announcement about Oral Communications.

**City Attorney Report on Closed Session**

Public Employment (Government Code §54957 (b)(1))

City Manager

Council received a status report, and took no reportable action.

**City Attorney Report on Closed Session (continued)**

Conference with Labor Negotiators (Government Code §54957.6)

SEIU Temporary Employees

City Negotiator - Lisa Murphy

Council received a status report from the City Negotiator, gave instruction, and took no reportable action.

Conference with Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(2))

Significant exposure to litigation (1 potential case to be discussed)

Council received a status report, and took no reportable action.

Conference with Legal Counsel - Existing Litigation (Government Code §54956.9(d)(1))

1. City of Santa Cruz v. Richard L. Santee, et al.  
(Santa Cruz County Superior Court Case No. 19CV01304 - 744 River St. & 808 River St.)
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(Santa Cruz County Superior Court Case No. 19CV03696)
3. Habitat & Watershed Caretakers, et al v. The Regents of the University of California, et al.  
(Santa Cruz County Superior Court Case No. 21CV01022)

Council received a status report, and took no reportable action.

**City Attorney Report on Closed Session (continued)**Real Property Negotiations (Government Code §54956.8)

Property: 125 Coral Street

APNs: 008-171-24 and 008-171-25

Owner: James P. Gillespie and one Jean Gillespie, Trustees, and Harley F. and Sandra I. Gillespie, Co-trustees

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City and Owners

Under Negotiation: Price, terms of payment, or both for potential purchase of property

Council received a status report from the City Negotiator, gave instruction, and took no reportable action.

**City Manager Report**

11. The City Manager provided a report and updates on the City's business, COVID-19 response, and events.

City Manager M. Bernal called on Chief of Police A. Mills to provide a report on a 5,000-person bike riding event that took place over the weekend, and on Director of Planning, Community Development, and Homelessness Response L. Butler to provide an update on homelessness.

**Council Meeting Calendar**

12. The City Council reviewed the meeting calendar attached to the agenda and revised it as necessary.

**MOTION:** Councilmember Cummings moved, seconded by Councilmember Brown, to direct staff to provide the following information in addition to any other information being provided at the September 7<sup>th</sup> Study Session:

- The procedure for designating the City Council as the City's approval body for any SB 35 application's request for density bonuses.
- The City Council's role in acting to approve or deny any proposed density bonus requests for concessions and waivers.
- The requirement as part of any SB 35 application requesting a density bonus for the Council and the public to receive financial documentation provided by the applicant supporting the proposed density bonus requests.



**Council Meeting Calendar (continued)**

12. The City Council reviewed the meeting calendar attached to the agenda and revised it as necessary (continued)

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown,  
Cummings, Golder; Vice Mayor Brunner; Mayor Meyers.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

**Consent Agenda**

Councilmember Cummings and Vice Mayor Brunner pulled item 23 for further discussion.

Councilmembers Cummings and Kalantari-Johnson, and Vice Mayor Brunner commented on item 15.

Assistant Director of Public Works/City Engineer C. Schneiter responded to Councilmember Brown's questions regarding item 20.

Mayor Meyers opened the public comment period. The following people spoke via teleconference:

Rafa Sonnenfeld spoke regarding item 18.

Garrett Philipp spoke regarding item 13.

Mayor Meyers closed the public comment period.

**MOTION:** Councilmember Brown moved, seconded by Councilmember Watkins, to approve the Consent Agenda.

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings;  
Vice Mayor Brunner; Mayor Meyers.  
NOES: None.  
ABSENT: Councilmember Golder.  
DISQUALIFIED: None.

**Consent Agenda (continued)**

13. Minutes of the August 10, 2021 City Council Meeting (CC)

Motion carried to approve as submitted.

14. Commission for the Prevention of Violence Against Women Appointments (CC)

Motion carried to approve Councilmember Watkins' nomination of Brandon Bollinger and Councilmember Golder's nomination of Krissie Olson to the Commission for the Prevention of Violence Against Women.

15. City of Santa Cruz Climate Action Plan 2020 Close Out Report (CM)

Motion carried to accept the Climate Action Plan 2020 close out report on the City's performance in implementing the Climate Action Plan adopted in 2012.

16. Santa Cruz County Civil Grand Jury Response (CM)

Motion carried to authorize the Mayor to respond to the Santa Cruz Civil County Grand Jury on behalf of the City of Santa Cruz.

17. Designation of Voting Delegate to Attend the League of California Cities (LOCC) Annual Conference Being Held September 22 - 24, 2021, in Sacramento (CN)

Motion carried to designate Councilmember Watkins as the voting delegate to attend the League of California Cities Annual Conference in Sacramento.

18. Authorize Staff Time, per Council Policy 6.9, to Support Vice Mayor Brunner, Councilmember Brown, and Councilmember Cummings' Efforts to Explore Opportunities to Address Parking Concerns Raised by Beach Flats Residents (CN)

Motion carried to authorize staff time, per Council Policy 6.9, to support Vice Mayor Brunner, Councilmember Brown, and Councilmember Cummings' efforts to explore opportunities to address parking concerns raised by Beach Flats residents.

**Consent Agenda (continued)****19. Proposition 4 Appropriations Limit Adjustment Factors (FN)**

Resolution No. NS-29,863 was adopted approving the selection of the annual adjustment factors to be utilized in the calculation of the City's Proposition 4 Appropriations Limit (Gann Limit) based on the adopted revised budget for FY2022, with amendments thereto, if any.

**20. San Lorenzo Riverwalk Lighting Project (c401910) - Authorization to Advertise and Award (PW)**

Motion carried to approve plans and specifications for the San Lorenzo Riverwalk Lighting Project (c401910), authorize staff to advertise for bids, and award the contract. The City Manager is hereby authorized and directed to execute the contract in a form approved by the City Attorney. The Public Works Director is authorized to execute change orders within the approved budget.

**21. West Cliff Drive Path Storm Damage Repair Project (e401707) - Authorization to Advertise and Award (PW)**

Motion carried to approve plans and specifications for the West Cliff Drive Path Storm Damage Repair Project (e401707) and authorize staff to advertise for bids and award the contract. The City Manager is hereby authorized and directed to execute the contract in a form approved by the City Attorney. The Public Works Director is authorized to execute change orders within the approved budget.

**22. Pedestrian and Bicycle Safety Program (p402001) - Grant Application and Budget Adjustment (PW)**

Motion carried to:

- Authorize the City Manager to accept and appropriate funds from the California Department of Transportation Pedestrian and Bicycle Safety Program grant application for the Street Smarts Traffic Safety Program (p402001) public education campaign.
- Adopt Resolution No. NS-29,864 amending the FY 2022 budget and appropriate funds in the amount of \$60,000 from unanticipated revenue for the Street Smarts Traffic Safety Program (p402001).

**Consent Agenda (continued)****23. Cost of Construction - Fee Revision (PW)**

Assistant Director of Public Works/City Engineer C. Schneider responded to Councilmember questions.

Mayor Meyers opened the public comment period. The following people spoke.

**SPEAKING VIA TELECONFERENCE:**

Rafa Sonnenfeld  
Kyle Kelley

Mayor Meyers closed the public comment period.

**MOTION:** Councilmember Watkins moved, seconded by Councilmember Brown, to adopt Resolution No. NS-29,865 revising the Traffic Impact Fee Program to include a revised PM (post meridiem) peak hour rate of \$4,482 and allow for an annual cost increases of 2% when the Engineering News Record (ENR) Cost of Construction index is 2% or greater, add the Downtown Amendment improvements, adopting the Transportation Study Requirements for Development, and thereby rescinding Resolution No. NS-28,574.

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings; Vice Mayor Brunner; Mayor Meyers.  
NOES: None.  
ABSENT: Councilmember Golder.  
DISQUALIFIED: None.

**24. Transfer within the Water Department's Capital Investment Program for FY 2021 Water Program Administration Expenses - Budget Adjustment (WT)**

Resolution No. NS-29,866 was adopted transferring \$2,832,635 from the Water Department's Capital Investment Program (CIP) Project c701901, Water Program Administration, to various other Water Department CIP Projects for the purpose of allocating actual program administration expenses from FY 2021 to active Water Program CIP Projects.

**End Consent Agenda**



**Consent Public Hearings**

Mayor Meyers opened the public comment period. There were no speakers. Mayor Meyers closed the public comment period.

**MOTION:** Councilmember Cummings moved, seconded by Councilmember Watkins, to approve the Consent Public Hearing Agenda.

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings;  
Mayor Meyers.  
NOES: None.  
ABSENT: Councilmember Golder; Vice Mayor Brunner.  
DISQUALIFIED: None.

25. 2nd Reading and Final Adoption of Ordinance No. 2021-15 Municipal Code Amendments Relating to Accessory Dwelling Units (ADUs) Responding to Modifications Requested by the California Coastal Commission (PL)

Motion carried to adopt Ordinance No. 2021-15 amending Chapters 24.04, 24.10, and 24.12 of the Municipal Code related to ADUs in response to action by the California Coastal Commission.

26. 2nd Reading and Final Adoption of Ordinance No. 2021-16 Amending Chapter 13.04.011 of the Santa Cruz Municipal Code Related to Louden (London) Nelson Community Center (PR)

Motion carried to adopt Ordinance No. 2021-16 amending Chapter 13.04.011 (SCMC) related to historical corrections to the naming of the Louden (London) Nelson Community Center.

**Public Hearing**

27. Initial Public Hearing to Receive Input from the Community Regarding the Creation of a District-Based Election System (CM)

This item was continued to a special meeting scheduled for August 31, 2021 at 4:30 p.m.

**General Business**

28. Introduce for Publication an Ordinance Amending Chapter 13.40 of the Municipal Code Related to the Parks and Recreation Department's Adopt-a-Park Program (PR)

Director of Parks and Recreation T. Elliot gave a presentation and responded to Councilmember questions.

Mayor Meyers opened the public comment period. There were no speakers. Mayor Meyers closed the public comment period.

**MOTION:** Councilmember Kalantari-Johnson moved, seconded by Councilmember Watkins, to introduce for publication Ordinance No. 2021-17 amending Chapter 13.40 of the Santa Cruz Municipal Code (SCMC) related to park adoptions.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings, Golder; Vice Mayor Brunner; Mayor Meyers.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

29. Permanent Outdoor Seating Program Update and Direction (ED)

Director of Economic Development B. Lipscomb introduced the item.

Economic Development Manager R. Unitt gave a presentation and responded to Councilmember questions.

Mayor Meyers opened the public comment period. The following people spoke.

**SPEAKING VIA TELECONFERENCE:**

Karen Madura  
Rami Kayali  
Zachary Davis  
Jorian Wilkins  
Anthony Carlson  
Ian McRae  
Tristan

**General Business (continued)**29. Permanent Outdoor Seating Program Update and Direction (ED) (continued)SPEAKING VIA TELECONFERENCE (continued):

Laura Nadel

Mayor Meyers closed the public comment period.

**MOTION:** Councilmember Cummings moved, seconded by Councilmember Brown, to:

- Direct staff to bring back on or before the second meeting in October a revised temporary outdoor expansion program emergency ordinance that extends the temporary period for outdoor seating in public and private spaces, currently set to expire at the end of this December through December 31, 2022.
- Direct staff to work with businesses operating these spaces to make any necessary changes needed to address maintenance issues and help aid transition to permanent programs prior to the emergency ordinance expiration.
- Direct staff to start working on any necessary revisions to the Municipal Code for future Council consideration to reflect the desire to expand outdoor seating in private and public on-street parking (parklets) citywide including:
  - Finalizing the revisions to the parklet design guidelines including approved platform designs and materials, safety features, accessibility requirements, and lighting and shade materials.
  - Revising the fee structure for parklets and private outdoor seating and evaluate the potential to waive, modify or offset fees on an appropriate time scale to facilitate pandemic business recovery.
- Direct staff to explore options to accommodate the needs of businesses and residents in the 1100 block of Pacific Avenue and the desire for ongoing special event space during the recovery and bring back a recommendation on or before the second meeting in October, including extending the Cathcart partial closure through December 31, 2022.

**General Business (continued)****29. Permanent Outdoor Seating Program Update and Direction (ED) (continued)**

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings, Golder; Mayor Meyers.

NOES: None.

ABSENT: None.

DISQUALIFIED: Vice Mayor Brunner.

**30. Request from Homeless Garden Project to Relocate the Site of the Planned Pogonip Farm and Garden from the Lower Main Meadow to the Upper Main Meadow, Pogonip Open Space (PR)**

Director of Parks and Recreation T. Elliot gave a presentation and responded to Councilmember questions.

Cathy Calfo, Board President of Homeless Garden Project, gave a presentation and responded to Councilmember questions.

Mayor Meyers opened the public comment period. The following people spoke.

**SPEAKING VIA TELECONFERENCE:**

Kelly Damewood  
Julia Huff  
Garrett  
Douglas Deitch

Mayor Meyers closed the public comment period.

**MOTION:** Vice Mayor Brunner moved, seconded by Councilmember Cummings, to

- Direct staff to initiate an amendment process to the Pogonip Master Plan only for relocation of the Homeless Garden Project from the Lower Meadow to the Upper Meadow, including associated public outreach, analysis and studies, and environmental review.
- Direct staff to place discussion of the proposed amendment on the September 13<sup>th</sup> Parks and Recreation Commission agenda to get early feedback and confirm process and timeline for the amendment.



**General Business (continued)**

30. Request from Homeless Garden Project to Relocate the Site of the Planned Pogonip Farm and Garden from the Lower Main Meadow to the Upper Main Meadow, Pogonip Open Space (PR) (continued)

**MOTION (continued):**

- Initiate this amendment process as expeditiously as possible and report to the Council at its September 28<sup>th</sup> meeting on how this proposal will be incorporated into department work plans.
- Report on the amendment's status to the Council within three months.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings, Golder; Vice Mayor Brunner; Mayor Meyers.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

31. Consider Appointing an Interim City Manager (HR)

Human Resources Director L. Murphy spoke and responded to Councilmember questions.

Mayor Meyers opened the public comment period. There were no speakers. Mayor Meyers closed the public comment period.

**MOTION:** Councilmember Watkins moved, seconded by Councilmember Kalantari-Johnson, to approve the appointment of Rosemary Menard as the Interim City Manager.

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings, Golder; Vice Mayor Brunner; Mayor Meyers.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

### Oral Communications

At 5:42 p.m. Mayor Meyers opened Oral Communications for members of the public who wished to speak regarding items not listed on the City Council agenda.

Unidentified person spoke regarding the Santa Cruz ride out that took place over the weekend.

Lira Filippini spoke, thanking Council for their support of the Amah Mutson Tribal Band.

Douglas Deitch spoke, congratulating Martin Bernal and Chris Schneider on their retirement, and spoke regarding the Pogonip Foundation, and the projected rise of the sea level.

Unidentified person asked if select Councilmembers are under investigation by the Fair Political Practices Commission (FPPC), and spoke requesting Council re-agendize the Camping Services and Standards Ordinance (CSSO) to rescind the enforcement.

Unidentified person spoke regarding COVID-19 vaccinations.

Unidentified person spoke regarding trash on California State Highways and County roads.

Unidentified person spoke asking if there's anything the City can do to facilitate a quicker turnaround time for COVID-19 tests amongst school-aged children.

At 5:56 p.m. Mayor Meyers closed Oral Communications.

**Adjournment** - The City Council adjourned at 5:59 p.m.

Respectfully Submitted:

---

Julia Wood, Deputy City Clerk Administrator

Attest:

---

Bonnie Bush, City Clerk Administrator

Approved:

---

Donna Meyers, Mayor

**MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL**

City of Santa Cruz  
809 Center Street  
Santa Cruz, California 95060

**MINUTES OF A CITY COUNCIL SPECIAL MEETING**

August 31, 2021

**4:30 PM**

**Call to Order** - Mayor Meyers called the meeting to order at 4:31 p.m. via Zoom.

**Roll Call**

**Present:** Councilmembers Watkins (via Zoom), Kalantari-Johnson (via Zoom), Brown (via Zoom), Cummings (via Zoom); Vice Mayor Brunner (via Zoom); Mayor Meyers (via Zoom).

**Absent:** Councilmember Golder.

**Staff:** Acting City Manager R. Menard (via Zoom), Assistant City Manager L. Schmidt (via Zoom), City Attorney T. Condotti (via Zoom), Interim Finance Director B. Magee (via Zoom), Director of Economic Development B. Lipscomb (via Zoom), Interim Fire Chief R. Oatey (via Zoom), Principal Management Analyst R. Dimarucut (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush (via Zoom).

**Public Hearing**

1. Public Hearing to Receive Input from the Community Regarding the Creation of a District-Based Election System (CM)

Principal Management Analyst R. Dimarucut gave a presentation and responded to Councilmember questions.

President and Senior Analyst at National Demographics Corporation Douglas Johnson gave a presentation and responded to Councilmember questions.

Mayor Meyers opened the public comment period. The following people spoke.

**SPEAKING VIA TELECONFERENCE:**

Scott

Unidentified person

Unidentified person

**Public Hearing (continued)****1. Public Hearing to Receive Input from the Community Regarding the Creation of a District-Based Election System (CM) (continued)****SPEAKING VIA TELECONFERENCE (continued):**

Unidentified person  
Unidentified person  
Unidentified person  
Garrett Philipp  
Unidentified person  
Elise Casby  
Unidentified person

Mayor Meyers closed the public comment period.

**MOTION:** Councilmember Brown moved, seconded by Councilmember Cummings, to:

- Direct the Interim City Manager to present the following material at the next Council meeting in which Council will consider District Elections:
  - The full California Voting Rights Act (CVRA)
  - Any available updates on the California Supreme Court timeline for hearing the Pico Neighborhood Association, et al. v. City of Santa Monica
  - The 2020 Census Tract data and map for the City of Santa Cruz
- Express the intention of the City Council to consider rescinding the district elections resolution at the end of the public process if merited based on evidence received during this process.
- Approve the revised timeline for transition.

**ACTION:** The motion carried with the following vote.

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown,  
Cummings; Vice Mayor Brunner; Mayor Meyers.  
NOES: None.  
ABSENT: Councilmember Golder.  
DISQUALIFIED: None.

**Adjournment** - The City Council adjourned at 6:54 p.m.

Respectfully Submitted:

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Julia Wood, Deputy City Clerk Administrator

Attest:

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Bonnie Bush, City Clerk Administrator

Approved:

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Donna Meyers, Mayor



**MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL**

City of Santa Cruz  
809 Center Street  
Santa Cruz, California 95060

**MINUTES OF A CITY COUNCIL SPECIAL MEETING**

September 7, 2021

**7:30 PM**

**Call to Order** - Mayor Meyers called the meeting to order at 7:31 p.m. via Zoom.

**Roll Call**

**Present:** Councilmembers Watkins (via Zoom), Kalantari-Johnson (via Zoom), Brown (via Zoom), Cummings (via Zoom), Golder (via Zoom); Vice Mayor Brunner (via Zoom); Mayor Meyers (via Zoom).

**Absent:** None.

**Staff:** Interim City Manager R. Menard (via Zoom), City Attorney T. Condotti (via Zoom), Assistant City Manager L. Schmidt (via Zoom), Deputy City Manager, Director of Planning, Community Development, and Homelessness Response L. Butler (via Zoom), Interim Finance Director B. Magee (via Zoom), Director of Economic Development B. Lipscomb (via Zoom), Interim Fire Chief R. Oatey (via Zoom), Senior Planner S. Neuse (via Zoom), Principal Planner S. Haschert (via Zoom), Transportation N. Nguyen (via Zoom), Housing and Community Development Manager J. de Wit (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush (via Zoom).

**General Business**

1. Affordable Housing Streamlined Ministerial Approval (SB35) and Density Bonus Study Session, Including Procedural Direction for Such Requests (PL)

Deputy City Manager, Director of Planning and Community Development, and Homelessness Response L. Butler, Partner with Goldfarb Lipman Barbara Kautz, and Senior Planner S. Neuse gave a presentation and responded to Councilmember questions.

Principal Planner S. Haschert responded to Councilmember questions.

Transportation Manager N. Nguyen responded to Councilmember questions.

**General Business (continued)**

1. Affordable Housing Streamlined Ministerial Approval (SB35) and Density Bonus Study Session, Including Procedural Direction for Such Requests (PL) (continued)

Mayor Meyers opened the public comment period. The following people spoke.

**SPEAKING VIA TELECONFERENCE:**

Unidentified person  
Unidentified person  
Rafa Sonnenfeld  
Unidentified person  
Candace Brown  
Unidentified person  
Unidentified person  
Unidentified person  
Unidentified person  
Unidentified person  
Unidentified person  
Janine  
Unidentified person  
Unidentified person  
Robert Orrizzi

Mayor Meyers closed the public comment period.

**MOTION:** Councilmember Cummings moved, seconded by Councilmember Kalantari-Johnson, to confirm that applications involving requests for both Affordable Housing Streamlined Ministerial Approval and Density Bonus require City Council to make the determination of consistency with objective standards and to consider for approval any associated Density Bonus requests as part of a public oversight meeting to occur within 60 days of receipt of application for a project with 150 or fewer units or 90 days of application receipt for a project with more than 150 units.

**FRIENDLY AMENDMENT:** Councilmember Kalantari-Johnson requested to add to the motion:

- Direct staff to apply standard conditions of approval for SB 35 applications.
- Direct staff to complete the objective standards project as expeditiously as possible and convert those standards to the zoning code.

**General Business (continued)****1. Affordable Housing Streamlined Ministerial Approval (SB35) and Density Bonus Study Session, Including Procedural Direction for Such Requests (PL) (continued)**

Councilmember Cummings requested to add “based on General Plan allowances” to the friendly amendment. Councilmember Kalantari-Johnson accepted.

After discussion and feedback from staff, the friendly amendment was amended to:

- Direct staff to apply standard objective conditions of approval for SB 35 applications.
- Direct staff to complete the objective standards project as expeditiously as possible and convert those standards to the zoning code based on General Plan allowances.

Councilmember Cummings accepted.

**FRIENDLY AMENDMENT:** Vice Mayor Brunner requested to add: that Council be the oversight until the objective standards project is complete and the General Plan and zoning ordinance have aligned. Vice Mayor Brunner withdrew her friendly amendment.

**ACTION:** The motion carried unanimously with the following vote.

AYES:	Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings, Golder; Vice Mayor Brunner; Mayor Meyers.
NOES:	None.
ABSENT:	None.
DISQUALIFIED:	None.

**MOTION:** Councilmember Cummings moved, seconded by Councilmember Brown, to:

1. Designate the City Council as the approving body for design review and density bonus requests for all SB 35 applications.
2. Direct staff to clarify that an SB 35 application requesting density bonuses as incomplete if all of the required documentation has not been provided.

**General Business (continued)**

1. Affordable Housing Streamlined Ministerial Approval (SB35) and Density Bonus Study Session, Including Procedural Direction for Such Requests (PL) (continued)

**MOTION (continued):**

3. Direct staff to provide updates to the Council regarding staff time and activities involved in assisting SB 35 project applicants seeking subsidies and other assistance for affordable units and provide an opportunity for the Council to weigh in prior to project application approval.
4. Based on provisions in the Housing and Community Development SB 35 guidelines, require any SB 35 project to meet a 20% inclusionary requirement for the entire project.

Housing and Community Development Manager J. de Wit responded to Councilmember questions.

Director of Economic Development B. Lipscomb responded to Councilmember questions.

**MOTION:** Councilmember Golder moved to call the question. The motion failed due to lack of a second.

After discussion, Councilmember Cummings withdrew items 1, 2, and 3 from the motion and restated his motion as follows:

**MOTION:** Councilmember Cummings moved, seconded by Councilmember Brown, , to require any SB 35 project to meet a 20% inclusionary requirement for the entire project, based on provisions in the Housing and Community Development SB 35 Guidelines.

**ACTION:** The motion carried with the following vote.

AYES:	Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings, Golder; Vice Mayor Brunner.
NOES:	Mayor Meyers.
ABSENT:	None.
DISQUALIFIED:	None.

**General Business (continued)**

1. Affordable Housing Streamlined Ministerial Approval (SB35) and Density Bonus Study Session, Including Procedural Direction for Such Requests (PL) (continued)

**MOTION:** Councilmember Cummings moved, seconded by Councilmember Golder, to direct staff to provide the following information for the September 14<sup>th</sup> hearing on the 831 Water Street Project:

- All the existing General Plan, zoning, design review, and subdivision review standards that apply to the proposed project and, further, to identify which of these standards staff considers to be objective.
- Provide the City Council and the public at least three days prior to the public oversight hearing on the 831 Water Street project financial documentation supporting the project's density bonus requests.
- Recommended conditions of approval for the 831 Water Street project at the public oversight hearing include conditions of approval to require that:
  - All project residents be allowed to utilize the rooftop amenities at no cost.
  - Council determines whether the 831 Water Street project meets the City's requirements for a Design Review permit.
  - Council considers the location of a bus stop to serve the project.
  - Council considers relocation of the entrance to the project in order to protect the public health and safety.

After conversation, the motion was restated as follows:

Direct staff to provide the following information for the September 14<sup>th</sup> hearing on the 831 Water Street project:

- All the existing General Plan, zoning, design review, and subdivision review standards that apply to the proposed project and identify which of these standards staff considers to be objective.
- At least three days prior to the public oversight hearing on the 831 Water Street project, provide the Council and the public financial documentation supporting the project's density bonus requests.



**General Business (continued)**

1. Affordable Housing Streamlined Ministerial Approval (SB35) and Density Bonus Study Session, Including Procedural Direction for Such Requests (PL) (continued)

**ACTION:** The motion carried unanimously with the following vote.

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown,  
Cummings, Golder; Vice Mayor Brunner; Mayor Meyers.  
NOES: None.  
ABSENT: None.  
DISQUALIFIED: None.

**Adjournment** - The City Council adjourned at 12:21 a.m.

Respectfully Submitted:

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Julia Wood, Deputy City Clerk Administrator

Attest:

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Bonnie Bush, City Clerk Administrator

Approved:

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Donna Meyers, Mayor



## City Council AGENDA REPORT

**DATE:** 09/02/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** City Council

**SUBJECT:** Resolution Related to Adult Personal Use and Personal Possession of  
Entheogenic Psychoactive Plants and Fungi (CN)

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**RECOMMENDATION:** Resolution declaring that the investigation and arrest of individuals twenty-one (21) years of age and older involved with the adult personal use and personal possession of entheogenic psychoactive plants and fungi listed on the Federal Schedule 1 list be amongst the lowest priorities for the City of Santa Cruz, and rescinding Resolution No. NS-29,623.

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**BACKGROUND:** City Council passed Resolution No. NS–29,623 on January 28, 2020. This resolution declared that the investigation and arrest of individuals twenty-one (21) years of age and older involved with the adult personal use and personal possession of entheogenic psychoactive plants and fungi listed on the Federal Schedule 1 list be amongst the lowest priorities for the City of Santa Cruz.

**DISCUSSION:** Councilmembers, after receiving feedback from tribal leaders and members of the community, are presenting the following language amendments for the Council to consider:

The removal of the sixth WHEREAS of the resolution:

“WHEREAS, the Entheogenic Plant practices of certain groups are already explicitly protected in the U.S. under the doctrine of religious freedom, including the Native American Church’s use of peyote and the use of ayahuasca by two other churches, a Santo Daime congregation and the Uniao do Vegetal; and”

The removal of the following from the tenth WHEREAS of the resolution:

“such as mescaline can be beneficial in healing drug and alcohol addiction and for individual spiritual growth”

The addition of the following in the first THEREFORE BE IT RESOLVED of the resolution:

“with the exception of entheogenic cacti that contain phenethylamine compounds such as mescaline”

The addition of the following to the resolution:

“BE IT FURTHER RESOLVED that local decriminalization efforts that include peyote can be disruptive to the nation-wide strategy driven by Native American people to protect, conserve, and ensure the spiritual and ecological sustainability of peyote. Therefore, this policy shall not

apply to peyote or other entheogenic cacti that contain phenethylamine compounds such as mescaline; and”

And, the addition of the following to the current second BE IT FURTHER RESOLVED of the resolution:

“with the exception of peyote”

These changes address concerns raised by members of the community regarding the poaching and extraction of wild Peyote populations, ultimately impacting Native American Peyotists. The National Council of Native American Churches (NCNAC) and the Indigenous Peyote Conservation Initiative (IPCI) ask that Peyote not be decriminalized. This is not due to opposition to decriminalization efforts in general, but because there is an entire conservation strategy already underway. This conservation effort includes regulatory and legal measures designed to ensure biocultural conservation. It is important this effort not be interrupted or diluted. Individual, state, or local decriminalization efforts that include peyote can be disruptive to the nation-wide strategy driven by Native American people to protect, conserve, and ensure the spiritual and ecological sustainability of peyote.

Passage of this resolution will rescind resolution No. NS–29,623 and will replace it with the attached draft reflecting these amendments.

**FISCAL IMPACT:** There is no fiscal impact.

**Submitted By:**  
Sonja Brunner  
Vice Mayor

**Submitted By:**  
Shebreh Kalantari-Johnson  
Councilmember

**Submitted By:**  
Martine Watkins  
Councilmember

**ATTACHMENTS:**

1. ENTHEOGENIC PLANTS RESOLUTION - CLEAN.DOCX
2. ENTHEOGENIC PLANTS RESOLUTION - REDLINE.DOCX
3. LETTER BY INDIGENOUS PEYOTE CONSERVATION COMMUNICATION COMMITTEE, MAY 2021.PDF

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ DECLARING THAT THE INVESTIGATION AND ARREST OF INDIVIDUALS TWENTY- ONE (21) YEARS OF AGE AND OLDER INVOLVED WITH THE ADULT PERSONAL USE AND PERSONAL POSSESSION OF ENTHEOGENIC PSYCHOACTIVE PLANTS AND FUNGI LISTED ON THE FEDERAL SCHEDULE 1 LIST BE AMONGST THE LOWEST PRIORITIES FOR THE CITY OF SANTA CRUZ, AND  
RESCINDING RESOLUTION NO. NS-29,623

WHEREAS, Entheogenic Plants, based on the term “entheogen”, originally conceived by Ott, Ruck, and other colleagues from a working group of anthropologists and ethnobotanists in 1979; and defined herein as the full spectrum of plants, fungi, and natural materials deserving reverence and respect from the perspective of the individual and the collective, that can inspire personal and spiritual well-being,<sup>i</sup> can benefit psychological<sup>ii</sup> and physical wellness,<sup>iii</sup> and can reestablish human’s inalienable and direct relationship to nature; and

WHEREAS, substance abuse,<sup>iv</sup> addiction, recidivism,<sup>v</sup> trauma, post-traumatic stress symptoms, chronic depression, severe anxiety,<sup>vi</sup> end-of-life anxiety, grief,<sup>vii</sup> diabetes,<sup>viii</sup> cluster headaches,<sup>ix</sup> and other medical conditions do affect adults, and the use of psychoactive plants and fungi has been documented to benefit the health and well-being of individuals and communities in addressing these afflictions via scientific and clinical studies and within continuing traditional practices, which can catalyze profound experiences of personal and spiritual growth; and

WHEREAS, in October 2018, the U.S. Food and Drug Administration granted Breakthrough Therapy designation for studies on psilocybin therapy for treatment-resistant depression; and

WHEREAS, practices with Entheogenic Plants have long existed and have been considered sacred to human cultures and human interrelationships with nature for thousands of years,<sup>x</sup> and continue to be improved to this day by religious and spiritual leaders, practicing professionals, mentors, and healers throughout the world, many of whom have been forced underground; and

WHEREAS, those seeking to improve their health and well-being through the use of entheogens use them in fear of arrest and prosecution; and

WHEREAS, the United Nations considers Entheogenic Plant material used for ritual purposes to be excluded from being Schedule I substances; and

WHEREAS, Entheogenic Plants containing ibogaine, for example, have been shown to alleviate treatment resistant cases of opiate and methamphetamine addiction at significantly higher rates than all other treatments for addiction.<sup>xi</sup> In addition, ibogaine is reported to be beneficial for addiction therapy related to specific work-related PTSD; and

WHEREAS, Entheogenic Plants or combinations of plants such as ayahuasca that contain forms of DMT, a naturally occurring compound in the human body that is listed as a Schedule I

RESOLUTION NO.

substance, can lead to experiences that are reported as mystical or experientially similar to near-death experiences<sup>xii</sup> and can be demonstrably beneficial in treating addiction,<sup>xiii</sup> depression,<sup>xiv</sup> PTSD,<sup>xv</sup> and in catalyzing profound experiences of personal <sup>xvi</sup> and spiritual growth;<sup>xvii</sup> and

WHEREAS, Entheogenic cacti that contain phenethylamine compounds have been utilized in sacred initiation and community healing by diverse religious and cultural traditions for millennia, and continue to be used as religious sacraments in modern times; and

WHEREAS, psilocybin, naturally occurring in psychoactive mushrooms, can alleviate end-of-life anxiety for hospice and terminal cancer patients,<sup>xx</sup> can reduce prison recidivism,<sup>xxi</sup> and can effectively treat substance abuse, depression,<sup>xxii</sup> and cluster headaches;<sup>xxiii</sup>; and

WHEREAS, a Johns Hopkins University study on “healthy-normals” found that psilocybin can occasion mystical-type experiences in a subject’s life for over 75% of their subjects within the first year after the study, and also found continuing positive lifestyle changes after a 14-month follow-up; and

WHEREAS, use of Entheogenic Plants and Fungi can be also be deleterious for individuals and use requires harm reduction strategies and oversight by trained medical professionals for personal safety; and

WHEREAS, the Community Prevention Partners of Santa Cruz County is a critical partner in the education of youth and families about drug prevention; and

NOW, THEREFORE BE IT RESOLVED the City Council of the City of Santa Cruz declares its desire to not expend City resources in the investigation and arrest of persons twenty-one (21) years of age and older solely for the personal use, personal possession and personal cultivation of Entheogenic Plants and Fungi listed on the Federal Schedule 1 list with the exception of entheogenic cacti that contain phenethylamine compounds such as mescaline and that such activities should be considered among the lowest law enforcement priorities for the City of Santa Cruz; and

BE IT FURTHER RESOLVED that local decriminalization efforts that include peyote can be disruptive to the nation-wide strategy driven by Native American people to protect, conserve, and ensure the spiritual and ecological sustainability of peyote. Therefore, this policy shall not apply to peyote or other entheogenic cacti that contain phenethylamine compounds such as mescaline; and

BE IT FURTHER RESOLVED that the City Council recognizes that the sale, use and cultivation of Entheogenic Plants and Fungi to and by minors should be considered an exception that should require appropriate investigation by the Santa Cruz City Police Department; and

BE IT FURTHER RESOLVED that the Santa Cruz City Council directs the city manager to instruct the city’s state and federal lobbyists to work in support of decriminalizing entheogenic psychoactive plants, and plant and fungi-based compounds listed in the Federal Controlled



RESOLUTION NO.

Substances Act, with the exception of peyote; and

BE IT FURTHER RESOLVED that the City of Santa Cruz acknowledges that the use of entheogenic plants and fungi for health and spiritual well-being should be done in consultation with, and under the supervision of trained/medical professionals; and

BE IT FURTHER RESOLVED that the City of Santa Cruz recognizes that public health and public safety could be affected through administration of this Resolution and evaluation should be initiated by the Santa Cruz Police Department if warranted at any time; and

BE IT FURTHER RESOLVED that if any provision of this resolution is declared by a court of competent jurisdiction to be contrary to any statute, regulation, or judicial decision, or its applicability to any agency, person, or circumstances is held invalid, the validity of the remainder of this resolution and its applicability to any other agency, person, or circumstance shall not be affected; and

BE IT FURTHER RESOLVED that Resolution No. NS-29,623 is hereby rescinded.

PASSED AND ADOPTED this 21st day of September, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Donna Meyers, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

REFERENCE LIST:

<sup>i</sup> Entheogens for Personal and Spiritual Growth

Frecska, E., et al. (2012). Enhancement of Creative Expression and Entoptic Phenomena as After-Effects of Repeated Ayahuasca Ceremonies. *Journal of Psychoactive Drugs* 44(3), pp. 191-199.

Hartogsohn, I. (2018). The Meaning-Enhancing Properties of Psychedelics and Their Mediator Role in Psychedelic Therapy, Spirituality, and Creativity. *Frontiers in Neuroscience*, 12 (129). doi:10.3389/fnins.2018.00129

MacLean, K., et al. (2011). Mystical experiences occasioned by the hallucinogen psilocybin lead to increases in the personality domain of openness. *Journal of Psychopharmacology*, 25(11)1453-1461.

Moro, L., et al. (2011) Voice of the Psychonauts: Coping, Life Purpose, and Spirituality in Psychedelic Drug Users. *Journal of Psychoactive Drugs*, 43 (3), pp. 188-198. DOI: 10.1080/02791072.2011.605661

Nour, M., et al. (2017): Psychedelics, Personality and Political Perspectives. *Journal of Psychoactive Drugs*. DOI:10.1080/02791072.2017.1312643

Sweat, N., et al. (2016). The Associations of Naturalistic Classic Psychedelic Use, Mystical Experience, and Creative Problem Solving. *Journal of Psychoactive Drugs*, 48(5), pp. 344-350, DOI: 10.1080/02791072.2016.1234090

<sup>ii</sup> Entheogens and Psychological Wellness

Frecska E., et al., (2016). The Therapeutic Potentials of Ayahuasca: Possible Effects against Various Diseases of Civilization. *Frontiers in Pharmacology*, 7(35).doi: 10.3389/fphar.2016.00035

McKenna, D. (2004). Clinical investigations of the therapeutic potential of ayahuasca: rationale and regulatory challenges. *Pharmacology & Therapeutics* 102(2), pp. 111-129.

Dos Santos, R. et al. (2017). Effects of the Natural (3- Carboline Alkaloid Harmine, a Main Constituent of Ayahuasca, in Memory and in the Hippocampus: A Systematic Literature Review of Preclinical Studies. *Journal of Psychoactive Drugs*, 49(1), pp. 1-10, DOI: 10.1080/02791072.2016.1260189

Wilcox, J. (2014). Psilocybin and Obsessive-Compulsive Disorder. *Journal of Psychoactive Drugs*, 46(5), pp. 393-395. DOI: 10.1080/02791072.2014.963754

iii Entheogens and Physical Wellness

Djamshidian, A., et al. (2015). "Banisteriopsis caapi, a Forgotten Potential Therapy for Parkinson's Disease?" *Movement Disorders Clinical Practice*: n/a-n/a.

Liu, X., et al., (2017) Harmine is an inflammatory inhibitor through the suppression of NF-kB signaling. *Biochemical and Biophysical Research Communications*, <http://dx.doi.org/10.1016/j.bbrc.2017.05.126>.

Ly et al. (2018). Psychedelics Promote Structural and Functional Neural Plasticity. *Cell Reports* 23, pp. 3170-3182.

McCleary, J., et al., (1960). Antibiotic activity of an extract of peyote (*Lophophora Williamii*). *Economic Botany*, 14(3), pp. 247-249.

Dos Santos, R. (2014) Immunological Effects of Ayahuasca in Humans. *Journal of Psychoactive Drugs*, 46 (5), pp. 383-388.

Samoylenko, V., et al. (2010). Banisteriopsis caapi, a unique combination of MAO inhibitory and antioxidative constituents for the activities relevant to neurodegenerative disorders and Parkinson's disease. *Journal of Ethnopharmacology*, 127 (2), pp. 357-367. doi:10.1016/j.jep.2009.10.030.

iv Entheogens and Substance Abuse

Bogenschutz, M., et al. (2015). Psilocybin-assisted treatment for alcohol dependence: A proof-of-concept study. *Journal of Psychopharmacology* 29(3), pp. 289-299.

Bogenschutz, M., and Forcehimes, A. (2017). Development of a Psychotherapeutic Model for Psilocybin-Assisted Treatment of Alcoholism. *Journal of Humanistic Psychology*, 57(4), pp. 389-414.

Johnson, M. et al. (2017). An online survey of tobacco smoking cessation associated with naturalistic psychedelic use. *Journal of Psychopharmacology* 31 (7), pp. 841-850.

de Veen, B. (2017) Psilocybin for treating substance use disorders? *Expert Review of Neurotherapeutics*, 17(2), pp. 203-212. DOI: 10.1080/14737175.2016.1220834

v Entheogens and Recidivism

Romero, S. (March 28, 2015). In Brazil, some inmates get therapy with hallucinogenic tea. *The*

*New York Times.*

vi Entheogens and Anxiety

Sarris, J., et al. (2013). "Plant-based medicines for anxiety disorders, part 2: a review of clinical studies with supporting preclinical evidence." *CNS Drugs* 27(4), pp. 301-319.

vii Entheogens and Grief

Gonzalez, D., et al. (2017). Potential Use of Ayahuasca in Grief Therapy. *OMEGA— Journal of Death and Dying*, pp. 1 -26.

viii Ayahuasca and Diabetes

Wang, P. et al., (2015). A high-throughput chemical screen reveals that harmine- mediated inhibition of DYRK1A increases human pancreatic beta cell replication. *Nature Medicine* 21, pp. 383-388.

ix Entheogens and Cluster Headaches

Schindler, E., et al. (2015) Indoleamine Hallucinogens in Cluster Headache: Results of the Clusterbusters Medication Use Survey, *Journal of Psychoactive Drugs*, 47:5 372-381, DOI: 10.1080/02791072.2015.1107664 x Historical Use of Entheogens

El-Seedi, H., et al. (2005). Prehistoric peyote use: Alkaloid analysis and radiocarbon dating of archaeological specimens of *Lophophora* from Texas. *Journal of Ethnopharmacology* 107(1), pp. 238-242.

Guzman, G. (2008). Hallucinogenic Mushrooms in Mexico: An Overview. *Economic Botany*, 62(3), pp. 404-412.

Miller, L. et al., (2019). Chemical evidence for the use of multiple psychotropic plants in a 1,000-year-old ritual bundle from South America. *Proceedings of the National Academy of Sciences*. DOI: 10.1073/pnas. 190217411

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xi Iboga/Ibogaine for Addiction Therapy

Alper, K., et al. (1999). Treatment of acute opioid withdrawal with ibogaine. *American Journal of Addictions*, 8(3), 234-242. doi:10.1080/105504999305848

Brown, T. K. (2013). Ibogaine in the treatment of substance dependence. *Current Drug Abuse*

*Reviews*, 6(1), 3-16. doi: 10.2174/15672050113109990001

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Sheppard, S. G. (1994). A preliminary investigation of ibogaine: Case reports and recommendations for further study. *Journal of Substance Abuse Treatment*, 77(4), 379- 385. doi: 10.1016/0740-5472(94)90049-3

<sup>xii</sup> Ayahuasca Experience similar to Near-Death Experience

Liester, M. B. (2013). Near-death experiences and ayahuasca-induced experiences- two unique pathways to a phenomenologically similar state of consciousness. *Journal of Transpersonal Psychology* 45(1), p. 24.

<sup>xiii</sup> Ayahuasca for Addiction Therapy

Barbosa, P. et al. (2018) Assessment of Alcohol and Tobacco Use Disorders Among Religious Users of Ayahuasca. *Frontiers in Psychiatry*, 9 (136). doi:10.3389/fpsyt.2018.00136

Brierley, D., and Davidson, C. (2012). Developments in harmine pharmacology - Implications for ayahuasca use and drug-dependence treatment. *Progress in Neuro- psychopharmacology & Biology* 39(2), pp. 263-272.

Liester, M. and Prickett, J. (2012) Hypotheses Regarding the Mechanisms of Ayahuasca in the Treatment of Addictions. *Journal of Psychoactive Drugs*, 44 (3), pp. 200-208. DOI: 10.1080/02791072.2012.704590

Loizaga-Velder, A. and R. Verres (2014). Therapeutic effects of ritual ayahuasca use in the treatment of substance dependence-qualitative results. *Journal of Psychoactive Drugs* 46(1), pp. 63-72.



Mabit, J., et al. (1996). Takiwasi: The Use of Amazonian Shamanism to Rehabilitate Drug Addicts. *Yearbook of Cross-Cultural Medicine and Psychotherapy*. W. Andritzky. Berlin, International Institute of Cross-Cultural Therapy Research.

Talina, P., and Sanabriab, E. (2017). Ayahuasca entwined efficacy: An ethnographic study of ritual healing from addiction. *International Journal of Drug Policy* 44, pp. 23-30.

Thomas, G., et al. (2013). Ayahuasca-assisted therapy for addiction: results from a preliminary observational study in Canada. *Current Drug Abuse Review* 6(1), pp. 30-42.

<sup>xiv</sup> Ayahuasca and Depression

Anderson, B. (2012). Ayahuasca as Antidepressant? Psychedelics and Styles of Reasoning in Psychiatry. *Anthropology of Consciousness*, 23(1), pp. 44-59.

de L. Osorio, F., et al. (2015). Antidepressant effects of a single dose of ayahuasca in patients with recurrent depression: a preliminary report. *Revista Brasileira de Psiquiatria* 37(1), pp. 13-20.

Palhano-Fontes, F., et al. (2014). The Therapeutic Potentials of Ayahuasca in the Treatment of Depression. *The Therapeutic Use of Ayahuasca*. B. C. Labate and C. Cavnar, Springer: Berlin, Heidelberg, pp. 23-39.

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<sup>xiv</sup> Ayahuasca and PTSD

Nielson, J. and Megler, J. (2014). Ayahuasca as a Candidate Therapy for PTSD. *The Therapeutic Use of Ayahuasca*. B. C. Labate and C. Cavnar, Springer: Berlin, Heidelberg, pp. 41-58.

<sup>xvi</sup> Ayahuasca and Personal Growth

Bouso, J. C., et al. (2012). "Personality, Psychopathology, Life Attitudes and Neuropsychological Performance among Ritual Users of Ayahuasca: A Longitudinal Study. *PLoS ONE* 7(8).

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<sup>xx</sup> Psilocybin for End-of-Life Anxiety

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ  
DECLARING THAT THE INVESTIGATION AND ARREST OF INDIVIDUALS TWENTY-  
ONE (21) YEARS OF AGE AND OLDER INVOLVED WITH THE ADULT PERSONAL USE  
AND PERSONAL POSSESSION OF ENTHEOGENIC PSYCHOACTIVE PLANTS AND  
FUNGI LISTED ON THE FEDERAL SCHEDULE 1 LIST BE AMONGST THE LOWEST  
PRIORITIES FOR THE CITY OF SANTA CRUZ, **AND**  
**RESCINDING RESOLUTION NO. NS-29,623**

WHEREAS, Entheogenic Plants, based on the term “entheogen”, originally conceived by Ott, Ruck, and other colleagues from a working group of anthropologists and ethnobotanists in 1979; and defined herein as the full spectrum of plants, fungi, and natural materials deserving reverence and respect from the perspective of the individual and the collective, that can inspire personal and spiritual well-being,<sup>i</sup> can benefit psychological<sup>ii</sup> and physical wellness,<sup>iii</sup> and can reestablish human’s inalienable and direct relationship to nature; and

WHEREAS, substance abuse,<sup>iv</sup> addiction, recidivism,<sup>v</sup> trauma, post-traumatic stress symptoms, chronic depression, severe anxiety,<sup>vi</sup> end-of-life anxiety, grief,<sup>vii</sup> diabetes,<sup>viii</sup> cluster headaches,<sup>ix</sup> and other medical conditions do affect adults, and the use of psychoactive plants and fungi has been documented to benefit the health and well-being of individuals and communities in addressing these afflictions via scientific and clinical studies and within continuing traditional practices, which can catalyze profound experiences of personal and spiritual growth; and

WHEREAS, in October 2018, the U.S. Food and Drug Administration granted Breakthrough Therapy designation for studies on psilocybin therapy for treatment-resistant depression; and

WHEREAS, practices with Entheogenic Plants have long existed and have been considered sacred to human cultures and human interrelationships with nature for thousands of years,<sup>x</sup> and continue to be improved to this day by religious and spiritual leaders, practicing professionals, mentors, and healers throughout the world, many of whom have been forced underground; and

WHEREAS, those seeking to improve their health and well-being through the use of entheogens use them in fear of arrest and prosecution; and

~~WHEREAS, the Entheogenic Plant practices of certain groups are already explicitly protected in the U.S. under the doctrine of religious freedom, including the Native American Church’s use of peyote and the use of ayahuasca by two other churches, a Santo Daime congregation and the Uniao do Vegetal; and~~

WHEREAS, the United Nations considers Entheogenic Plant material used for ritual purposes to be excluded from being Schedule I substances; and

WHEREAS, Entheogenic Plants containing ibogaine, for example, have been shown to alleviate treatment resistant cases of opiate and methamphetamine addiction at significantly higher rates than all other treatments for addiction.<sup>xi</sup> In addition, ibogaine is reported to be beneficial for addiction therapy related to specific work-related PTSD; and

WHEREAS, Entheogenic Plants or combinations of plants such as ayahuasca that contain forms of DMT, a naturally occurring compound in the human body that is listed as a Schedule I substance, can lead to experiences that are reported as mystical or experientially similar to near-death experiences<sup>xii</sup> and can be demonstrably beneficial in treating addiction,<sup>xiii</sup> depression,<sup>xiv</sup> PTSD,<sup>xv</sup> and in catalyzing profound experiences of personal <sup>xvi</sup> and spiritual growth;<sup>xvii</sup> and

WHEREAS, Entheogenic cacti that contain phenethylamine compounds ~~such as mescaline can be beneficial in healing drug and alcohol addiction<sup>xviii</sup> and for individual spiritual growth<sup>xix</sup>~~, have been utilized in sacred initiation and community healing by diverse religious and cultural traditions for millennia, and continue to be used as religious sacraments in modern times; and

WHEREAS, psilocybin, naturally occurring in psychoactive mushrooms, can alleviate end-of-life anxiety for hospice and terminal cancer patients,<sup>xx</sup> can reduce prison recidivism,<sup>xxi</sup> and can effectively treat substance abuse, depression,<sup>xxii</sup> and cluster headaches;<sup>xxiii</sup>; and

WHEREAS, a Johns Hopkins University study on “healthy-normals” found that psilocybin can occasion mystical-type experiences in a subject’s life for over 75% of their subjects within the first year after the study, and also found continuing positive lifestyle changes after a 14-month follow-up; and

WHEREAS, use of Entheogenic Plants and Fungi can be also be deleterious for individuals and use requires harm reduction strategies and oversight by trained medical professionals for personal safety; and

WHEREAS, the Community Prevention Partners of Santa Cruz County is a critical partner in the education of youth and families about drug prevention; and

NOW, THEREFORE BE IT RESOLVED the ~~City Council of the~~ City of Santa Cruz declares its desire to notexpend City resources in the investigation and arrest of persons twenty-one (21) years of age and older solely for the personal use, personal possession and personal cultivation of Entheogenic Plants and Fungi listed on the Federal Schedule 1 list ~~with the exception of entheogenic cacti that contain phenethylamine compounds such as mescaline~~ and that such activities should be considered among the lowest law\_enforcement priorities for the City of Santa Cruz; and

~~BE IT FURTHER RESOLVED that local decriminalization efforts that include peyote can be disruptive to the nation-wide strategy driven by Native American people to protect, conserve, and ensure the spiritual and ecological sustainability of peyote. Therefore, this policy shall not apply to peyote or other entheogenic cacti that contain phenethylamine compounds such as mescaline; and~~

BE IT FURTHER RESOLVED that the City Council recognizes that the sale, use and cultivation of Entheogenic Plants and Fungi to and by minors should be considered an exception that should require appropriate investigation by the Santa Cruz City Police Department; and

BE IT FURTHER RESOLVED that the Santa Cruz City Council directs the city manager to instruct the city's state and federal lobbyists to work in support of decriminalizing entheogenic psychoactive plants, and plant and fungi-based compounds listed in the Federal Controlled Substances Act, **with the exception of peyote;** and

BE IT FURTHER RESOLVED that the City of Santa Cruz acknowledges that the use of entheogenic plants and fungi for health and spiritual well-being should be done in consultation with, and under the supervision of trained/medical professionals; and

BE IT FURTHER RESOLVED that the City of Santa Cruz recognizes that public health and public safety could be affected through administration of this Resolution and evaluation should be initiated by the Santa Cruz Police Department if warranted at any time; and

BE IT FURTHER RESOLVED that if any provision of this resolution is declared by a court of competent jurisdiction to be contrary to any statute, regulation, or judicial decision, or its applicability to any agency, person, or circumstances is held invalid, the validity of the remainder of this resolution and its applicability to any other agency, person, or circumstance shall not be affected; and

**BE IT FURTHER RESOLVED that Resolution No. NS-29,623 is hereby rescinded.**

PASSED AND ADOPTED this \_\_\_\_ day of September, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Donna Meyers, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator



## REFERENCE LIST:

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## **Open Letter to the Psychedelic Movement Regarding Peyote in Policy Efforts and How to be an Ally to Indigenous Peoples of North America**

*by the Indigenous Peyote Conservation Communication Committee, May 2021*

As a Psychedelic movement gains momentum here in the United States a debate has emerged over whether or not to include Peyote in decriminalization measures. It is critical, due to the historical, cultural, legal and spiritual relationship Native Americans have with this sacred plant, its native habitat and its governance, that decision-making regarding Peyote preservation be led by them.

This is a morally and ethically pivotal moment for the psychedelic movement. Can those in the movement choose to operate with respect, listening, offering of support and ultimately getting behind the strategies and plans laid out by Native American people? If so, in 40 years we will look back and know the human community has succeeded. If not, it will be another colonial failure regarding Native Americans.

The National Council of Native American Churches (NCNAC) and the Indigenous Peyote Conservation Initiative (IPCI) ask that **Peyote not be decriminalized**. This is not due to opposition to decriminalization efforts in general, but because there is an entire conservation strategy already underway. This conservation effort includes regulatory and legal measures designed to ensure biocultural conservation. It is important this effort not be interrupted or diluted. Individual, state, or local decriminalization efforts that include peyote can be disruptive to the nation-wide strategy driven by Native American people to protect, conserve, and ensure the spiritual and ecological sustainability of peyote.

This letter intends to increase understanding of the conservation and legal issues with Peyote in the United States by providing some context, history, and details about Native Americans' relationship with peyote, indigenous Native American Church (NAC), and NAC's conservation efforts, as well as suggestions for how the psychedelic and decriminalization movements can move forward in support of Native American communities.

### **Who are the National Council and IPCI and who do they represent?**

The National Council of Native American Churches (NCNAC) is made up of the Presidents of the four largest and oldest umbrella Native American Churches which represent the vast majority of authentic Indian Native American Churches: Native American Church of North America, Native American Church of Oklahoma, Native American Church of South Dakota, and Azee'

Bee Nahagha of Dine Nation. These four largest umbrella organizations represent approximately 200 church chapters and their members formally, and as many as 45 tribal groups. It also deeply considers the needs of un-affiliated smaller family church chapters in their work protecting the Peyote and the Peyote way of life, such as when it takes action on key issues related to their religious beliefs and practices (such as Peyote, eagle feathers, Transportation Safety Administration relations, and other ceremonial and spiritual matters).

IPCI is a conservation organization, formed by the National Council, and its mission includes supporting the long-term conservation interests of all indigenous Peyote peoples and lands of the United States, Canada and Mexico. See <https://www.ipci.life> for more information.

The National Council and IPCI have made formal requests of the Decriminalization movement and the Psychedelic movements to respect their position and discontinue all efforts to include Peyote. See "Statement from National Council of Native American Churches and the Indigenous Peyote Conservation Initiative regarding Decriminalization of Sacred Plants Ordinances at the City or other jurisdictional level, as they pertain to Peyote" at <https://www.ipci.life/pressreleases>

### **Why is this a delicate biocultural conservation issue:**

Peyote's native habitat is the Tamaulipan Thornscrub/Chihuahan desert from South Texas to San Luis Potosi in Mexico. There is only a small area in S. Texas, all on private land. The cactus needs 5 to 20 years in the ground to mature and be harvestable, even longer to mature to a size that can reliably multiply and regenerate itself when harvested properly. A variety of factors have led to the medicine's delicate conservation status, including but not limited to: overharvesting or incorrect harvesting by peyoteros (legal distributors or middlemen) and poachers, cattle ranching and tillage, mining, oil and energy production, agriculture and land use, militarized political tension in the borderlands, and most importantly, the historic and systematic removal and disenfranchisement of Indigenous people – the knowledgeable and rightful tenders of the ancient peyote native habitat - from the land. If trends continue, experts say the medicine is in danger of becoming extinct in less than 30 years.

IPCI's conservation effort addresses modern pressures on the native habitat in south Texas and builds on the foundation of the tribal cultures that partake of Peyote sacramentally in bona fide traditional ceremonial use. This is a wide-spread multi-cultural community engagement, ecological restoration and regulatory conservation effort that requires many complex behavior changes and organizing between leadership, land-owners, families and organizations. As with any conservation effort, it is a process of change. Part of the concern with the decriminalization efforts including Peyote, is that they can disrupt this process in many ways.

Biocultural conservation is different for many different cultures. Over 45 native American tribes, each with their own cultural considerations, rely on Peyote, so conservation will include many different strategies: some chapters will be able to have greenhouses that supply all their community needs; some chapters will conduct pilgrimage to the gardens and engage in ecological and spiritual harvest; some will tend the nurseries in the native habitat that propagate medicines so that two medicines for every one harvested will be replanted; and some chapters are collecting seeds for their own nurseries or for collective nurseries or for return to the native

habitat. Some tribes are wanting their own medicine self-sufficiency, others are allied through their organizations. Youth are being trained in the life-cycle and nursery management as well as appropriate songs and prayers and offerings for each cycle. Information is being shared between generations and tribes and technical advisors and land owners.

What is needed is not an evaluation of this conservation strategy, but support for it as it evolves. What is needed is to support in the ways that are asked for by Indigenous people.

This strategy begins with looking to the American Indian Religious Freedom Act (AIRFA) Amendments and then evaluating adjustments that are needed through a conservation lens. Many conversations are in play at a national agency, legal, spiritual and cultural level about what adjustments are needed for biocultural conservation. Of course, these include massive repopulation efforts in the gardens, land access, propagation in many different ways (greenhouse and otherwise), clearing the way for traditional access methods and new ways for NAC chapters to provide for their medicine needs.

### **History of Peyote Conservation efforts:**

In the early 2000's NAC members began to notice a decline in the availability of, and size of their Peyote. The Peyotero/distributor system put in place by the State of Texas in the 1970s was removing them from direct contact with the native Peyote habitat and the ability to monitor and tend to the health of their medicine. Internal research efforts between 2013 and 2017 confirmed that the medicine was in trouble.

In 2017, the National Council of Native American Churches convened with several allies; the Native American Rights Fund, Dr. Martin Terry, founder of the Cactus Conservation Institute and the Riverstyx Foundation. Over many months the group agreed that a new organization should be formed, the purpose of which is to support the biocultural conservation of Peyote for generations to come for all indigenous Peyote peoples. That organization is IPCI. A spiritual homesite was purchased in the native Peyote habitat of south Texas to serve as a hub for cultural activities, conservation activities and education, nurseries for replanting in the native habitat, relationships with ranchers (all Peyote in Texas is found on private land) and a base for a culturally appropriate access and distribution system of ecologically and spiritually harvested medicine. This is just one part of a deep, complex healing conservation movement in Indian Country.

Today, despite the slowdown from COVID, conservation activities are progressing in the native habitat and regional Peyote conservationists are being formally established who can coordinate conservation education, pilgrimage, medicine access and conservation activities in places like the Southwest, Oklahoma and South Dakota.

### **Decriminalization and Sovereign Indigenous Regulation of Peyote:**

The National Council of Native American Churches (NCNAC) is working to assess what is the best way forward for Legal and Regulatory pathways to protect and conserve peyote. They are

seeking to understand the next steps to spiritually, ecologically and legally maintain the sacredness of this medicine of this continent, into the future. This is their core responsibility and mission.

Community engagement in Indian Country around the conservation issue is a delicate and new movement, built on generational prayers of many grandparents. They respectfully request that their authority and sovereignty in this matter be honored by all citizens.

There is no reason to include or lump peyote regulation in efforts related to other entheogenic plants and fungi. Peyote is a special organism on this continent, the same way Salmon or Orca are, and can have its own regulatory pathway.

It is extremely important to NAC people that the AIRFA and Amendments not be disrupted in any way. These were very hard won. To undermine AIRFA without a thorough analysis and consultation is very disrespectful and can have a negative impact on the communities who rely on this medicine for their way of life. A lot of work and community engagement has been done in the last 5 years and a lot more is needed. Legal and regulatory matters are just one part of a conservation strategy. Decriminalization getting ahead of these delicate conservation efforts is very disruptive to them taking root and being driven by practitioners in the communities themselves.

Many questions are raised by decriminalization. NAC members may not have weighed in on all these issues, but to push this forward without regard and patience for voices and thoughts from indigenous people will not lead to any kind of agreement or unity in the future. Please be patient and know that issues of personal use, how to regulate, how to conserve, how to honor the medicine are being deeply considered.

Again, the request is that any regulatory changes needed be done very carefully and with Native Americans driving what is needed. Individual, state or local decriminalization efforts that include peyote can be disruptive to the nation-wide strategy and analysis that native American people are already taking care of.

It is appropriate that the Native American Church and the indigenous people who have historical and cultural ties to this medicine be responsible for charting the legal pathways by which this future and sustainability are assured. The healing path forward is for those in the broader movement to ally with them and support the path charted by NCNAC, the Indigenous Peyote Conservation Initiative (IPCI) and indigenous peyote people to be successful.

### **Suggestions for folks committed to Decriminalization of Psychedelics and Entheogens:**

It is wonderful that many more people are caring about the future and sustainability of peyote.

When it comes to this holy sacrament of Peyote, please remember that Peyote is both central to the spiritual life of one of the oldest indigenous religions in this country and is also in dangerously short supply. Out of respect for these realities, please take a step back and be determined to support rather than inadvertently undermine this religion.

- Listen.
- Respect and defer to representative indigenous leadership even if it is hard for you to understand.
- Understand that there are processes of change happening inside these native cultures that need time and support to unfold.
- If you have technical support (like CCI), offer it only when and how it is needed and directly requested.
- Respect traditional knowledge and methodologies.
- Notice when you are using colonial thinking or tactics:
  - We know better.
  - We have rights too.
  - We can find someone who is native to create a dissenting opinion and tokenize to back up our point of view.
  - This has to happen NOW on western time.
- Question and speak up when you see any of these behaviors playing out.

If there is already an Indigenous led movement underway, there is no need to do anything but get behind it. As with Standing Rock, we see how unifying this can be. We all strive for equality and respect across our society. Part of our challenge is navigating the complexity of what that means in practice given our unique roles and histories in that society.

As you consider your actions, keep in mind that the United States has a long and sordid history of being bullish and patronizing toward Native people by passing laws that damage them. Be careful that your views are not a way of justifying the selfish individualism so common to settler/colonialist societies.

“The white man has taken from us so much of what we had, our land, our language, even our children. This Peyote is one of the few most important things we have left. We cannot let him take our holy sacrament from us.”

*-at Winnebago Tribal Council by an elder from Prairie Band Potawatomi late in the evening on the night of the Supreme Court decision in the Smith case.*



## Rosemary Balsley

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**From:** Garrett <garrettphilipp@aol.com>  
**Sent:** Thursday, September 09, 2021 8:21 PM  
**To:** City Council  
**Subject:** 9.14.21 Item # 13 Mind Blowing Drugs

9.14.21 Item # 13 Mind Blowing Drugs

Dear Council,

Have you considered there are individuals who abuse drugs and the leniency you put into law might increase this abuse?

My personal view is that traumatic events in people's lives are solved by an enlargement of their view of reality to accept what has happened, put it into a larger reality perspective, and grow intellectually.

I'm not personally convinced some drug, natural or not, can do this. I think rational thought which is in some ways inhibited by such drugs, is the best solution to the issues of such people.

Anecdotal stories aside, are you convinced there are not people which would actually be harmed by such drugs which seem to unleash uncontrolled thoughts by disabling the normal control mechanisms of the mind?

I put this measure in the category of the extraordinary leniency that the city shows towards drug use. along with the extraordinary leniency shown towards public space swatting, the extraordinary leniency shown toward petty crime, shoplifting, defecating in public, littering garbage, and a blind face acceptance of such.

This needs strict clinical study, not a blind eye.

Garrett Philipp - Westside Santa Cruz



## City Council AGENDA REPORT

**DATE:** 09/02/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Finance

**SUBJECT:** Liability Claims Filed Against the City of Santa Cruz (FN)

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**RECOMMENDATION:** Motion to reject the liability claim of a) Kelly DiGirolamo; and to return as late the claim of b) Noe Castaneda, based on staff recommendation.

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**BACKGROUND:** N/A

**DISCUSSION:** I. Claim to be rejected:

a. Claimant: Kelly DiGirolamo

Date of occurrence: 12/31/2021

Date of claim: 8/12/2021

Amount of claim: \$1,000

Claimant seeks reimbursement for damages to her vehicle allegedly caused by a fire hydrant.

Self-represented

II. Claim to be returned as late:

b. Claimant: Noe Castaneda

Date of occurrence: 10/26/2018

Date of claim: 8/04/2021

Amount of claim: \$1,237.97

Claimant seeks reimbursement for medical expenses for injuries allegedly caused by an uneven sidewalk.

Self-represented

**FISCAL IMPACT:** No fiscal impact.

**Prepared By:**  
Ross Brandon  
Principal Management  
Analyst

**Submitted By:**  
Bobby Magee  
Interim Finance Director

**Approved By:**  
Rosemary Menard  
Interim City Manager

**ATTACHMENTS:**

None.



## City Council AGENDA REPORT

**DATE:** 09/01/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Human Resources

**SUBJECT:** Resolution Amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans for the Parks and Recreation Department (HR)

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**RECOMMENDATION:** Resolution amending the Classification and Compensation Plans for the FY 2022 Budget Personnel Complement by approving position changes and a classification job title change in the Parks and Recreation Department.

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**BACKGROUND:** The Parks and Recreation Department has had the need for dedicated recreation coordination support. With the Interim Recovery Plan focus on business recovery and the importance of Wharf businesses to the City's local tourist economy, this capacity is viewed by the Department as being more critical than ever. The elimination of the Special Events Coordinator position as part of FY 2021 budget reductions and the reduction of the Special Events Recreation Assistant from full time to part time have resulted in less recreation support available for Wharf-related promotions and events, such as Aloha Polynesian Festival, Woodies on the Wharf, etc. Without a solution, the City runs the risk of not realizing the full revenue potential at the Wharf.

**DISCUSSION:** The recommended solution is to add a part time .50 FTE Recreation Assistant (re-titled to Recreation Coordinator) position and fill the position with an internal candidate and at mid-year budget, administratively eliminate part time .50 FTE hours or position. This change would not create any additional hour increases but rather only a slight increase in salary, which the Parks and Recreation Department will be able to absorb in what is already currently budgeted. In addition to bolstering the City's broader economic vitality through off-Wharf spending and hotel stays, having dedicated recreation/promotional support at the Wharf should improve Wharf cost recovery by helping to increase visitor traffic and associated business revenue that comes back to the City in Wharf rents.

The updated job description is attached which reflects a more industry standard title of Recreation Coordinator as well as the inclusion of Wharf assignment and responsibilities.

**FISCAL IMPACT:** The fiscal impact of this FY 2022 Personnel/Position Change is negligible. Due to the timing of the proposed transition in the fiscal year, the existing FY 2022 personnel budget appropriation is able to absorb the modest salary increase.

**Prepared By:**  
Cathy Bonino  
Principal HR Analyst

**Submitted By:**  
Lisa Murphy  
HR Director

**Approved By:**  
Rosemary Menard  
Interim City Manager

**ATTACHMENTS:**

1. RESOLUTION.DOCX
2. RECREATION COORDINATOR JOB DESCRIPTION.DOC

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ  
AMENDING THE CLASSIFICATION AND COMPENSATION PLANS – PARKS AND  
RECREATION

WHEREAS, staff has recommended certain modifications to the Classification and Compensation Plans.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz, as follows:

That, effective September 18, 2021 the City of Santa Cruz Classification and Compensation Plans be modified to:

	<u>Class No.</u>	<u>Activity</u>	<u>Classification Title</u>	<u>Salary</u> New Classifications/Changes
<u>Parks</u> and <u>Recreation</u>				
Change Job title				
From:	180		Recreation Assistant	
To:	180		Recreation Coordinator	
			Recreation Coordinator	
Add 1 Position:	180-xxx	3211	.50 FTE	

PASSED AND ADOPTED this 14th day of September 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Donna Meyers, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator





## **CITY OF SANTA CRUZ RECREATION COORDINATOR**

**Reports to:** Recreation Supervisor / Wharf Supervisor  
**Supervises:** Exercises technical and functional supervision over assigned regular and temporary staff, contractors, and volunteers.  
**Bargaining Unit:** Service

### **DESCRIPTION**

Under general supervision, the Recreation Assistant is the support classification responsible for assisting with the organization and implementation of programs and activities related to area of assignment such as Auditorium, Community Center, Seniors, Special Events and Classes, Sports and Beaches, Teen, Youth, and the Wharf.

### **DISTINGUISHING CHARACTERISTICS**

This class is distinguished from the next higher classification of Recreation Supervisor in that the latter has responsibility for overall coordination of a recreation program or facility and full supervision of all program staff.

### **TYPICAL DUTIES** *(May include, but not limited to, those duties listed below.)*

- Assists with or independently plans, develops, coordinates and implements events and programs in the area of assignment.
- Directs the work of regular and temporary staff, contractors and volunteers, including involvement in selection and training, monitoring and determining workloads and schedules; reviews and approves time charged to activities, events or regular operations.
- Responds to public inquiries, requests for information and complaints related to area of assignment in person, by phone or in writing; interprets and applies regulations, policies, procedures, systems, rules and precedents in response to inquiries and concerns from the public as necessary to ensure an expedient and satisfactory resolution.
- Plans and arranges all necessary logistics for the equipment and/or facility set-up and monitors use for activities, classes and/or events in accordance with facility policies and municipal fire codes; may provide rental quotes, identify set-up requirements and coordinate the schedule and/or rental of a facility, including assigning and collecting fees or originating billing.
- Assists with and/or supervises use of facility or monitoring of activity to ensure compliance with policies and codes, protection of property, and safety of all users and staff; resolves conflicts or problems that arise; contacts and assists police and fire personnel or other City staff as necessary.
- Supervises the operation of concessions; schedules and trains staff, balances receipts, maintains inventory control, and coordinates associated technology.
- Ensures proper food and/or cash handling procedures are maintained.

**City of Santa Cruz**  
**Recreation Coordinator**

- Prepares or assists in the preparation of a variety of promotional materials including the department activity guide, flyers, brochures, calendars, and posters by using desktop publishing; distributes informational and promotional materials to the public including posting to social media.
- Negotiates fees and arrangements with performers and participating groups; coordinates promotions and all logistical arrangements.
- Maintains various logs, schedules, records, manuals and books.
- Assists in the development, implementation and evaluation of program policies and procedures.
- Act as primary facility, program or activity representative in the absence of the supervisor as required.
- Develops and maintains mailing lists for seasonal and special events.
- Maintains inventory and organizes and stocks supplies and storage areas.
- Assist with budget development and monitoring.
- Opens, closes and secures facilities for activities and/or events as needed.
- May conduct research projects or studies for supervisor and prepare related reports; writes memos and other correspondence associated with daily activities or specially assigned.
- May represent the program/department at public meetings.
- May plan and schedule an ongoing maintenance and repair program for the facility building, ensuring facilities are properly prepared, maintained, and supplied.
- Performs other related duties that may be reasonably expected as part of this classification.

**Position Assignment - Recreation**

- Assists with comprehensive programs such as Youth, Teens, Seniors, Sports, Beaches, Special Events and Classes; independently organizes, implements and supervises smaller recreation activities and programs.
- Collects and records program fees and donations.
- Provides referrals for a variety of age groups, such as teens or seniors and programs in the community.
- Works collaboratively with Community Center staff and with other programs and centers in the community.
- Provides oversight of the Senior Computer Center when assigned to the Seniors program.

**Position Assignment-Auditorium**

- Oversees, coordinates, and participates in the daily operations of the box office and concessions.
- Acts as public relations liaison and point of contact to event sponsors, producers, community groups and the general public.
- Prepares daily deposits and revenue reports, records and processes accounts payable and accounts receivable, prepares purchase orders, balances receipts and maintains inventory control, maintains sales and attendance statistics, monitors budget and prepares regular reports as required.

**City of Santa Cruz  
Recreation Coordinator**

**Position Assignment - Community Center**

- Coordinates stage, sound and lighting arrangements with auditorium users, trains staff on equipment operation and/or hires qualified technicians; may set-up and operate lights and sound as needed.
- Evaluates auditorium equipment needs and makes recommendations.

**Position Assignment - Wharf**

- Coordinates special events on the Wharf
- Promotes use of reserveable spaces on the Wharf
- Serves as a point of contact for the Sports & Beaches Supervisor for permitted Beach events
- Handles wharf communications, including social media, in coordination with the Department and City communication teams.
- Promotes visitation to the Wharf through various channels
- Liaises with Wharf tenants regarding Wharf events and promotions
- Develops interpretation on the Wharf in collaboration with community partners
- Develops recreational programming on the Wharf in collaboration with Recreation Division and community partners

**WORKING CONDITIONS**

Position requires prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting and stooping in the performance of daily activities. The position also requires grasping, repetitive hand movement and fine coordination in keeping records and preparing reports using standard office equipment. Additionally, the position requires near and far vision in reading written reports and work related documents and acute hearing is required when providing phone and personal service. Depending on area of assignment, the nature of the work may require the incumbent to work outdoors, lift equipment and materials weighing up to 50 pounds and work evenings, weekends and holidays. May be exposed to biohazards and/or hazardous chemicals.

Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

**City of Santa Cruz  
Recreation Coordinator**

**MINIMUM QUALIFICATIONS**

The minimum qualifications for Education, Experience, Knowledge, Skills and Abilities are the following:

**Education and Experience:**

- High school degree or equivalent and,
  - Two years of public contact experience implementing or coordinating programs or events
    - Fifteen (15) college level units in a field related to the program assigned or in the areas of theater, public relations/communications, accounting, psychology, physical education, or recreation, may be substituted for one year of experience
- and,
- Six (6) months lead worker experience or completion of the City's Employee and Leadership Development Program; and,
  - Six (6) months experience with desktop publishing.

**Position Assignment-Auditorium (in addition to the above)**

- Six (6) months experience in event ticketing duties.

**Knowledge:**

- Principles, practices, methods, techniques, procedures and policies of planning and promoting recreational and cultural programs, and/or events related to area of assignment.
- Basic principles and practices used in the operations and administration of computer equipment and related software, including word processing, database and spreadsheet applications.
- Basic math.
- Facilities, operations and techniques used in area of assignment.
- Principles, practices and techniques used to provide a high level of customer service by effectively dealing with the public, vendors, patrons and City staff, including individuals of various ages, various socio-economic and ethnic groups.
- Basic principles and practices of program administration.
- Basic principles and practices of providing technical and functional direction and training to assigned staff.
- Methods and techniques of record keeping and report writing; proper word usage, spelling and grammar.
- Methods and techniques for promoting events, including preparing and distributing flyers and promotional materials, including use of social media.
- Basic principles and practices of purchasing.
- Principles and procedures of cash collection and handling.

**City of Santa Cruz**  
**Recreation Coordinator**

**Skills:**

- Operate a computer and a variety of word processing and software applications, including Microsoft programs.
- Strong organizational skills to effectively coordinate a number of logistical details and people.
- Effective oral communication skills to give clear information and resolve problems tactfully.
- Effective written communication skills to prepare clear and concise correspondence and reports.
- Operate standard sports and recreation tools and equipment depending on area of assignment.
- Proficient in desktop publishing programs such as Adobe.

**Abilities:**

- Plan and prepare activity schedules, staffing schedules, reports and other related program materials.
- Make sound decisions within established guidelines.
- To select, train, schedule and direct staff, contractors, employees and volunteers.
- Train others in proper and safe work procedures; inspect and evaluate the work of others and maintain established quality control standards.
- Enforce safety rules relating to area of assignment.
- Observe safety principles and work in a safe manner.
- Follow written and oral directions.
- Maintain accurate records and prepare reports.
- Communicate clearly and concisely, both orally and in writing.
- Work independently and as a member of a team.
- Establish and maintain effective working relationships with diverse groups of people, including community groups, co-workers, volunteers, patrons and members of the public.
- Maintain facilities and equipment in a clean, safe and secure manner.
- Implement, explain and apply applicable rules, codes and regulations related to area of assignment.
- Operate modern office equipment including computer equipment and specialized software applications.
- To understand, interpret and apply regulations, policies and procedures.
- Understand scope of authority in making independent decisions.
- Identify and implement effective course of action to complete assigned work.
- Respond to and effectively prioritize multiple phone calls and other requests for service.
- Make accurate business arithmetic computations.
- Accurately process cash and credit transactions.
- Organize and prioritize a variety of projects and multiple tasks in an effective and timely manner; organize own work, set priorities and meet critical time deadlines.

**City of Santa Cruz**  
**Recreation Coordinator**

- Learn and accurately use registration and facility reservation software applications.
- Understand the organization and operation of live events which may include event ticketing and theater operations.

**Licenses and Certificates**

- Possession and continued maintenance of a valid California Class C driver's license.
- Depending on area of assignment, possession of a current CPR and First Aid certificate may be required at time of hire or within three months of hire.

**OTHER REQUIREMENTS**

- Willingness to work flexible hours, including evenings, weekends and holidays.

**DESIRABLE QUALIFICATIONS**

- Ability to speak, read and write Spanish.
- Knowledge of conflict resolution techniques.
- Experience with advanced graphic design techniques.
- Experience planning, organizing and promoting programs or events.
- Experience with industry-specific software such as: RecTrac, AudienceView, Granicus, EDEN etc.

**Position Assignment Recreation**

- Knowledge of local resources and referral sources available for teens, preschoolers, seniors or other special populations, depending on area of assignment.
- Knowledge related to area of assignment, such as rules and equipment related to sports, camps, and junior guards.
- Proficiency in both Windows and Macintosh operating platforms.

**Position Assignment – Wharf**

- Knowledge of marine biology
- Experience working in a marine environment

Classification No.: 180  
Date of Issue: 4/10/01  
Update: 08/21

**Career Ladder**

- Parks and Recreation Director
- Recreation Superintendent
- Recreation Supervisor
- *Recreation Coordinator*





## City Council AGENDA REPORT

**DATE:** 08/24/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Police

**SUBJECT:** Office of Traffic Safety Selective Traffic Enforcement Program – Grant Acceptance (#PT22134) and Budget Adjustment (PD)

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**RECOMMENDATION:** Resolution amending the FY 2022 budget and authorizing the acceptance and appropriation of funds from the Office of Traffic Safety for the Selective Traffic Enforcement Program. The City Manager is hereby authorized and directed to execute the contact and agreements associated with the acceptance of this grant.

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**BACKGROUND:** The Office of Traffic Safety (OTS) issued a call for projects to fund various traffic safety programs. Funding for strategic traffic enforcement, including police overtime hours, equipment, and increased training are eligible projects. This program does not require a local funding match and is 100% reimbursable.

In 2018-2019, 2019-2020, and 2020-2021, Santa Cruz Police Department was also awarded this grant. Aside from COVID-19-related staff limitations, the grant has resulted in an increase in traffic citations, widely-publicized traffic safety awareness and enforcement campaigns, and five officers in the department attended California Traffic College. All of these measures have been proven to increase roadway safety. This grant award will fund additional traffic enforcement hours and training for 2021-2022.

Enforcement is a key tool to achieve improved roadway safety.

**DISCUSSION:** The Santa Cruz Police Department requests the City Council to authorize the City Manager to accept and appropriate funds from the Office of Traffic Safety (OTS) grant program. The funding will be used to pay for police department overtime hours, traffic safety equipment, and travel and training expenses.

Like many cities, we frame our efforts to improve roadway safety using the 5 E's: Education, Encouragement, Engineering, Evaluation, and Enforcement. The City of Santa Cruz has been highly successful at implementing improvements in Education, Encouragement, Engineering, and Evaluation to improve roadway safety. We've been fortunate to receive grant funding to implement these projects and programs through the Active Transportation Program, Highway Safety Improvement Program, State Transportation Improvement Program, and others.

On the final E, Enforcement, prior to the OTS grant the City of Santa Cruz has not been able to fully staff the Traffic Division in the Police Department to provide a high level of proactive

enforcement. While the Department has been working to add additional officers to the Traffic Division, budget constraints and competing departmental needs have resulted in insufficient staff time available to conduct proactive enforcement without the addition of overtime staffing.

This grant funding will be used to fund overtime hours for traffic enforcement. This enforcement will focus on school zones surrounding bell times, strategic enforcement at locations with a high history of collisions, and nighttime enforcement during weekends targeting driving under the influence (DUI). This grant funding will provide support equipment, including speed enforcement and DUI testing equipment. Finally, this funding will fully fund sending four officers to Drug Recognition Enforcement (DRE) Training.

**FISCAL IMPACT:** A total of \$85,000 in grant funds is awarded, with no local match required.

**Prepared By:**  
Patricia Dodge  
Principal Management  
Analyst

**Submitted By:**  
Andy Mills  
Chief of Police

**Approved By:**  
Rosemary Menard  
Interim City Manager

**ATTACHMENTS:**

1. BUDGET ADJUSTMENT.PDF
2. GRANT AGREEMENT - SANTA CRUZ PT22134.PDF

☒ Council Approval  
☐ Administrative Approval

City of Santa Cruz  
BUDGET ADJUSTMENT REQUEST

Clear Form

CM/FN Use Only:

Fiscal Year: FY 2022  
 Date: 08/20/2021




Reso #:  
 BA Ref #:

Purpose: OTS Enforcement Grant award for Oct. 2021-Sept. 2022

ACCOUNT	PROJECT	REVENUE EDEN ACCOUNT TITLE	AMOUNT
101-20-22-2104-43110	g202201-112-2121-0	State operating grants and contributions	85,000
TOTAL REVENUE			85,000

ACCOUNT	PROJECT	EXPENDITURE EDEN ACCOUNT TITLE	AMOUNT
101-20-22-2104-52122	g202201-100-2010-0	Labor	80,220
101-20-22-2104-52302	g202201-100-2020-006	Travel	2,300
101-20-22-2104-53105	g202201-100-2020-279	Small Tools and Equipment	2,480
TOTAL EXPENDITURE			85,000

NET: \$ 0

REQUESTED BY	DEPARTMENT HEAD APPROVAL	BUDGET/ACCOUNTING REVIEWED	FINANCE DIRECTOR APPROVAL	CITYMANAGER APPROVAL
Patricia Dodge <small>Digitally signed by Patricia Dodge Date: 2021.08.20 12:15:34 -07'00'</small>	Andrew G. Mills 	Tracy Cole 	Bobby Magee 	

<b>1. GRANT TITLE</b> <b>Selective Traffic Enforcement Program (STEP)</b>	
<b>2. NAME OF AGENCY</b> <b>Santa Cruz</b>	<b>3. Grant Period</b> From: 10/01/2021 To: 09/30/2022
<b>4. AGENCY UNIT TO ADMINISTER GRANT</b> <b>Santa Cruz Police Department</b>	
<b>5. GRANT DESCRIPTION</b> Best practice strategies will be conducted to reduce the number of persons killed and injured in crashes involving alcohol and other primary crash factors. The funded strategies may include impaired driving enforcement, enforcement operations focusing on primary crash factors, distracted driving, night-time seat belt enforcement, special enforcement operations encouraging motorcycle safety, enforcement and public awareness in areas with a high number of bicycle and pedestrian crashes, and educational programs. These strategies are designed to earn media attention thus enhancing the overall deterrent effect.	
<b>6. Federal Funds Allocated Under This Agreement Shall Not Exceed:      \$85,000.00</b>	
<b>7. TERMS AND CONDITIONS:</b> The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none"> <li>Schedule A – Problem Statement, Goals and Objectives and Method of Procedure</li> <li>Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)</li> <li>Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable)</li> <li>Exhibit A – Certifications and Assurances</li> <li>Exhibit B* – OTS Grant Program Manual</li> <li>Exhibit C – Grant Electronic Management System (GEMS) Access</li> </ul> <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.</p> <p>These documents can be viewed at the OTS home web page under Grants: <a href="http://www.ots.ca.gov">www.ots.ca.gov</a>.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
<b>8. Approval Signatures</b>	
<b>A. GRANT DIRECTOR</b> NAME: Wes Morey TITLE: Sergeant EMAIL: wmorey@cityofsantacruz.com PHONE: (831) 420-5857 ADDRESS: 155 Center Street Santa Cruz, CA 95060  <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Signature)</i> </div> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Date)</i> </div> </div> <b>C. FISCAL OFFICIAL</b> NAME: Kim Krause TITLE: EMAIL: kkrause@cityofsantacruz.com PHONE: (831) 420-5055 ADDRESS: 155 Center Street Santa Cruz, CA 95060  <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Signature)</i> </div> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Date)</i> </div> </div>	<b>B. AUTHORIZING OFFICIAL</b> NAME: Andrew Mills TITLE: Police Chief EMAIL: amills@cityofsantacruz.com PHONE: (831) 420-5816 ADDRESS: 155 Center Street Santa Cruz, CA 95060  <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Signature)</i> </div> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Date)</i> </div> </div> <b>D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY</b> NAME: Barbara Rooney TITLE: Director EMAIL: barbara.rooney@ots.ca.gov PHONE: (916) 509-3030 ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758  <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Signature)</i> </div> <div style="width: 45%; text-align: center;"> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Date)</i> </div> </div>

<b>E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY</b>  NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758	<b>9. SAM INFORMATION</b>  SAM #: UGCNYVJJFTJ3 REGISTERED ADDRESS: 809 Center Street CITY: Santa Cruz ZIP+4: 95060-3826
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10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
				<b>AGREEMENT TOTAL</b>		<b>\$85,000.00</b>
				AMOUNT ENCUMBERED BY THIS DOCUMENT		<b>\$85,000.00</b>
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		<b>\$ 0.00</b>
				TOTAL AMOUNT ENCUMBERED TO DATE		<b>\$85,000.00</b>
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED			

## 1. PROBLEM STATEMENT

OTS consistently ranks Santa Cruz as one of the worst cities for cycling based on cyclist injury and fatality statistics- ranked 1st from 2012-2017 and 4th in 2018. Pedestrian injury and fatality statistics are similarly grim, with Santa Cruz ranking in the worst 20 cities from 2013-2017 and 2nd in 2018. As a community committed to a sustainable future, our policy framework and our values support more and more people shifting modes to non-auto, but we know that we must improve roadway safety in order for this to be a viable option for large segments of our population.

Additionally, alcohol involved crashes represent a growing issue for the City of Santa Cruz. Santa Cruz recently completed their first Local Roadway Safety Plan, which looked at crash trends over the 2015-2019 time period. While many of the primary crash factors have remained constant or decreased during this time period, driving under the influence has been a steadily increasing in the City of Santa Cruz with 15 crashes in 2015 to 26 in 2019. The 2017 OTS rankings show Santa Cruz ranked, 5th for alcohol involved crashes, 13th for crashes where the driver between the ages of 21 and 34, and 62nd where the driver under the age of 21 had been drinking. Compared to the 106 comparable cities, Santa Cruz ranks poorly in regards to general impaired driving and impaired drivers between the age of 21 to 34.

As a City, we know that we can do better, and we know that enforcement is a key tool to achieve improved roadway safety. Like many cities, we frame our efforts using the 5 E's: Education, Encouragement, Engineering, Evaluation, and Enforcement.

**Engineering:** The City of Santa Cruz has invested heavily in engineering and infrastructure with proven crash modification factors, using crash data to drive decisions about where to construct improvements. We plan and program our work based upon the ability to increase safety for all modes at all times on our roadways.

**Education:** We've partnered with local non-profits to provide education in schools for all second- and fifth-graders, as well as at each middle and high school. Our Traffic Officers conduct bicycle and crosswalk safety presentations in all of our elementary schools to assist with our education push. We've launched a Street Smarts Traffic Safety Campaign, which has a deep reach from children through adults and includes traffic safety presentations by our Police Department.

**Encouragement:** We fund and support encouragement activities, including Bike to Work and Open Streets events. We've partnered to fund monthly bike and walk to school programs at elementary schools, and bike and pedestrian safety assemblies at middle and high schools. We aim for geographic and social equity in our projects and programs.

**Evaluation:** We evaluate the effectiveness of our investments against reductions in crash post-project. We prepare an Annual Traffic Safety Report to analyze the prior year's crash history and identify correctable trends and have just completed our first Local Roadway Safety Plan.

We've been highly successful at implementing improvements in Education, Encouragement, Engineering, and Evaluation to improve roadway safety. We've been fortunate to receive grant funding to implement these projects and programs through the Active Transportation Program, Highway Safety Improvement Program, State Transportation Improvement Program, and others.

On the final E, **Enforcement**, we no longer have a dedicated Traffic Division in the Santa Cruz Police Department. Due to staffing shortages and emerging community needs, the Traffic Division was disbanded in 2018 and staff reallocated to patrol. This has led to targeted traffic enforcement operations relying entirely on overtime hours and targeted operations to reduce crashes and traffic violations. Of those on the force, we currently have four officers certified as Drug Recognition Experts (DRE), and will have two officers certified as SFST Instructors by the end of 2020. While the department has been working to add additional officers to

the force to achieve full staffing levels, the Department has been operating significantly below full staffing levels for the past few years due to retirements, injury, training, and difficulty in recruiting.

As a Department, we use data to determine our crash hot spots and PCF's. We know where the problems are and what we need to do to address them. Having additional overtime staff hours funded through this program will allow us to leverage this data to target our enforcement activities to address our high rates of auto-bike and auto-ped crashes, nighttime crashes, DUI crashes, and to improve safety for all roadway users.

## 2. PERFORMANCE MEASURES

### A. Goals:

1. Reduce the number of persons killed in traffic crashes.
2. Reduce the number of persons injured in traffic crashes.
3. Reduce the number of pedestrians killed in traffic crashes.
4. Reduce the number of pedestrians injured in traffic crashes.
5. Reduce the number of bicyclists killed in traffic crashes.
6. Reduce the number of bicyclists injured in traffic crashes.
7. Reduce the number of persons killed in alcohol-involved crashes.
8. Reduce the number of persons injured in alcohol-involved crashes.
9. Reduce the number of persons killed in drug-involved crashes.
10. Reduce the number of persons injured in drug-involved crashes.
11. Reduce the number of persons killed in alcohol/drug combo-involved crashes.
12. Reduce the number of persons injured in alcohol/drug combo-involved crashes.
13. Reduce the number of motorcyclists killed in traffic crashes.
14. Reduce the number of motorcyclists injured in traffic crashes.
15. Reduce hit & run fatal crashes.
16. Reduce hit & run injury crashes.
17. Reduce nighttime (2100 - 0259 hours) fatal crashes.
18. Reduce nighttime (2100 - 0259 hours) injury crashes.

### B. Objectives:

1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	<b>Target Number</b> 1
2. Participate and report data (as required) in the following campaigns, National Walk to School Day, National Teen Driver Safety Week, NHTSA Winter Mobilization, National Distracted Driving Awareness Month, National Motorcycle Safety Month, National Bicycle Safety Month, National Click it or Ticket Mobilization, NHTSA Summer Mobilization, National Child Passenger Safety Week, and California's Pedestrian Safety Month.	10
3. Develop (by December 31) and/or maintain a "HOT Sheet" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated HOT sheets should be distributed to patrol and traffic officers monthly.	12
4. Send law enforcement personnel to the DRE Recertification training.	4
5. Conduct DUI/DL Checkpoints. A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the Summer Mobilization. To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity for each checkpoint. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoints should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoints that begin prior to	2



1800 hours. When possible, DUI/DL Checkpoint screeners should be DRE- or ARIDE-trained.	
6. Conduct DUI Saturation Patrol operation(s).	17
7. Conduct Traffic Enforcement operation(s), including but not limited to, primary crash factor violations.	20
8. Conduct highly publicized Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.	10
9. Conduct highly publicized Motorcycle Safety enforcement operation(s) in areas or during events with a high number of motorcycle incidents or crashes resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning, and other primary crash factor violations by motorcyclists and other drivers.	5
10. Conduct highly publicized pedestrian and/or bicycle enforcement operation(s) in areas or during events with a high number of pedestrian and/or bicycle crashes resulting from violations made by pedestrians, bicyclists, and drivers.	21
11. Conduct Traffic Safety educational presentation(s) with an effort to reach community members. Note: Presentation(s) may include topics such as distracted driving, DUI, speed, bicycle and pedestrian safety, seat belts and child passenger safety.	2

### 3. METHOD OF PROCEDURE

#### A. Phase 1 – Program Preparation (1<sup>st</sup> Quarter of Grant Year)

- The department will develop operational plans to implement the “best practice” strategies outlined in the objectives section.
- All training needed to implement the program should be conducted this quarter.
- All grant related purchases needed to implement the program should be made this quarter.
- In order to develop/maintain the “Hot Sheets,” research will be conducted to identify the “worst of the worst” repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The Hot Sheets may include the driver’s name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. Hot Sheets should be updated and distributed to traffic and patrol officers at least monthly.
- Implementation of the STEP grant activities will be accomplished by deploying personnel at high crash locations.

#### Media Requirements

- Issue a press release approved by the OTS PIO announcing the kick-off of the grant by November 15, but no sooner than October 1. The kick-off release must be approved by the OTS PIO and only distributed after the grant is fully signed and executed. If you are unable to meet the November 15 deadline to issue a kick-off press release, communicate reasons to your OTS coordinator and OTS PIO.

#### B. Phase 2 – Program Operations (Throughout Grant Year)

- The department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes.

#### Media Requirements

- The following requirements are for all grant-related activities
- Send all media advisories, alerts, videos, graphics, artwork, posters, radio/PSA/video scripts, storyboards, digital and/or print educational materials for grant-related activities to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS coordinator. Optimum lead time would be 7 days before the scheduled release but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- The OTS PIO is responsible for the approval of the design and content of materials. The agency understands OTS PIO approval is not authorizing approval of budget expenditure or cost. Any cost approvals must come from the Coordinator.
- Pre-approval is not required when using any OTS-supplied template for media advisories, press releases, social media graphics, videos or posts, or any other OTS-supplied educational material. However, copy the OTS PIO at pio@ots.ca.gov and your OTS coordinator when any material is distributed to the media and public, such as a press release, educational material, or link to social media post. The OTS-supplied kick-off press release templates and any kickoff press releases are an exception to this policy and require prior approval before distribution to the media and public.

- If an OTS-supplied template, educational material, social media graphic, post or video is substantially changed, the changes shall be sent to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy to your OTS Coordinator. Optimum lead time would be 7 days prior to the scheduled release date, but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Press releases, social media posts and alerts on platforms such as NextDoor and Nixle reporting immediate and time-sensitive grant activities (e.g. enforcement operations, day of event highlights or announcements, event invites) are exempt from the OTS PIO approval process. The OTS PIO and your Coordinator should still be notified when the grant-related activity is happening (e.g. car seat checks, bicycle rodeos, community presentations, DUI checkpoints, etc.).
- Enforcement activities such as warrant and probation sweeps, court stings, etc. that are embargoed or could impact operations by publicizing in advance are exempt from the PIO approval process. However, announcements and results of activities should still be copied to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and your Coordinator with embargoed date and time or with "INTERNAL ONLY: DO NOT RELEASE" message in subject line of email.
- Any earned or paid media campaigns for TV, radio, digital or social media that are part of a specific grant objective, using OTS grant funds, or designed and developed using contractual services by a subgrantee, requires prior approval. Please send to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy your grant coordinator at least 3 business days prior to the scheduled release date.
- Social media posts highlighting state or national traffic safety campaigns (Distracted Driving Month, Motorcycle Safety Awareness Month, etc.), enforcement operations (DUI checkpoints, etc.), or any other grant-related activity such as Bicycle rodeos, presentations, or events, are highly encouraged but do not require prior approval.
- Submit a draft or rough-cut of all digital, printed, recorded or video material (brochures, posters, scripts, artwork, trailer graphics, digital graphics, social posts connected to an earned or paid media campaign grant objective) to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS Coordinator for approval prior to the production or duplication.
- Use the following standard language in all press, media, and printed materials, space permitting: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Space permitting, include the OTS logo on all grant-funded print materials, graphics and paid or earned social media campaign grant objective; consult your OTS Coordinator for specifics, format-appropriate logos, or if space does not permit the use of the OTS logo.
- Email the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS Coordinator at least 21 days in advance, or when first confirmed, a short description of any significant grant-related traffic safety event or program, particularly events that are highly publicized beforehand with anticipated media coverage so OTS has sufficient notice to arrange for attendance and/or participation in the event. If unable to attend, email the OTS PIO and coordinator brief highlights and/or results, including any media coverage (broadcast, digital, print) of event within 7 days following significant grant-related event or program. Media and program highlights are to be reflected in QPRs.
- Any press releases, work plans, scripts, storyboards, artwork, graphics, videos or any educational or informational materials that received PIO approval in a prior grant year needs to be resubmitted for approval in the current grant year.
- Contact the OTS PIO or your OTS Coordinator for consultation when changes from any of the above requirements might be warranted.

### **C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)**

1. Prepare and submit invoice claims (due January 30, April 30, July 30, and October 30)
2. Prepare and submit Quarterly Performance Reports (QPR) (due January 30, April 30, July 30, and October 30)
  - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
  - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
  - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.

- Collect, analyze and report statistical data relating to the grant goals and objectives.

#### **4. METHOD OF EVALUATION**

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

#### **5. ADMINISTRATIVE SUPPORT**

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164AL-22	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$45,000.00
402PT-22	20.600	State and Community Highway Safety	\$40,000.00

COST CATEGORY	FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
<b>A. PERSONNEL COSTS</b>				
Positions and Salaries <b><u>Straight Time</u></b>				\$0.00
<b><u>Overtime</u></b>				
DUI/DL Checkpoints	164AL-22	\$7,660.00	2	\$15,320.00
DUI Saturation Patrols	164AL-22	\$1,600.00	17	\$27,200.00
Traffic Enforcement	402PT-22	\$650.00	20	\$13,000.00
Distracted Driving	402PT-22	\$650.00	10	\$6,500.00
Motorcycle Safety	402PT-22	\$650.00	5	\$3,250.00
Pedestrian and Bicycle Enforcement	402PT-22	\$650.00	21	\$13,650.00
Traffic Safety Education	402PT-22	\$650.00	2	\$1,300.00
Category Sub-Total				\$80,220.00
<b>B. TRAVEL EXPENSES</b>				
In State Travel	402PT-22	\$2,300.00	1	\$2,300.00
				\$0.00
Category Sub-Total				\$2,300.00
<b>C. CONTRACTUAL SERVICES</b>				
				\$0.00
Category Sub-Total				\$0.00
<b>D. EQUIPMENT</b>				
				\$0.00
Category Sub-Total				\$0.00
<b>E. OTHER DIRECT COSTS</b>				
DUI Checkpoint Supplies	164AL-22	\$880.00	1	\$880.00
PAS Device/Calibration Supplies	164AL-22	\$1,600.00	1	\$1,600.00
Category Sub-Total				\$2,480.00
<b>F. INDIRECT COSTS</b>				
				\$0.00
Category Sub-Total				\$0.00
<b>GRANT TOTAL</b>				<b>\$85,000.00</b>

**BUDGET NARRATIVE**

**PERSONNEL COSTS**

DUI/DL Checkpoints - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

DUI Saturation Patrols - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Traffic Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Distracted Driving - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Motorcycle Safety - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Pedestrian and Bicycle Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.

Traffic Safety Education - Overtime for grant funded traffic safety presentations or campaigns conducted by appropriate department personnel.

**TRAVEL EXPENSES**

In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.

**CONTRACTUAL SERVICES**

-

**EQUIPMENT**

-

**OTHER DIRECT COSTS**

DUI Checkpoint Supplies - On-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS device supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed.

PAS Device/Calibration Supplies - Preliminary alcohol screening device to detect the presence of alcohol in a person's breath and calibration supplies to ensure accuracy. Costs may include mouth pieces, gas and accessories.

**INDIRECT COSTS**

-

**STATEMENTS/DISCLAIMERS**

Program Income default statement:  
 There will be no program income generated from this grant.

Enforcement Grant Quota Disclaimer:

Nothing in this “agreement” shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives here under.

**CERTIFICATIONS AND ASSURANCES FOR HIGHWAY SAFETY GRANTS**  
**(23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended By Sec. 4011, Pub. L. 114-94)**

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

**GENERAL REQUIREMENTS**

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

**NONDISCRIMINATION**

**(applies to subrecipients as well as States)**

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The Subgrantee-

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of,



or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;

- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and sub agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

#### **POLITICAL ACTIVITY (HATCH ACT)**

**(applies to subrecipients as well as States)**

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

#### **CERTIFICATION REGARDING FEDERAL LOBBYING**

**(applies to subrecipients as well as States)**

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of

any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **RESTRICTION ON STATE LOBBYING**

**(applies to subrecipients as well as States)**

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

### **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

**(applies to subrecipients as well as States)**

#### Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person

who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

*Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions*

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered in to. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the

department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**BUY AMERICA ACT**

**(applies to subrecipients as well as States)**

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal

funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

### **PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE**

#### **(applies to subrecipients as well as States)**

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

### **POLICY ON SEAT BELT USE**

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at [www.trafficsafety.org](http://www.trafficsafety.org). The NHTSA website ([www.nhtsa.gov](http://www.nhtsa.gov)) also provides information on statistics, campaigns, and program evaluations and references.

### **POLICY ON BANNING TEXT MESSAGING WHILE DRIVING**

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.



## City Council AGENDA REPORT

**DATE:** 08/30/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Public Works/Economic Development

**SUBJECT:** Downtown Intersection Improvements (c401903) – Award Contract  
(ED/PW)

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**RECOMMENDATION:** Motion to approve a contract with Kimley-Horn and Associates, Inc. (Pleasanton, CA) for traffic system analysis and conceptual design of transportation and Downtown Intersection Improvements (c401903) along Front Street and authorize the City Manager to execute an agreement in a form acceptable to the City Attorney. The Public Works Director is authorized to execute change orders within the approved budget.

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**BACKGROUND:** The Downtown Plan Amendments (2017) identified deficiencies at three intersections as a result of the cumulative traffic analysis: Pacific/Laurel, Front/Laurel and Front/Soquel. Since that time, a number of new developments have been permitted along both sides of the Front Street Corridor, from Cathcart Street to Laurel Street, and additional redevelopment in the area is in various stages of planning. To ensure that transportation improvements along the Front Street corridor effectively and efficiency serve multiple modes of transportation, a cohesive design is urgently needed.

Timely completion of a Transportation Improvement Plan (TIP) for Front Street will ensure that development projects along the transportation corridor are appropriately designed to interface with the transportation system and that costs can accurately be accounted for in their budgets. The TIP is also a critical path need for the Pacific Station North affordable housing mixed-use project, which requires accurate accounting of traffic intersections and bus movements to complete construction drawings.

**DISCUSSION:** Public Works and Economic Development are collaborating on the Downtown Intersection Improvements Project (c401903) identified in the FY 2022 Capital Investment Program (CIP). The team is working closely to balance diverse transportation needs within the public right-of-way with the logistical challenges raised by the recent wave of mixed use projects in the area.

There are currently six development projects planned or permitted along the Front Street corridor from Soquel Ave to Laurel Street. Together these projects are expected to deliver 815 new housing units, of which 211 units (25.8%) are expected to be deed restricted, below market, affordable housing units. In addition, these projects are expected to provide more than 60,000 square feet (SF) of mixed commercial retail/office, including medical/dental clinics, a new metro transit station, and a riverwalk fronting hotel. New riverwalk fronting recreational facilities and

businesses, as well 3 new paseo's connecting to the riverwalk and downtown will also increase the movement of people through the Front Street corridor. Safely accommodating new multi-modal active transportation, as well as automobile and bus movements from the planned Pacific Station Metro Station redevelopment, requires a variety transportation improvements, that are further described below. Development of a concerted plan now will ensure these developments are constructed in a manner that cohesively integrates all new development and transportation activities along the Front Street corridor.

Kimley-Horn (KH) previously performed traffic analysis for the Downtown Plan Amendments, which identified the needed modifications to Downtown Intersection Improvements (c401903) along Front Street. KH also developed the cost share formula for traffic improvements provided by private developments along the corridor. This cost share method has now been modified to be included in the Traffic Impact Fee (TIF) Program, as approved by City Council on August 24, 2021.

Subsequent to this work, KH produced a conceptual design of likely improvements including a Two-Way Left-Turn Lane for Front Street to maintain transit and downtown access. As part of this project KH will also be widening the east side of Front Street at Laurel Street, as proposed by Mark Thomas Engineers to provide more efficient bus turning from Pacific Station. These improvements will likely affect parking along the corridor, also while providing the opportunity to consider a buffered or protected bike lane along a portion of the street. Private developments will now pay their fair share of the cost of the transportation improvement project through the TIF Program. The City of Santa Cruz (City) has also applied for supplemental grant funding as part of Pacific Station Projects (North and South).

Municipal Code section 3.08.150 defines the parameters for staff to conduct a sole source procurement. It states that "A contract may be awarded without competition when the purchasing manager or its designee determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item." Currently the Finance Director serves in the dual role as the City's Purchasing Manager. In discussions with the Finance Director, both departments have agreed that there are more than one source that could provide the required services, and as such award of this contract to Kimley-Horn does not fall under the traditional definition of a sole source. However, Public Works staff recommends the City Council approve a contract with Kimley-Horn due to the unique nature of its knowledge of this project. This recommendation is based upon the urgency of the project, as well as previous traffic planning work for the Downtown Plan Amendments and the Front Street corridor. KH has demonstrated experience with these projects and will carry cost and time savings due to a reduced learning curve, minimal new research needs, and compatibility with city and staff processes.

**FISCAL IMPACT:** The contract with KH in the amount of \$147,985 with a 10% contingency is funded in the FY 2022 Capital Investment Program (CIP), Downtown Intersection Improvements (c401903). The funding will be revised in the upcoming CIP process to include the new Traffic Impact Fee (TIF) program as a primary funding source. Future construction costs for these improvements will be refined through this contract and are anticipated to be funded through the TIF, Gas Tax and grant funding. There is no impact to the General Fund.



**Prepared By:**  
David McCormic  
Asset and Development  
Manager

Nathan Nguyen  
Transportation Manager

**Submitted By:**  
Mark R. Dettle  
Director of Public Works

Bonnie Lipscomb  
Director of Economic  
Development

**Approved By:**  
Rosemary Menard  
Interim City Manager

**ATTACHMENTS:**

1. CONTRACT.PDF
2. CONCEPT PLAN.PDF

**AC Transit  
BRT Signal Timings - Fee and Effort Table**

		Sr. Professional II	Sr. Professional I	Professional II	Professional I	Analyst II	Analyst I	Sr. Project Support	Project Support	Subconsultant (Survey)		
		(Aguigui)	(Meyerhofer)	(Silkwood)	(Keeton, Jumanan)		(Welch, Wreggit, Brown)					
195.24% Overhead Rate / 10.0% Fee												
Hourly Billing Rate		\$325.00	\$275.00	\$230.00	\$195.00	\$175.00	\$160.00	\$155.00	\$125.00		Total Hours	Labor Cost
Task 1:	Project Administration	0	22	16	14	0	4	4	4		64	\$14,220
	Project Management		12	6	6		4				28	\$6,490
	Project Support and Accounting							4	4		8	\$1,120
	Coordination/Meetings with Stakeholders, Public Hearings (4)		10	10	8						28	\$6,610
Task 2:	Site Investigation and Evaluation	0	7	7	0	0	13	0	0		12	\$47,625
	Site Investigation and Walk through		5	5			5				15	\$3,325
	Survey (aerial)									10010	0	\$10,010
	Survey (topo)		2	2			8			32000	12	\$34,290
Task 3:	Preliminary Analysis and Concept Design	16	18	58	32	0	306	2	4		436	\$85,340
	Signal concept designs	12	4	4	12		98				130	\$23,940
	Street Lighting and Electrical concept design	4	2	4	4		34				48	\$8,990
	Civil Design (Demo, Grading, Civil, Details)		4	30	16		110	2	4		166	\$29,530
	Drainage Design Concept Design, Details		4	8			24				36	\$6,780
	Striping and Marking Concept Design		4	12			40				56	\$10,260
	Autoturn Analysis and Exhibits		2	2			6				10	\$1,970
	Preliminary Cost Estimate		2	3	2		14				21	\$3,870
TOTAL HOURS		16	47	81	46	0	323	6	8	0	512	
Subtotal Labor (Base Tasks)		\$5,200	\$12,925	\$18,630	\$8,970	\$0	\$51,680	\$930	\$1,000	\$10,010		\$147,185
Other Direct Costs												\$800
BASIC SERVICES TOTAL COST												\$147,985

August 5, 2021

David McCormick  
City of Santa Cruz

RE: Concept Plan for Front St. and Laurel St.

**Concept Plan for  
Front St. Roadway Improvements – Laurel St. to Soquel Ave.**

Dear David:

Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “Consultant”) is pleased to submit this specific agreement between Kimley-Horn and the City of Santa Cruz (“City”). Kimley-Horn will be providing professional civil, structural, and general consulting services in association with this work.

**Project Understanding:**

Numerous new multifamily and commercial developments are proposed along the Front Street corridor between Laurel Street and Soquel Avenue. In addition, this corridor segment will have a new multimodal transit center to be constructed next year. With the multiple developments in planning and design the City of Santa Cruz is looking for a comprehensive analysis and design along Front Street to accommodate the new construction projects. As part of the analysis and design the City intends to remove most on-street parking to provide a two-way left lane and improve bike facilities along Front Street, including buffered bike lanes, as well as better accommodate transit/bus operations at key intersections, including Laurel Street, Soquel Avenue, and ingress/egress intersections fronting the Transit Center.

**The Basic Scope of Services includes:**

**Task 1 Project Administration**

Kimley-Horn and the Project Management team led by Peter Meyerhofer will prepare the design phase schedule, project schedule, and on-going task order management and project coordination with the City and stakeholders, including Santa Cruz Metro, utility companies and private developers. Weekly or biweekly check-in meetings are anticipated along with a 1 hour Project Kick-off virtual meeting. Kimley-Horn will prepare monthly invoices along with a bulleted progress report highlighting the significant activities completed for the subject time period.

**Deliverables:**

- Project Schedule
- Kick-Off Meeting agenda and minutes
- Action Item log with weekly progress meeting Agendas
- Monthly Invoices and Associated Progress Report

**Task 2 Site Investigation and Evaluation**

Kimley-Horn staff will perform a survey and preliminary site investigation and evaluation along the Front Street corridor, from Laurel Street to Soquel Avenue. At each intersection the survey will extend a minimum of 100 feet on each leg to provide a complete overview of movements before, through, and after intersections. Existing conditions including utilities, roadway condition, sidewalk and driveway access, and topography will be reviewed and documented. Current residential and commercial development plans along Front Street will also be obtained, reviewed, and incorporated into the

concept plan, including driveways, and alternatives to accommodate ADA street parking for Pacific Station South project and commercial loading zones for the proposed hotel project.

**Deliverables:**

- Survey map to include the following
  - Hard shots of existing face of curb, back of walk, curb ramps, and driveways along Front Street from Laurel Street to Soquel Avenue; extend 100 feet minimum on each leg at all intersections
  - Aerial topography to be obtained and utilized from Laurel Street to Spruce Street.
  - Right-of-Way mapping from Laurel Street to Spruce Street.
  - Field review, verification, and location of existing utilities, signal and storm drain infrastructure, parking tees and meters, signs, restricted curbs (red, yellow, green), lighting, and trees.
  - Right-of-way parcel lines and aerial photos taken from City GIS maps

**Task 3 Preliminary Analysis and Concept Design**

Based on the information obtained including existing conditions and development plans preliminary roadway, intersection, pedestrian and bicycle crossings/connectivity, and signal concepts for Front St will be developed and submitted to the City for review. Anticipated preliminary 35% roadway plans will consist of the following packages:

- Cover / Title sheet
- General Notes sheet
- Demo Civil sheet (3)
- General Civil and detail sheets (6)
- Striping and marking sheet (3)
- Electrical/Lighting sheets (3)
- Storm Drain Plan Sheets (2)
- Signal plan sheet for Front/Laurel Intersection
- Signal plan sheet for Front/Soquel Intersection
- Signal plan sheet for south Transit Center driveway intersection
- Signal plan sheet alternative for both north and south Transit Center driveway intersection
- Autoturn analysis and Exhibits at Front/Laurel Street Intersection
- Autoturn analysis and Exhibits at Transit Center driveway Intersection
- Autoturn analysis and Exhibits at Front/Soquel Avenue Intersection

Plans will be submitted electronically (PDF) to City staff sized 22x34format.

A preliminary cost estimate will be developed and submitted with the plans.

A comment review/resolution meeting will be held following receipt of City comments.

**Deliverables:**

- 35% Engineering/Concept Plan
- Autoturn exhibits
- Preliminary Cost Estimate
- Comment Resolution from City and stakeholders with KHA comment responses
- Present Concept Plan at up to four (4) public hearings, such as may include Transportation and Public Works Commission and Downtown Commission

### **Additional Services Requiring Authorization of City Representative**

The following are allowances for effort and expenses that may be required in addition to the basic service tasks described above.

#### **Task 4 90% Detailed Design Bid Package Set**

Kimley-Horn will develop a detailed Pre-Final 90% design package that will include plans, details, full specifications, and updated cost estimate. The bid package phase will include City and stakeholder comment resolution. The specifications package will include technical specification sections at this milestone.

Anticipated preliminary 35% roadway plans will consist of the following packages:

- Cover / Title sheet
- General Notes sheet
- Demo Civil sheet (3)
- General Civil and detail sheets (6)
- Striping and marking sheet (3)
- Electrical/Lighting sheets (3)
- Storm Drain Plan and Profile Sheets (4)
- Signal sheets for Front/Laurel Intersection (2)
- Signal sheets for south Transit Center driveway intersection (2)
- Drainage Memo detailing proposed storm drain modifications (no detailed hydro analysis to be performed)

Plans will be submitted electronically (PDF) to City staff sized 11x17 format.

#### **Deliverables:**

- 90% Engineering/Design Plans/Structural Calculations, stamped and signed
- 90% Technical Specifications
- 90% Cost Estimate
- Drainage Memo
- Comment Resolution from City and Stakeholders with KHA comment responses

#### **Task 5 100% Final Permit Documents**

Following 90% review Kimley-Horn will finalize plans and specs based on City comments. The package will be submitted to City for permit approvals. The Plans package will then be revised as necessary based on City comments, and resubmitted to the City for final approval.

#### **Deliverables:**

- Final Permit Engineering/Design Plans/Structural Calculations
- Final Permit Technical Specifications
- Final Cost Estimate
- Comment Resolution from City and Stakeholders with KHA comment responses

#### **Task 6 Contractor Procurement Support**

Kimley-Horn will provide support to City staff during the procurement process. Support to City staff will

include attending the pre-bid conference and reviewing/responding to bid Requests for Information (RFIs) which relate to the design. The City will provide a Contract Specialist and a Project Manager to administer the bid process.

**Deliverables:**

- RFI responses to Contractor bid questions

**Task 7 Construction Phase Services**

Kimley-Horn will provide support to the City during the duration of the construction contract with the Contractor. It is assumed the City will provide a Construction Manager to administer the Contract and coordinate with the Contractor. The following tasks are anticipated with Kimley-Horns effort under this project phase and task:

- Meeting Attendance
  - Regular weekly construction progress and coordination meetings in person or on the phone during construction
  - Up to two (2) site visits and associated Observation memo
  - Attend one final punch list site walk with City and Contractor staff
  - List of civil / signal punch list items for recordation to be prepared and provided to City
  - Attend one substantial completion site walk with documentation
- Review and respond to Contractor questions, including:
  - Design submittals
  - Requests for Information (RFIs)
  - Substitution Requests
  - Review Contractor requests for payment when asked by City staff
- Preparation of record drawings based on as-built drawings provided by the Contractor including detailed markups on the construction documents. As-Built drawings will be prepared in Bluebeam (PDF) format

**Deliverables:**

- RFI responses during construction
- Submittal review and responses during construction
- Review/responses to Contractor requests for payment
- Observation report for site visits
- Close out punch list from site walk with City and Contractor
- Sign-off of Certificate of Substantial Completion
- Record Drawings in Bluebeam (pdf) format

**Task 8 Permits / Fees**

Effort and budget to cover plan check fees, permit fees, or additional coordination/design required that is associated with obtaining permit approval(s)

### Fee and Expenses

Kimley-Horn will perform the basic services described in Tasks 1-7 for the labor fees below. All permitting, application, and similar project fees will be paid directly by the City or paid for under unauthorized services budget (Task 8).

#### Basic Services

Task 1 Project Administration	\$14,220
Task 2 Site Investigation and Evaluation	\$47,625
Task 3 35% Preliminary Design	\$85,340
Expense Allocation (ODC)	\$800
Total Basic Services	<b>\$147,985</b>

#### Additional Services Requiring Authorization of City Representative

Task 4 90% Detailed Design  
Task 5 100% Permit Documents  
Task 6 Contractor Procurement Support  
Task 7 Construction Phase Services  
Task 8 Permits/Fees

We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

Very truly yours,

**KIMLEY-HORN AND ASSOCIATES, INC.**

Signed: 

Printed Name: Peter Meyerhofer, P.E.  
Title: Vice President





## City Council AGENDA REPORT

**DATE:** 08/30/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Public Works

**SUBJECT:** Emergency Leachate Booster Bypass Upgrade (m400019) – Award Contract (PW)

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**RECOMMENDATION:** Motion to award the emergency contract with Don Chapin Co., Inc (Salinas, CA) for repairing and upgrading the leachate booster bypass in the amount of \$149,600. Authorize the City Manager to execute an agreement in a form acceptable to the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budget.

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**BACKGROUND:** The 6” leachate line conveys leachate from the Resource Recovery Facility (RRF) at Dimeo Lane to the City of Santa Cruz (City) sanitary sewer system, for treatment at the Wastewater Treatment Facility. Leachate is the liquid that percolates through the refuse and is collected at the base of the RRF. During high flow situations (after rain events) a booster pump is used to increase the pressure and flow rate in order to keep the leachate line clear and the leachate ponds at safe operating levels. The valves and piping which connect the leachate line to the booster pump have been long overdue for upgrades and replacement. Recently, a leak was discovered in the piping which connects to the booster pump. A temporary repair was made on the leaking section of pipe, but it is not a viable permanent solution.

**DISCUSSION:** The valves and piping, which connect the leachate line to the booster pump, are crucial for the safe and reliable function of the leachate collection and conveyance system. This emergency project will ensure that the system is properly repaired and functioning before the wet weather season begins. The project was originally bid under the assumption that it would be an informal project at under \$100,000, however the lowest responsible bid by the Don Chapin Company was \$149,600.

Section 3.08.160 of the purchasing ordinance allows the Purchasing Manager to make emergency purchases when there exists a threat to public health, welfare or safety, provided that such acquisition is made with such competition as is practicable under the circumstances. The project was competitively bid.

**FISCAL IMPACT:** Funds are available in the FY 2022 Refuse Fund budget for this purchase in the amount of \$149,600. There is no impact to the General Fund.

**Prepared By:**  
Scott Glucs  
Assistant Engineer II

**Submitted By:**  
Mark R. Dettle  
Director of Public Works

**Approved By:**  
Rosemary Menard  
Interim City Manager

**ATTACHMENTS:**  
None.



## City Council AGENDA REPORT

**DATE:** 08/30/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Public Works

**SUBJECT:** Active Transportation Program Cycle 5 Grant Education and Encouragement Programs (c401403) – Award Contract (PW)

---

**RECOMMENDATION:** Motion to award the contract to Ecology Action (Santa Cruz, CA) in the amount of \$550,000 for the Active Transportation Program Cycle 5 Grant Education and Encouragement Programs. Authorize the City Manager to execute an agreement in a form acceptable to the City Attorney.

---

**BACKGROUND:** In the fall of 2020, the City of Santa Cruz (City) began preparing a response to the Active Transportation Program (ATP) Cycle 5 grant opportunity. As part of the grant requirements, having the non-infrastructure component would strengthen the grant application. As such, City staff requested Ecology Action to assist with the grant application. The only firm with the requisite experience available to assist with the City on the grant application was Ecology Action, located within the City of Santa Cruz.

**DISCUSSION:** On April 6, 2021, the City was awarded an ATP Cycle 5 grant for the Construction of Rail Trail Segment 7 Phase 2. As part of the ATP Cycle 5 grant application and award, the staff recommends partnering with Ecology Action to perform traffic safety, education, and encouragement programs in advance, during, and after trail construction, with a focus on Bay View Elementary, and the Beach Flats and Neary Lagoon neighborhood communities.

Ecology Action (EA) is a non-profit environmental consultancy that has a long history of educating and encouraging students to walk and bike in city limits. No other entity has the experience or existing working relationships in the Santa Cruz City School district to effectively educate and encourage pedestrian and bicycle safety in accordance with grant requirements. EA already has direct access to work with city school administrators, teachers, parents, and students. Due to the unique nature of this grant, other entities would not be able to perform this type work to this great of scale.

**FISCAL IMPACT:** There are adequate funds in the Public Works FY 2022 Capital Investment Program (CIP) Rail Trail Segment 7 project (c401413) and the work is grant eligible. There is no impact to the General Fund.

**Prepared By:**  
Nathan Nguyen  
Transportation Manager

**Submitted By:**  
Mark R. Dettle  
Director of Public Works

**Approved By:**  
Rosemary Menard  
Interim City Manager

**ATTACHMENTS:**  
1. WORK PLAN.PDF

## Exhibit 22-R ATP Non-Infrastructure Project Work Plan

Fill in the following items:

Date: (1)	31-Aug-20
Implementing Agency Name: (2)	City of Santa Cruz
Project Number: (3)	
Project Location(s): (4a)	City of Santa Cruz - Bay View Elementary School
" " (4b)	City of Santa Cruz - Beach Flats Neighborhood Community
" " (4c)	City of Santa Cruz - Neary Lagoon Neighborhood Community
" " (4d)	
" " (4e)	
Project Description: (5)	Provide extensive, comprehensive bicycle and pedestrian education, encouragement, and engagement activities to inspire, empower, and mobilize both school attendees and community residents to use active transportation for all neighborhood activities, particularly surrounding the City of Santa Cruz Segment 7 of the Monterey Bay Scenic Sanctuary Trail Network.

Enter information in each Task Tab, as it applies (Task A, Task B, Task C, Task C, etc.)

*For Department use only*

You will not be able to fill in the following items. Items will auto-populate once you've entered all "Task" tabs that applies:

### Task Summary:

Click the links below  
to navigate to  
"Task Details" tabs:

Task	Task Name	ATP Cost	InKind Cost
<a href="#">Task "A"</a>	SRTS Education Activities	\$ 161,470.96	\$ -
<a href="#">Task "B"</a>	SRTS Encouragement Activities	\$ 109,805.04	\$ -
<a href="#">Task "C"</a>	Community and Family Engagement Activities	\$ 278,724.00	\$ -
<a href="#">Task "D"</a>		\$ -	\$ -
<a href="#">Task "E"</a>		\$ -	\$ -
<a href="#">Task "F"</a>		\$ -	\$ -
<a href="#">Task "G"</a>		\$ -	\$ -
<a href="#">Task "H"</a>		\$ -	\$ -
<a href="#">Task "I"</a>		\$ -	\$ -
<a href="#">Task "J"</a>		\$ -	\$ -
ATP Total:		\$ 550,000.00	
InKind Total:			\$ -
<b>GRAND TOTAL</b>		<b>\$</b>	<b>550,000.00</b>



## City Council AGENDA REPORT

**DATE:** 09/02/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Public Works

**SUBJECT:** Caterpillar 972M-BR Hydraulic Wheel Loader – Additional Funds for Purchase (PW)

---

**RECOMMENDATION:** Motion to approve the increase of funds by \$14,756 for the Council-approved purchase of one Caterpillar 972M-BR Hydraulic Wheel Loader from Peterson Tractor Co. (San Leandro, CA) in the amount of \$480,000.

---

**BACKGROUND:** The Resource Recovery Division in Public Works is returning to request an increase in funds to purchase a Caterpillar 972M-BR Hydraulic Wheel Loader. The loader that was due for replacement experienced a catastrophic failure. The original price approved included a trade-in credit for our existing loader. Before the City Council (Council) approved the purchase, our existing loader experienced catastrophic failure, negating that trade-in credit.

**DISCUSSION:** At the August 10, 2021 meeting, Council approved the purchase of a new Caterpillar 972M-BR hydraulic wheel loader, with waste package protection and tier four emission compliance, from Peterson Tractor (San Leandro, CA). Since the catastrophic failure of our existing loader now negates the trade-in credit, staff is requesting that Council approve, by motion, the additional \$14,756 to bring the full purchase price of the new loader to \$480,000.

Section 3.08.170 of the Municipal Ordinance allows the City of Santa Cruz (City) to use the Sourcewell cooperative purchasing agreements when is in the best interest of the City to do so. The addition of these funds brings the total for this loader to the original of \$480,000. This price includes the 21% Sourcewell discount and the 3.4% GMP discount off the Caterpillar list price.

**FISCAL IMPACT:** The full purchase price for the Caterpillar 972M-BR loader is \$480,000, and is currently included in the FY 2022 Refuse Enterprise Fund budget. These funds are only available for use in the Refuse Fund activities and cannot be used for General Fund activities.

**Prepared By:**  
Guadalupe Sanchez  
Superintendent of Resource  
Recovery Disposal

**Submitted By:**  
Mark R. Dettle  
Director of Public Works

**Approved By:**  
Rosemary Menard  
Interim City Manager

**ATTACHMENTS:**  
None.



## City Council AGENDA REPORT

**DATE:** 09/02/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Public Works

**SUBJECT:** Annual San Lorenzo River Flood Control Maintenance (m409505) –  
Award Contract and Budget Adjustment (PW)

---

**RECOMMENDATION:** Motion to:

- 1) Award a contract for the annual San Lorenzo River Flood Control Maintenance with Kenny Robinson Construction (Santa Cruz, CA) in the amount of \$275,000, and authorize the City Manager to execute the agreement in a form acceptable to the City Attorney.
  - 2) Adopt a resolution amending the FY 2022 budget by adding \$50,000 to Fund 752 from Fund 751 to conduct necessary vegetation removal around gravity outlets along the San Lorenzo River and channel disking to promote scouring during high flow events.
- 

**BACKGROUND:** The San Lorenzo River annual maintenance is required as outlined in the San Lorenzo Urban River Plan and as a flood control measure required by the US Army Corps of Engineers' Operations, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) manual. This maintenance consists of vegetation management within the parameters set forth in the above-noted documents.

This year's vegetation management will be conducted primarily within the riverine reach (Highway 1 to Water Street bridges), with additional work in the transitional reach (Water Street to Laurel Street bridges) and estuarine reach (the east bank of Laurel Street to the Riverside Avenue bridge).

**DISCUSSION:** The San Lorenzo River requires annual vegetation maintenance to comply with the requirements outlined in the San Lorenzo Urban River Plan and to maintain flood capacity as required by the US Army Corps of Engineers (USACOE). These prescriptions require all willows over 3-inch diameter at breast height (dbh) be cut and all other riparian trees (elders, alders, cottonwoods) over 6-inches dbh be removed. The work takes about four weeks and begins after the nesting season is over after September 1. The California Department of Fish and Wildlife (CDFW) amended permit allows vegetation maintenance to occur between September 1 to January 15 to decrease project impacts to nesting and breeding birds, the USACOE requires that the vegetation maintenance be completed prior to winter flood flows.

In 2017, the Central Coast Regional Water Quality Control Board (RWQCB), with consensus from the California Department of Fish and Wildlife (CDFW), directed Public Works staff to



discontinue the practice of chipping cut vegetation in place when conducting the vegetation management for flood control due to the potential risk of increased nitrate in the water from decomposing chipped material. This significantly increased the cost and amount of time related to flood control work in the San Lorenzo River because the cut vegetation is dried on the levee bank for several days prior to being chipped into a truck and transported off site. The additional cost of prevailing wage and increased labor personnel has added to the City's cost of annual vegetation maintenance for flood control.

Kenny Robinson Construction's staff, formerly Draft Horses for Hire, has successfully completed the annual San Lorenzo River vegetation management program for flood control since 2003. The staff is best qualified in their knowledge and understanding of the USACOE and Waterways Consulting's vegetation management prescriptions and CDFW permit RMA 1600-2013-0176-R3 regulatory requirements. The City's consulting biologist works closely on a daily basis with the contractors as required by the CDFW permit.

Section 3.08.150 of the Purchasing Ordinance allows the Purchasing Division to award a contract without competition when there is only one source for the required item/service. The Purchasing Division concurs that Kenny Robinson Construction is the only company able to provide the Annual San Lorenzo River Flood Control Maintenance at the proposed cost and within the allowable time frame.

**FISCAL IMPACT:** There is \$275,000 budgeted in the FY 2022 San Lorenzo River System Maintenance project (m409505). Due to current low water levels in the river, the scope of the project includes additional vegetation management around the gravity outlets along the levee and the highly vegetated bar in the riverine reach. The additional funding will address larger trees and their root balls that are now exposed in the channel, and fund the dry bed disking, which will be done between Highway 1 and Water Street. Stormwater Overlay Enterprise (Fund 752) will be amended by transferring \$50,000 from Stormwater Enterprise (Fund 751).

**Prepared By:**  
Filipina Warren  
Public Works Operations  
Manager

**Submitted By:**  
Mark R. Dettle  
Director of Public Works

**Approved By:**  
Rosemary Menard  
Interim City Manager

**ATTACHMENTS:**

1. BUDGET ADJUSTMENT.PDF
2. VEGETATION PRESCRIPTIONS.PDF
3. LOCATION MAP.PDF

☒ Council Approval  
☐ Administrative Approval

**City of Santa Cruz  
BUDGET ADJUSTMENT REQUEST**

**Clear Form**

Fiscal Year: 2022  
Date: 09/02/2021

CM/FN Use Only:  
Reso #:  
BA Ref #:

Purpose: Scope of work change to include larger trees and their root balls that are now exposed in the channel as a result of low water levels in the river. This will also include additional vegetation removal around gravity outlets and ripping between Highway 1 and Water St.

ACCOUNT	PROJECT	REVENUE EDEN ACCOUNT TITLE	AMOUNT
752-00-00-0000-49114	m409505-904-0-0	Transfer from Stormwater Fund	50,000
<b>TOTAL REVENUE</b>			50,000

ACCOUNT	PROJECT	EXPENDITURE EDEN ACCOUNT TITLE	AMOUNT
752-40-61-7501-54311	m409505-100-2020-0	Maintenance - flood control and storm dr	50,000
		San Lorenzo River System Maintenance	
751-00-00-0000-59141		Transfer to Stormwater Overlay Fund	50,000
<b>TOTAL EXPENDITURE</b>			100,000

**NET: \$ -50,000**

REQUESTED BY	DEPARTMENT HEAD APPROVAL	BUDGET/ACCOUNTING REVIEWED	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
Christina Alberti <small>Digitally signed by Christina Alberti DN: cn=Christina Alberti, o=City of Santa Cruz, ou=Public Works, email=calberti@cityofsantacruz.com, c=US Date: 2021.08.19 08:19:09 -0700</small>	Mark Dettle <small>Digitally signed by Mark Dettle Date: 2021.08.25 13:44:22 -0700</small>	Edward Torres <small>Digitally signed by Edward Torres DN: cn=Edward Torres, o=City of Santa Cruz, ou=Public Works, email=etorres@cityofsantacruz.com, c=US Date: 2021.08.25 10:18:07 -0700</small>	Bobby Magee <small>Digitally signed by Bobby Magee DN: cn=Bobby Magee, o=City of Santa Cruz, ou=Finance, email=bmagee@cityofsantacruz.com, c=US Date: 2021.09.07 13:43:21 -0700</small>	

**Table 1: Recommended vegetation management prescriptions**

Management Area	Vegetation Management Prescription (Annual)
Bankfull Channel Instream Channel Bed	Remove riparian vegetation that exceeds accepted Corps Manning's "n" roughness coefficient for the flood control channel. A 5-foot edge of stream buffer area should be maintained on either side of the wetted edge.
Riverine (Hwy 1 to Water St.)	Allow 10-foot wide strip of willow and alder along toe of levee. Permit willow growth to 3 inches dbh, alder growth to 6 inches dbh. The lower limbs of the alder trees should be trimmed. The willows should be thinned to favor providing overhanging cover to the low flow channel. Maintain a 5-foot buffer along wetted edges of channel, but thin groves and limb up trees. Remove any trees in 5-foot buffer area that are greater than 6 inches dbh.
Transitional (Water St. to Laurel St.)	A 10-foot wide strip of woody riparian vegetation, tules and cattails should be maintained on the west bank. The east bank should be maintained to promote trees overhanging water. Trees or branches that fall in the water should be assessed for cutting into smaller pieces and may be removed entirely if they cause an immediate safety hazard. Sandbars should be maintained to allow volunteer groves to establish, but cleared of all trees greater than 6 inches dbh.
Estuarine (Laurel St. to Ocean)	A 5-foot wide strip of willow, cattail, and tule should be maintained at the levee toe. Willows should have stem diameters no greater than 3 inches <sup>1</sup> and be limbed up and periodically thinned to create defined groves.

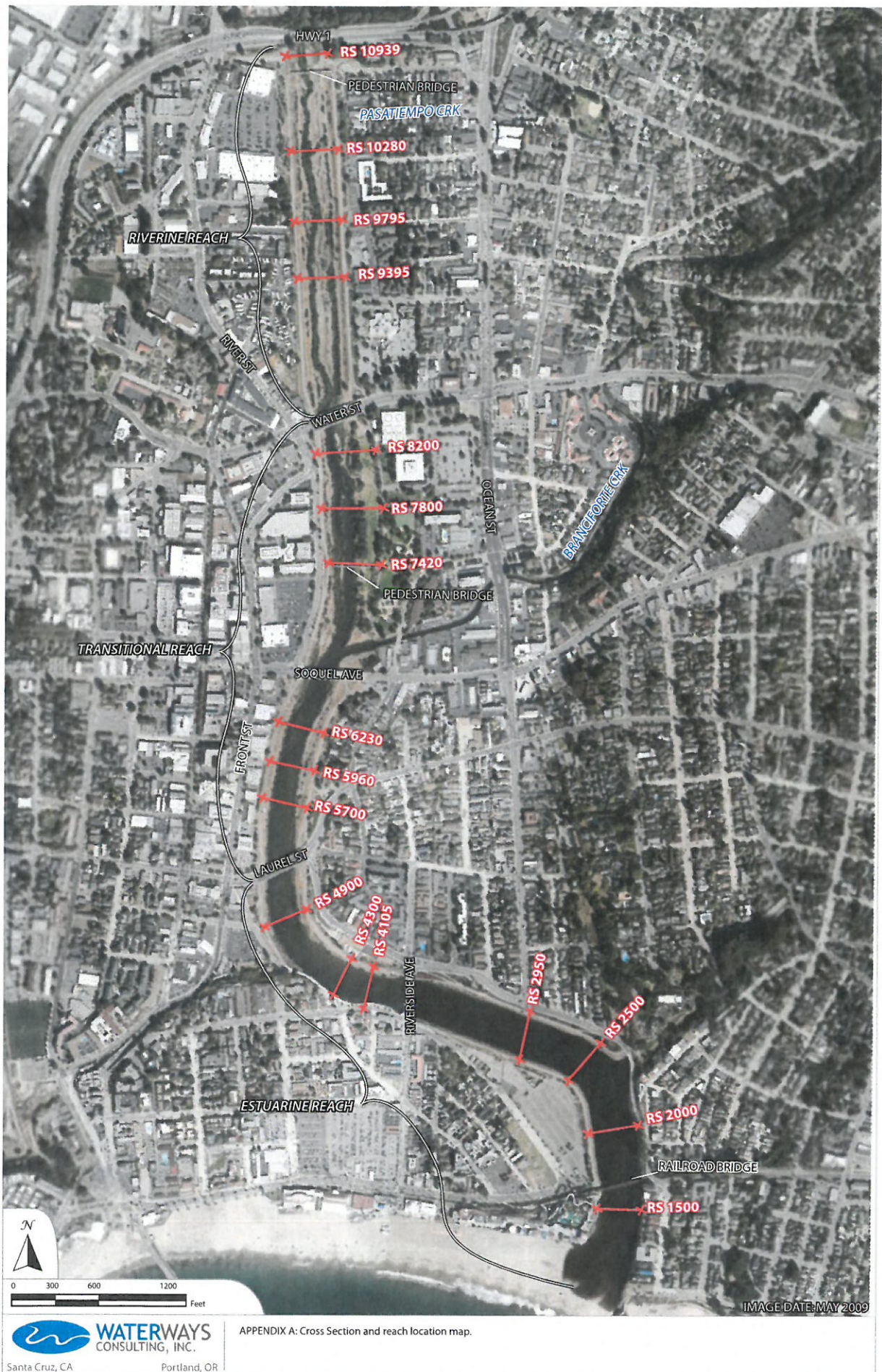
<sup>1</sup> Revised from original vegetation prescriptions listed in table 5 of the San Lorenzo River and Lagoon Management Plan (SH+G, 2002). Original value of 0.5 inches assumed to be an error, and revised to 3 inches.

### History of Cross-Section Monitoring

In May 2002, vegetation characteristics were surveyed and a composite roughness value was calculated for one section within each reach (SH+G, 2003). In February 2004, vegetation characteristics were surveyed and a composite roughness value was calculated at four cross-sections in the Riverine Reach. Vegetation surveys and roughness modeling were not performed in 2005, 2014, or 2016. Topographic surveys, vegetation surveys and roughness modeling were conducted at monitoring cross-sections in the Riverine and Transitional Reaches, and topographic surveys only were conducted at the sections in the Estuarine Reach on the following dates:

- November 2006
- October 2007
- October 2008
- November 2009
- September 2010
- October 2011
- October 2012
- October 2013
- November 2015
- May 2017 (only conducted at four cross-sections)
- April 2018
- December 2019
- December 2020





APPENDIX A: Cross Section and reach location map.

ORDINANCE NO. 2021-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING  
CHAPTER 13.40 OF THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO PARK  
ADOPTIONS

BE IT ORDAINED By the City Council of the City of Santa Cruz as follows:

Chapters 13.40.040, 13.40.050 and 13.40.060 of the Santa Cruz Municipal Code is hereby amended to read as follows:

**13.40.040 DIRECTOR – POWERS AND DUTIES.**

The director of parks and recreation department, or designee, shall be responsible for administering and enforcing this chapter. The director of the parks and recreation department shall have the following powers and duties in addition to those created elsewhere within this chapter:

- (1) Enter into park adoption agreements pursuant to Section 13.40.060;
- (2) Provide orientation and training of volunteers including the certification of use on special equipment and safety practices;
- (3) Assign staff liaisons to coordinate large scale projects;
- (4) Present an annual report on park adoptions to the parks and recreation commission;
- (5) Establish a list of priorities and areas of critical need;
- (6) Evaluate the work of volunteers and assess the criteria of meeting the park adoption agreement as set forth in Section 13.40.060;
- (7) Any action taken by the director pursuant to this section or any other section of this code is discretionary. Neither this section nor any other section of this code shall be construed as creating a duty or obligation on behalf of the city. The city shall not incur any liability to the adopters, volunteers, or public arising out of its alleged failure to maintain parkways or facilities.

**13.40.050 PARKS AND RECREATION COMMISSION – POWERS AND DUTIES.**

The parks and recreation commission shall have the following powers and duties:

- (1) Hear appeals from park adoption applicants that have had their applications denied by the director.

### **13.40.060 PROGRAM CRITERIA.**

The parks and recreation department shall be responsible for implementing this program and for establishing and publishing procedures and policies related to park adoptions to include:

- (1) Processing initial applications based on program conditions;
- (2) Maintaining a list of adopted spaces;
- (3) Issuing park adoption agreements to adopters after review and acceptance by the Director or their designee.
- (4) Volunteers.
  - a. All volunteers must complete any additional forms as set by CityServe, the volunteer liaison or human resources.
  - b. Work completed by volunteers will be evaluated by parks and recreation department staff.
- (5) Recognition.
  - a. Volunteers will be formally recognized by CityServe.
  - b. Successful completion of target volunteer hours shall trigger park adopted status as assigned by tiers published by the department and as established by the director.
- (6) Designated Status.
  - a. Park designated status of “adopted” shall be assigned after an adopter successfully completes their program targets as assigned.
  - b. A sign recognizing the adopter will be placed in the designated park or facility in recognition of the park adoption.
- (7) Program conditions and operations shall be established by the director and shall be published via departmental administrative procedure order (APO).

Chapter 13.40.070 and 13.40.080 of the Santa Cruz Municipal Code is hereby added to read as follows:

### **13.40.70 PROCEDURE FOR APPEALS.**

- (1) A written notice of appeal, together with the appropriate appeal fee as set by city council resolution, must be received by the secretary of the commission not later than ten calendar days following the date of the decision or action from which such appeal is being taken. If the final day for filing an appeal occurs on a weekend day or holiday, the final filing date shall be extended to the next following business day.

- (2) The appellant shall state the basis for the appeal and shall specifically cite the provision of this chapter which is relied upon to appeal the action or decision of the department. The appeal must be signed by the appellant or appellant's representative and must set forth the mailing address to which the secretary of the commission may direct the notice of a hearing.
- (3) Upon receipt of the appeal, the secretary of the commission shall schedule the matter for a public hearing at the next regularly scheduled business meeting, but not sooner than ten business days after receipt and no more than sixty days after the filing of the appeal.
- (4) Notice of the public hearing shall be sent by first class mail to the appellant at least ten calendar days prior to the hearing.
- (5) The commission shall consider the appeal de novo at a hearing. The appellant shall have the burden of proof to establish the basis for seeking a reversal of the action or decision by the department.
- (6) The commission shall make findings of fact on which it bases its action. The commission may grant the appeal, including requiring any conditions, mitigations, or modifications; or deny the appeal; or issue other appropriate decision or relief.
- (7) The decision of the commission shall be final unless appealed to the city council by the applicant under Chapter 1.16.

#### **13.40.080 STAY, PENDING APPEAL.**

The receipt of a written appeal shall stay the director's action, pending the decision of the parks and recreation commission on such appeal.

This ordinance shall take effect and be in force thirty (30) days after final adoption.



PASSED FOR PUBLICATION this 24<sup>th</sup> August, 2021, by the following vote:

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings, Golder;  
Vice Mayor Brunner; Mayor Meyers.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: \_\_\_\_\_  
Donna Meyers, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this \_\_\_\_ day of \_\_\_\_, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Donna Meyers, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

This is to certify that the above  
and foregoing document is the  
original of Ordinance No. 2021-xx  
and that it has been published or  
posted in accordance with the  
Charter of the City of Santa Cruz.

\_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

**Proof of Publication  
(2015 C.C.P.)**

I, the undersigned, declare:

That I caused the attached legal notice/advertisement to be published in the Santa Cruz *Good Times*, a weekly newspaper published and circulated in the County of Santa Cruz, and adjudged a newspaper of general circulation by the Superior Court of California in and for the County of Santa Cruz, under Proceeding No. 68833; and that the legal notice/advertisement was published in the above-named newspaper on the following date(s), to wit:

\_\_\_\_\_  
September 1, 2021

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This 1<sup>st</sup> day of September, 2021, Santa Cruz, California

  
\_\_\_\_\_  
Julia Wood

Deputy City Clerk Administrator

**NOTICE OF  
PUBLICATION  
OF ORDINANCE  
BY POSTING  
(ORDINANCE NO. 2021-17)**


The City Council of the City of Santa Cruz having authorized the City Clerk Administrator, that the ordinance hereafter entitled and described, be published by posting copies thereof in three (3) prominent places in the City, to wit:

The City of Santa Cruz website  
[www.cityofsantacruz.com](http://www.cityofsantacruz.com)  
City Hall – 809 Center Street:  
Bulletin Board, Room 9/10  
Bulletin Board outside Council Chambers

NOTICES HEREBY GIVEN that copies of said ordinance were posted according to said order. (Original on file with city clerk). Said ordinance was introduced on August 24, 2021, and is entitled and described as follows:

**ORDINANCE NO. 2021-17  
AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF SANTA  
CRUZ AMENDING CHAPTER 13.40 OF  
THE SANTA CRUZ MUNICIPAL CODE  
PERTAINING TO PARK ADOPTIONS**

This ordinance amends the Municipal Code relating to park adoptions. PASSED FOR PUBLICATION on this 24th day of August, 2021, by the following vote: AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings, Golder; Vice Mayor Brunner; Mayor Meyers. NOES: None. ABSENT: None. DISQUALIFIED: None. APPROVED: ss/Mayor Meyers. ATTEST: ss/Bonnie Bush, City Clerk Administrator. This Ordinance is scheduled for further consideration and final adoption at the Council meeting of September 14th, 2021.



DECLARATION OF POSTING

STATE OF CALIFORNIA       )  
  )     SS.  
COUNTY OF SANTA CRUZ    )

On the 30<sup>th</sup> day of August, 2021, I posted conspicuously in three public places within the City of Santa Cruz, Ordinance No. 2021-17, to wit:

1. City Hall: 809 Center Street: Bulletin Board outside Room 9/10
2. City Hall: Bulletin Board outside Council Chambers
3. The City of Santa Cruz website

The document, posted in its entirety, consists of pages 1—4.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1<sup>st</sup> day of September, 2021, in Santa Cruz, California.

  
\_\_\_\_\_  
Julia Wood  
Deputy City Clerk Administrator



## City Council AGENDA REPORT

**DATE:** 08/30/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Human Resources

**SUBJECT:** Temporary SEIU Local 521 Employee Association Memorandum of Understanding (HR)

---

**RECOMMENDATION:** Resolution adopting a Tentative Agreement with the Temporary SEIU, Local 521 Employee Association.

---

**BACKGROUND:** The Memorandum of Understanding (MOU) with the Temporary SEIU Employee Association (Union) expired on June 11, 2021. The Union and the City have met and conferred in good faith according to the Meyers-Milius-Brown Act regarding wages, hours, and other terms and conditions of employment. As a result the Union and the City have reached a Tentative Agreement on a successor MOU.

**DISCUSSION:** The Union and the City have been meeting and conferring since May 2021 on a successor MOU. For Council approval is a summary of the Tentative Agreement reached with the Union. The terms of the MOU will be implemented September 4, 2021, with the final MOU to be brought before the City Council for adoption at a later meeting.

**FISCAL IMPACT:** These expenditures were included in the FY 2022 budget and there are no additional fiscal impacts generated by final approval.

**Prepared/Submitted By:**

Lisa Murphy  
Human Resources Director

**Approved By:**

Rosemary Menard  
Interim City Manager

**ATTACHMENTS:**

1. SEIU TEMP RESOLUTION\_2021.DOCX
2. TENTATIVE AGREEMENT.PDF

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ APPROVING A  
TENTATIVE AGREEMENT WITH THE TEMPORARY SERVICE EMPLOYEE  
INTERNATIONAL UNION, LOCAL 521

WHEREAS, representatives of the City of Santa Cruz and the Temporary Service Employee International Union, Local 521 (Union) have met and conferred in good faith to bargain for successor agreement; and

WHEREAS, the Tentative Agreement with the Union has been entered into by the respective parties and duly ratified by the Union's members; and

WHEREAS, the terms of the Tentative Agreement are attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz, that the City Council hereby approves the Tentative Agreement for the Temporary Service Employee's International Union effective September 4, 2021.

BE IT FURTHER RESOLVED that the City will prepare the Memorandum of Understanding to include the Tentative Agreement and bring it before the City Council for adoption at a later City Council meeting.

PASSED AND ADOPTED this 14<sup>th</sup> day of September 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED \_\_\_\_\_  
Donna Meyers, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

**City of Santa Cruz  
and  
SEIU Local #521 Temporary Service Employees**

**TOTAL TENTATIVE AGREEMENT**

**August 26, 2021**

**Pursuant to Ground Rule 7**

Item	Proposal	MOU Section																																																															
Term	The City agrees to a one (1) year Term (6/12/21 through 6/10/22)	Section 2.00																																																															
COLA	The City agrees to provide a 3.5% COLA effective the beginning of the pay period in which City Council approves this agreement in open session.	Section 10.00																																																															
Lifeguard Salaries	<div>The City agrees to increase Lifeguard Salaries effective the beginning of the pay period in which City Council approves this agreement in open session as follows:</div> <table><thead><tr><th></th><th></th><th>B</th><th>C</th><th>D</th><th>E</th><th>F</th></tr></thead><tbody><tr><td>Beach LG1</td><td>NEW</td><td>17.78</td><td>18.67</td><td>19.60</td><td>20.58</td><td>21.61</td></tr><tr><td></td><td>Old</td><td>14.90</td><td>15.64</td><td>16.42</td><td>17.24</td><td>18.11</td></tr><tr><td>Beach LG2</td><td>New</td><td>19.56</td><td>20.54</td><td>21.56</td><td>22.64</td><td>23.78</td></tr><tr><td></td><td>old</td><td>16.70</td><td>17.54</td><td>18.41</td><td>19.34</td><td>20.30</td></tr><tr><td>Beach Lt</td><td>new</td><td>21.40</td><td>22.47</td><td>23.59</td><td>24.77</td><td>26.01</td></tr><tr><td></td><td>old</td><td>17.43</td><td>18.30</td><td>19.21</td><td>20.17</td><td>21.18</td></tr><tr><td>Beach Cpt</td><td>New</td><td>21.76</td><td>22.84</td><td>23.98</td><td>25.18</td><td>26.44</td></tr><tr><td></td><td>Old</td><td>19.60</td><td>20.58</td><td>21.61</td><td>22.69</td><td>23.82</td></tr></tbody></table>			B	C	D	E	F	Beach LG1	NEW	17.78	18.67	19.60	20.58	21.61		Old	14.90	15.64	16.42	17.24	18.11	Beach LG2	New	19.56	20.54	21.56	22.64	23.78		old	16.70	17.54	18.41	19.34	20.30	Beach Lt	new	21.40	22.47	23.59	24.77	26.01		old	17.43	18.30	19.21	20.17	21.18	Beach Cpt	New	21.76	22.84	23.98	25.18	26.44		Old	19.60	20.58	21.61	22.69	23.82	Section 10.00
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Tentative Agreements	This proposal includes all previously signed tentative agreements in accordance with Ground Rule 7.	Various																																																															
Withdrawn Proposals	The Parties agree that all prior proposals not included in this Total Tentative Agreement have been withdrawn.	Various																																																															

**City of Santa Cruz**

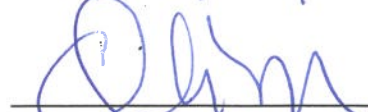
Date: 8/30/21



Lisa Murphy, City of Santa Cruz  
Human Resources Director

**SEIU Local #521**

Date: 8/30/21



Olivia Martinez, SEIU Local #521  
Regional Director

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Nico Megevand

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Katy Bradley

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Joe McMullen

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Ken Bare

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Violet Shemitz

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Noah Nagel





## City Council AGENDA REPORT

**DATE:** 09/02/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Economic Development

**SUBJECT:** Contract for Mixed-Use Library Master Architect (ED)

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**RECOMMENDATION:** Motion to award the contract for the Mixed-Use Library Master Architect to Jayson Architecture in an amount up to \$2,289,550 and authorize the City Manager to execute an agreement with Jayson Architecture in a form to be approved by the City Attorney.

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**BACKGROUND:** Following the yearlong Downtown Library Subcommittee process, the City Council (Council) voted on June 23, 2020 to proceed with the design and development of the Mixed-Use Downtown Library Project (Project) and directed staff to proceed with a series of related actions including a public process to consider reuse options of the current library site as well as a process for the selection of the Project team including the Owner's Representative, Affordable Housing Developer/Master Developer and Project Architect(s).

In July of 2020, staff posted a Request for Proposals (RFP) for the Owner's Representative and received seven proposals. All proposals were evaluated based on the criteria laid out in the RFP and the top four teams were identified for further consideration. The Owner's Representative serves as the overall Project Manager, overseeing the budget and schedule, liaising with the project team members, stakeholders and representing the City's interests and goals throughout the Project.

On October 13, 2020, Council approved the contract for the Mixed Use Library Owner's Representative for the first phase of the Project to Griffin Structures, Inc (Griffin). Since last fall, staff has been working with Griffin on the development and selection of the balance of the project team through an RFP process for the Affordable Housing Developer/Master Developer and an RFP process for the Master Library Architect.

As a separate but related direction from the City Council resulting from the June 23, 2020 approval, staff kicked off the RFP selection process for the existing Library site re-use revisioning process in late Fall, 2020. Following the selection of Project for Public Spaces and Group 4 as the consultant, the team conducted the visioning process through the first six months of 2021. The final presentation to the City Council on the re-use revisioning process is available for viewing on the project website: <https://www.cityofsantacruz.com/government/city-council-subcommittees/downtown-library-site-re-use>.

Over the last few months, staff has been working with Griffin on the selection of the Affordable Housing Developer/Master Developer team and the Master Architect for the Library. Following a three month RFP selection process, a team consisting of Eden and For the Future Housing was selected to be the Master Affordable Housing Developer for the project, working with the City on overall project design, entitlements and financing. Staff is currently working with the selected Developer team on overall project financing and structure and will return to Council for consideration of either a Development Agreement or Ground Lease between the City and Eden/For the Future at a future date in 2022.

## MASTER LIBRARY ARCHITECT RFP PROCESS

In April of 2021, the City posted an RFP for a Master Architect/Library Master Architect for the Project and received nine proposals. All proposals were evaluated based on the criteria laid out in the RFP, and the top four teams were identified for further consideration. A panel consisting of Economic Development, Library, Public Works, and Planning staff interviewed the top teams, assessing them in the areas of past experience working on similar projects, project team expertise, and approach to project scope. In June and July, a panel consisting of City staff and the selected Master Affordable Housing Developer team conducted two rounds of interviews and identified Jayson Architecture (Jayson) as the preferred candidate for the Master Library Architect. Jayson brings deep expertise in the design of public libraries, and has considerable recent experience working with the Santa Cruz Library system since 2017. Additionally, Jayson has extensive public outreach and engagement experience and has recently completed a full renovation of the La Selva Beach Branch Library. Jayson is currently working on the Garfield Park and Branciforte Branch libraries in Santa Cruz as well as the Boulder Creek and Live Oak libraries in the County. In addition to local projects, Jayson is currently working on the main downtown library in Campbell, California.

## LIBRARY BACKGROUND AND FINANCIAL INFORMATION

In 2013, the Santa Cruz Public Libraries engaged in a comprehensive facilities master planning process resulting in the voter approved Measure S bond measure in 2016. The purpose of the secured funding is to address library facility needs across the system. Funding for the Downtown Library was identified as an urgent need and the City Council directed the formation of a Downtown Library Advisory Committee (DLAC) to comprehensively examine the current facility and the feasibility, options and costs for developing a Downtown Library branch that meets the needs of the community and voters.

At the June 19, 2018 study session, the City Council received a report and presentation on Downtown Parking Rates Strategy and the DLAC recommendations for the Downtown Branch. The DLAC recommended that the City Council approve a new Downtown Library combined with other uses in a mixed use project to include commercial retail, parking and affordable housing.

The City Council approved relocating the downtown library into a mixed use project on September 11th, 2018. In 2019, the Council voted to put a hold on the library project and established a Council Subcommittee to explore all of the options. Following a year long process, which included cost assessments of the mixed use and renovation options, the Council voted on June 23rd, 2020 to move forward with the mixed-use project.

The library component of the project will be primarily funded by Measure S funds. The mixed-use cost assessment completed by Group 4 earlier last year estimated that an additional 5,000 square feet could be added to the project with an additional budget of \$3 million. The City is exploring a number of ways to fill the potential \$3 million funding gap, which could include fundraising by the Friends of the Library or from private and governmental sources.

**DISCUSSION:** The Master Library Architect will serve as the architect for the new Downtown Library, will lead the community outreach related to the Project along with integration of the public library design, and will represent the City's interest and goals throughout the project. The Master Library Architect will work with the staff to provide design options that incorporate community feedback and meet the requirements of the Library and the City.

#### MASTER LIBRARY ARCHITECT CONTRACT AND COMMUNITY AND PUBLIC ENGAGEMENT

A draft of the contract with Jayson for the Master Library Architect has been included as an attachment to this report and includes a more detailed breakdown of contract scope, fee schedule, and timeline. It is important to note that the contract, as negotiated, allows for the City to terminate for convenience with ten days notice. The City will have the discretion to terminate the contract for any reason and the financial obligation to the Master Library Architect will be limited to services performed up to the date of termination. Architectural services will be paid on a monthly basis for work performed to date.

The overall Master Library Architect contract is divided into multiple phases primarily consisting of pre-design and preparation of design documents and a later phase which consists primarily of construction administration. The initial design phases include pre-design, design and permitting and are estimated to be completed within approximately 18-24 months. The construction administration phase would extend through project construction completion, approximately through the end of 2024. The design phase includes multiple phases with public outreach and integration of community feedback heavily integrated into early project design development. Specifically, the attached agreement contract scope includes the following phases: Pre-Design, Schematic Design, Design Development, Construction Documents, Furniture Design and Management and Construction Administration.

Pre-Design Scope of Services include:

A. Public and Community Outreach: Master Library Architect will coordinate the efforts of the Public and Community Outreach which will include up to three (3) public and community outreach events during Pre-Design which will help inform the study development of preliminary site plan and design.

B. Studies of one or more possible solutions for selection and approval. These studies will include an overall site plan, diagrammatic plans for each level within the development, and tabulated data including square footage and overall efficiencies of the development, bearing in mind at all times City's budgetary constraints, and the Project Site limitations.

C. Master Library Architect will work with City and applicable regulatory agencies so designated to annotate the existing Project Program, and any revisions thereto, to

ascertain City's needs and to establish the overall requirements for the Project. The Project Program will include aggregate space needs, site improvement criteria, special environmental requirements, anticipated utility services by type and capacity, and other information needed to set the standards for the size and type of structure(s) to be constructed as well as the interior improvements and furnishings.

D. Master Library Architect will prepare an initial concept illustrating diagrammatically the size and relationship of the Project components consistent with the Project Program based on completion of above steps in Pre-Design scope.

Following Pre-Design, the Master Architect will be responsible for preparing schematic design deliverables as further outlined in the attached draft agreement. Additional community outreach and public engagement will be included in the schematic design development phase and the design development phase including up to four additional outreach events and up to six community workshops. Preliminary timelines for community engagement are outlined in Exhibit C: Work Schedule as part of the attached contract. City staff and members of the Project team will continue to provide quarterly updates to the City Council on the project design and development during each of the project phases and will post regular updates to the project website. Based upon the approved schematic design documents and any adjustments authorized by the City in the Project program, the Master Architect will develop and prepare for approval architectural design deliverables during design development.

#### LINKS TO RELEVANT INFORMATION ON LIBRARY PROJECT

Project background, updates, frequently asked questions, and information on the project components can be found at [www.CityofSantaCruz.com/mixeduselibrary](http://www.CityofSantaCruz.com/mixeduselibrary). Staff will be working to keep the project website updated with new information and next steps.

**FISCAL IMPACT:** Staff is recommending authorization to enter into a contract with Jayson not to exceed \$2,289,550. Sufficient appropriations for this contract are part of the approved FY 22 Capital Improvement Project (CIP) Budget for the Project. Funding for the Library Master Architect will primarily be funded through Measure S funds and will be proportionally offset by other funding sources in the Project including the Economic Development Trust Fund and the Parking District, both approved as part of the FY 22 CIP Budget.

**Prepared/Submitted By:**

Bonnie Lipscomb  
Director of Economic  
Development

**Approved By:**

Rosemary Menard  
Interim City Manager

#### ATTACHMENTS:

1. LIBRARY MASTER ARCHITECT CONTRACT.PDF

PROFESSIONAL SERVICES AGREEMENT FOR  
**DOWNTOWN LIBRARY RENOVATIONS MASTER ARCHITECT**

THIS AGREEMENT for professional services is made by and between the City of Santa Cruz ("City") and Jayson Architecture P.C. ("Consultant") (referred to individually as a "Party" and collectively, as the "Parties") as of \_\_\_\_\_, 20\_\_ (the "Effective Date").

NOW, THEREFORE, in consideration of each other's mutual promises, the Parties hereto agree as follows:

SECTION 1: SCOPE OF WORK

Consultant will furnish services as defined and described in the Scope of Work, attached hereto as Exhibit A and incorporated herein.

SECTION 2: RESPONSIBILITIES OF CONSULTANT

All work performed by Consultant, or under Consultant's direction, shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's profession. Consultant represents and warrants that Consultant: (i) is fully experienced and properly qualified to perform the work and services provided for herein, (ii) has the financial capability required for the performance of the work and services, and (iii) is properly equipped and organized to perform the work and services in a competent, timely, and proper manner, in accordance with the requirements of this Agreement.

Consultant shall not undertake any work beyond the **Scope of Work** set forth in **Exhibit A** unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

If, in the performing the work, it is necessary to conduct field operations, security and safety of the job site will be the Consultant's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Consultant's control.

Consultant shall meet with Bonnie Lipscomb, Director of the Economic Development Department, hereinafter called "Director", or other designated and authorized City personnel, or third parties as necessary, on all matters connected with carrying out of Consultant's services described in Exhibit A. Such meetings shall be held at the request of either Party. Review and City approval of completed work shall be obtained monthly, or at other intervals as may be mutually agreed upon during the course of this Agreement.

SECTION 3: RESPONSIBILITIES OF THE CITY

City shall make available to Consultant all necessary data and information in the City's possession and shall actively assist Consultant in obtaining such information from other agencies and individuals as needed.

The Director may authorize a staff person to serve as his or her representative. The work in progress shall be reviewed at such intervals as may be mutually agreed upon between the parties. The City will be the sole judge of acceptable work. If the work is not acceptable, City will inform Consultant of the changes or revisions necessary to secure approval.

#### SECTION 4: FEES AND PAYMENT

For services actually performed, the City will compensate Consultant at the rates set forth in the **Fee Schedule** detailed in **Exhibit B** and in accordance with the terms set forth therein. Payment for Consultant's services in carrying out the entire the Scope of Work shall be made within the budget limit, or limits shown, upon Exhibit B. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in the Scope of Work.

Consultant agrees that the payments to Consultant specified in this Section 4 will constitute full and complete compensation for all obligations assumed by Consultant under this Agreement. Where conflicts regarding compensation may occur, the provisions of this section apply.

Variations from the budget for each task which are justified by statements indicating personnel time expended and submittal of a revised budget are allowed with prior City approval; however, in no event shall the total fee charged for the Scope of Work set forth in Exhibit A exceed the budget of **\$2,289,549** without advance written City authorization in the form of an amendment or change order.

Invoices shall detail the time worked by each class of employee on each task and the expenses incurred for which billing is made. Invoices shall indicate the percentage completion of each work task as identified in the Scope of Work in Exhibit A and the overall percentage of completion of the total required services. Unless otherwise specified in the fee schedule, payments shall be made monthly by the City within 30 days based on itemized invoices from the Consultant which list the actual costs and expenses.

All invoices shall contain the following affidavit signed by Consultant (if individual) or by a principal of Consultant's firm (if Consultant is an entity):

"I hereby certify [or as principal of Consultant] that the charge of (Insert invoice amount) as summarized above and shown in detail on the attachments is a fair and reasonable use of public funds, is in accordance with the terms of Agreement dated (Insert Agreement Date), and has not been previously paid."

#### SECTION 5: TRAVEL REIMBURSEMENT POLICY

In addition to the compensation specified above, Consultant will be paid for vehicle mileage reimbursement as follows:

##### **Ground Transportation**

Ground transportation is reimbursable when it is for travel between the vendor's place of business, their employee's home, an airport, or Santa Cruz hotel to their City work location.

1. Reasonable fees for taxis, shuttles, busses, trains, light rail, ride hailing services (Uber, Lyft), bike shares (Jump), and similar modes of transportation will be reimbursed. Receipts are required for reimbursement.
2. Personal vehicles include vehicles owned by the vendor or their employees.
  - Mileage will be reimbursed at the current IRS mileage rate.
  - Evidence of automobile liability insurance meeting the City's requirements must be provided.
  - Maps showing starting point, City work location, and total miles are required for reimbursement.
3. Car rentals are reimbursable when
  - Travel is necessary from an airport to the City work location.
  - The rental reservation is made as far in advance as is practical and the lowest possible price is obtained.
  - Insurance coverage is included in the rental agreement and the car is returned with a full tank of gas.
  - The smallest vehicle necessary is rented.

- Parking expenses are included in the GSA Meals & Incidental per diem rate. The City will not pay additionally for parking expenses.
- Receipts are required for reimbursement.

#### General

1. Travel expenses not listed above will not be reimbursed.
2. Travel reimbursements are paid after the completion of travel. There are no travel advances.
3. Exceptions to any of the above requirements require advance written permission from the Department Head of the department contracting with the vendor.

#### SECTION 6: CHANGES IN WORK

City may negotiate changes in the Scope of Work. No changes in the Scope of Work shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Exhibit B shall be approved in advance in writing by the City. Only City's authorized representative(s) is authorized to approve changes to this Agreement on behalf of City.

#### SECTION 7: TIME OF BEGINNING AND SCHEDULE FOR COMPLETION

Consultant shall begin work upon its receipt of a written Notice to Proceed. The Notice to Proceed shall not be issued until after this Agreement has been approved and authorized by the City.

The **Work Schedule** for completion of the work shall be as shown upon **Exhibit C**. In the event that major changes are ordered, the schedule for completion as stated in Exhibit C will be adjusted by City so as to allow Consultant a reasonable period of time within which to complete any additional work which may be required as a result of the ordered changes.

Neither party will be held responsible for delay or default caused by declared emergencies, natural disasters, or any other cause which is beyond the party's reasonable control. Consultant will, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and will, upon the cessation of the cause, diligently pursue performance of its obligations in this Agreement.

The City reserves the right to obtain the item(s) covered by this Agreement from another source during any ongoing suspension of service due to the circumstances outlined above.

Consultant acknowledges that it is necessary for Consultant to complete its work on or before the completion date set forth in Exhibit C in order to allow the City to achieve its objectives for entering into this Agreement. The Parties therefore agree that time is of the essence in the performance of this Agreement.

#### SECTION 8: TERMINATION

The City or Consultant may terminate the Agreement for convenience by providing written notice to the other party not less than 30 calendar days prior to an effective termination date.

The City or Consultant may terminate the Agreement for material breach of agreement by providing written notice to the other party not less than 14 calendar days prior to an effective termination date.

Upon notice of termination, the Consultant will immediately take action not to incur any additional obligations, costs or expenses, except as may be reasonably necessary to terminate its activities. The City's only obligation to the Consultant will be just and equitable payment for services authorized by, and received to the satisfaction of, the City up to and including the effective date of termination. All finished or unfinished work or documents procured or produced under the Agreement will become property of the City upon the termination date. The



City reserves the right to obtain services elsewhere, and the defaulting Consultant will be liable for the difference between the prices set forth in the terminated Agreement and the actual cost to the City. In no event will the City be liable for any loss of profits on the resulting agreement or portion thereof so terminated. After the effective date of termination, Consultant will have no further claims against the City under the Agreement. Termination of the Agreement pursuant to this paragraph may not relieve the Consultant of any liability to City for damages sustained by City because of any breach of Agreement by Consultant, and City may withhold any payments to Consultant for the purpose of set-off until such time as the exact amount of damages due City from Consultant is determined.

The rights and remedies provided in this section will not be exclusive and are in addition to any other rights and remedies provided by law or under the Agreement.

#### SECTION 9: INSURANCE

Prior to the beginning of and throughout the duration of the Agreement, Consultant will maintain and comply with the **Insurance Requirements** as set forth in **Exhibit D**. Consultant will insure the City against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by Consultant, Consultant's agents, representatives, employees or subcontractors.

#### SECTION 10: INDEMNIFICATION

For General Services: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, and volunteers from and against any and all claims, demands, actions, liabilities, damages, judgments, or expenses (including attorneys' fees and costs) arising from the acts or omissions of Consultant's employees or agents in any way related to the obligations or in the performance of services under this Agreement, except for design professional services as defined in Civil Code § 2782.8, and except where caused by the sole or active negligence, or willful misconduct of City.

For Design Professional Services under Civil Code §2782.8: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless City, its officials, officers, employees, and volunteers from and against any and all claims, demands, actions, liabilities, damages, or expenses (including attorneys' fees and costs) arising from the negligence, recklessness, or willful misconduct of the Consultant, Consultant's employees, or agents in any way related to the obligations or in the performance of design professional services under this Agreement as defined in Civil Code §2782.8, except where caused by the sole or active negligence, or willful misconduct of City. The costs to defend charged to the Consultant relating to design professional services shall not exceed the Consultant's proportionate percentage of fault per Civil Code §2782.8.

#### SECTION 11: EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION POLICIES

City's policies promote a working environment free from abusive conduct, discrimination, harassment, and retaliation; and require equal opportunity in employment for all regardless of race, religious creed (including religious dress and grooming practices), color, national origin (including language use restrictions), ancestry, religion, disability (mental and physical), medical condition, sex, gender (including gender identity and gender expression), physical characteristics, marital status, age, sexual orientation, genetic information (including family health history and genetic test results), organizational affiliation, and military or veteran status, or any other consideration made unlawful by local, State or Federal law. City requires Consultant to be in compliance with all applicable Federal and State and local equal employment opportunity acts, laws, and regulations and Consultant is responsible for ensuring that effective policies and procedures concerning the prevention of abusive conduct, discrimination, harassment, and retaliation exist in Consultant's business organization. The City's current Equal Employment Opportunity and Non-Discrimination policies to which this Section applies may be viewed at <http://www.codepublishing.com/CA/SantaCruz/?SantaCruz09/SantaCruz0983.html> and <http://www.cityofsantacruz.com/home/showdocument?id=59192>.

**SECTION 12: LEGAL ACTION/ATTORNEYS' FEES**

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief. The laws of the State of California, with jurisdiction in the Santa Cruz County Superior Court, shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

**SECTION 13: AMENDMENTS**

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Consultant. Consultant acknowledges that no such amendment shall be effective until approved and authorized by the Director. No representative of the City is authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Exhibit A. Such authority is retained solely by the Director. Unless expressly authorized by the Director, Consultant's compensation shall be limited to that set forth in Exhibit B, Fee Schedule.

**SECTION 14: MISCELLANEOUS PROVISIONS**

1. Project Manager. Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. Consultant Services Only. Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. Independent Contractor. In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.
4. Consultant Not an Agent. Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.
5. Subcontractors. Subcontracting of work without prior approval of the City, may result in contract termination. If at any time, the City determines any subcontractor is incompetent or unqualified, Consultant will be notified and will be expected to immediately cancel the subcontract. Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Consultant shall ensure that City of Santa Cruz, its officers, officials, employees, agents, and volunteers are additional insureds on insurance required from subcontractors.
6. Assignment. This Agreement shall not be assigned without first obtaining the express written consent of the Director or after approval of the City Council. Neither party may assign this Agreement unless this Agreement is amended in accordance with its terms.
7. Conflicts of Interest. Consultant owes City a duty of undivided loyalty in performing the work and services under this Agreement. Consultant on behalf of itself, its employees and subcontractors, covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any

manner or degree with the performance of services required to be performed under this Agreement. Consultant acknowledges that it is aware of and agrees to comply with the provisions of the Political Reform Act, Section 1090 of the Government Code, and the City's conflict of interest code. Consultant will immediately advise City if Consultant learns of a conflicting financial interest of Consultant's during the term of this Agreement. Consultant owes City a duty of undivided loyalty in performing the work and services under this Agreement.

8. City Property. The work, or any portion, of Consultant in performing this Agreement shall become the property of City. The Consultant shall be permitted to retain copies or such work for information and reference in connection with the City's use. All materials and work product, whether finished or unfinished, shall be delivered to City upon completion of contract services or termination of this Agreement for any reason. Consultant agrees that all copyrights which arise from creation of project-related documents and materials pursuant to this Agreement shall be vested in the City and Consultant waives and relinquishes all claims to copyright or other intellectual property rights in favor of City. Any work product related to this Agreement shall be confidential, not to be used by the Consultant on other projects or disclosed to any third party, except by agreement in writing by the City.
9. Consultant's Records. Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.
10. Compliance with Laws. All activities of Consultant, its employees, subcontractors and/or agents will be carried out in compliance with all applicable federal, state and local laws.
11. Licensure. Consultant warrants that Consultant, its subcontractors and/or agents (if any) has/have complied with any and all federal, state, and local licensing requirements and agrees to provide proof of a current City of Santa Cruz Business Tax Certificate if:
  - Consultant, its subcontractor(s) and agent(s) is/are located in the City of Santa Cruz;
  - Will perform physical work in the City of Santa Cruz for 6 or more days annually; or
  - Will use company vehicles to deliver within the City of Santa Cruz for 6 or more days annually.For additional information and licensing requirements, view the City's [Business Licenses and Permits webpage](#) or call the Revenue and Taxation division at 831/420-5070.
12. Living Wage. Every contract for services to the City for \$10,000 or more, is subject to City of Santa Cruz Living Wage Ordinance number 2000-25. The requirements of the Living Wage ordinance are provided in Santa Cruz Municipal Code Chapter 5.10.
13. Prevailing Wage. To the extent that the work or services to be performed under this Agreement may be considered a "public work" pursuant and subject to Labor Code section 1720 *et seq.*, Consultant (and any subconsultant performing the work or services) shall conform to any and all prevailing wage requirements applicable to such work/and or services under this Agreement. Consultant (and any subconsultant) shall adhere to the prevailing wage determinations made by the Director of Industrial Relations (DIR) pursuant to California Labor Code Part 7, Chapter 1, Article 2, applicable to the work, if any. All workers employed in the execution of a public works contract (as such term is defined California Labor Code section 1720 *et seq.* and section 1782(d)(1)) must be paid not less than the specified prevailing wage rates for the type of work performed. Reference: California Labor Code sections 1720, 1774 and 1782.

Consultant agrees to be bound by the prevailing wage requirements to the extent applicable to the scope of work and services under this Agreement, including, but not limited to, the following:

- a. If a worker is paid less than the applicable prevailing wage rate owed for a calendar day (or any portion thereof), Consultant shall pay the worker the difference between the prevailing wage rate and the amount actually paid for each calendar day (or portion thereof) for which the worker(s) was paid less than the prevailing wage rate, as specified in Labor Code section 1775;
- b. Consultant shall maintain and make available payroll and worker records in accordance with Labor Code sections 1776 and 1812;
- c. If Consultant employs (and/or is legally required to employ) apprentices in performing the work and/or services under this Agreement, Consultant shall ensure compliance with Labor Code section 1777.5;
- d. Consultant is aware of the limitations imposed on overtime work by Labor Code sections 1810 *et seq.* and shall be responsible for any penalties levied in accordance with Labor Code section 1813 for failing to pay required overtime wages;
- e. Consultant shall post a copy of the applicable wage rates at each jobsite at a location readily available to its workers.

Any failure of Consultant and/or its subconsultant to comply with the above requirements relating to a public work project shall constitute a breach of this Agreement that excuses the City's performance of this Agreement at the City's sole and absolute option, and shall be at the sole risk of Consultant. Consultant on behalf of itself, any subconsultant, agree to indemnify, defend and hold harmless the City and its officials, officers, employees, and agents from and against any and all claims, liabilities, losses, costs, expenses, attorney's fees, damages, expenses, fines, financial consequences, interest, and penalties, of any kind or nature, arising from or relating to any failure (or alleged failure) of the Consultant and any subconsultant to pay prevailing wages or to otherwise comply with the requirements of prevailing wage law relating to a public work.

14. Registration with DIR. Consultant acknowledges that it and/ any subconsultant shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, unless currently registered with the DIR and qualified to perform public work pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)]. A bid shall not be accepted nor any contract or subcontract entered into without proof of the Consultant or subconsultant's current registration to perform public work. Labor Code section 1771.1(b).
15. Dispute Resolution. The Parties agree to attempt in good faith to resolve through negotiation any dispute, claim or controversy arising out of or relating to this Agreement. Either party may initiate negotiations by providing written notice in letter form to the other party, setting forth the subject of the dispute and the relief requested. Promptly upon such notification, the Parties shall meet at a mutually agreeable time and place in order to exchange relevant information and perspective, and to attempt to resolve the dispute. In the event that no resolution is achieved, and if, but only if, the parties mutually agree, then prior to pursuing formal legal action, the parties shall make a good faith effort to resolve the dispute by non-binding mediation or negotiations between representatives with decision-making power, who, to the extent possible, shall not have had substantive involvement in the matters of the dispute. To the extent that the dispute involves or relates to a public works project, the Parties agree to attempt to resolve the dispute by complying with the claims process as set forth in Public Contract Code section 9204(e).
16. Force Majeure. Neither party hereto shall be considered in default in the performance of its obligation hereunder to the extent that the performance of any such obligation, except the payment of money, is prevented or delayed by any cause, natural disaster, or other peril, existing or future, which is beyond the reasonable control of the affected party. Each party hereto shall give notice promptly to the other of the nature and extent of any Force Majeure claimed to delay, hinder or prevent performance of the services under this

Agreement. In the event either party is prevented or delayed in the performance of its respective obligation by reason of such Force Majeure, there may be an equitable adjustment of the schedule and Consultant compensation based on City's sole discretion.

17. Complete Agreement. This Agreement, along with any attachments, is the full and complete integration of the parties' agreement with respect to the matters addressed herein, and that this Agreement supersedes any previous written or oral agreements between the parties with respect to the matters addressed herein.
18. Severability. The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal.
19. Waiver. Waiver by any party of any portion of this Agreement shall not constitute a waiver of the same or any other portion hereof.
20. Governing Law. This Agreement shall be governed by and interpreted in accordance with California law.
21. Contract Interpretation. Each party acknowledges that it has reviewed this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.
22. MacBride Principles/Peace Charter. City of Santa Cruz Resolution NS-19,378 (7/24/90) encourages all companies doing business in Northern Ireland to abide by the MacBride Principles and Peace Charter.
23. Storm Water Requirements. To the extent applicable to the Scope of Work under this Agreement, Consultant, and all subcontractors, are required to abide by the applicable City of Santa Cruz Storm Water Best Management Practices (BMPs) for the duration of the work. The City's mandatory Storm Water BMPs, which are listed according to the type of work, operations, or business, are located on the City website at: <http://www.cityofsantacruz.com/index.aspx?page=138>.
24. Notices. If either party shall desire or is required to give notice to the other such notice shall be given in writing, via email or facsimile and concurrently by prepaid U.S. certified or registered postage, addressed to recipient as follows:

**To CITY:**

Economic Development Department  
Bonnie Lipscomb  
337 Locust Street  
Santa Cruz CA 95065  
(831) 420-5316

**To CONSULTANT:**

Jayson Architecture  
Abraham Jayson  
50 29<sup>th</sup> Street  
San Francisco, CA 94110  
abe@jaysonarch.com  
(415) 317-0529

Changes to the above information shall be given to the other party in writing ten (10) business days before the change is effective.

25. Counterparts. The parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a party's signature shall be accepted and valid as an original.

26. Warranty of Authority. The signatories to this Agreement warrant and represent that each is authorized to execute this Agreement and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this Agreement.

Approved As To Form:	
By: _____	Date: _____
Office of the City Attorney	

CONSULTANT	
By: _____	Date: _____
Abraham Jayson	Title: _____

CITY OF SANTA CRUZ	
By: _____	Date: _____
Rosemary Menard Interim City Manager	

EXHIBIT A: SCOPE OF WORK

**PROJECT OVERVIEW AND SCOPE OF SERVICES**

Architectural and Engineering (A&E) services to assist the City in the design of the new Downtown Library Mixed Use project (hereinafter referred to as the “Project”).

The Project scope of services falls generally within the following categories:

- Master Architect and Engineer of Record for Library TI – 100% CD’s
- Construction Administration for Construction of Library TI

This work shall include all research, building plans (architectural, structural, mechanical, electrical, plumbing, fire safety, etc.), construction details, specifications (including noise/sound attenuation), construction cost estimates and all other work necessary to complete the Project.

The Consultant shall include bi-weekly meetings with the City during the design period and weekly at the construction site during the construction period of the Library TI. The Consultant will be working with the City retained Affordable Housing Developer (AHD)/Master Developer, a Parking Structure Design-Build Entity (DBE), and other City consultants, and shall assume regular involvement and coordination with these entities. Any meetings, costs, recommendations, revisions, and coordination with these entities shall be included in this proposal.

The Consultant will need to consider constraints such as right of way, existing physical improvements, utilities, circulation, parking, City operations, and adjacent properties. The Consultant shall be responsible for final design of all elements of the Project. The Consultant shall also be responsible to identify all utilities that may interfere with the Project. Additionally, the Consultant shall prepare all necessary preliminary and final documents, environmental clearances, and secure all necessary entitlements and approvals required for the Project, and to secure the permits and approval required for the construction of the Library TI.

The Consultant’s responsibilities shall include for the following professional services:

- Coordination with Affordable Housing Developer/Master Developer and their design team
- Representing the City in public outreach and presentations
- Owner’s Performance Requirements (OPR)
- Basis of Design (BOD)
- Preliminary design / environmental & entitlements support
- Community and Stakeholder Group design collaboration / input & engagement process
- Development of complete specifications
  - For Library TI
- Architectural design
- Kitchenette design
- Structural engineering as needed
- Mechanical, electrical and plumbing engineering



- Low Voltage (SCS Cat6 cabling, telecommunications, internet technology, etc.)
- Audio Visual (BOD)
- Lighting design
- Signage & graphics design
- Acoustics, noise and vibration control
- Codes and accessibility compliance
- Security (access card readers, security cameras, etc.) in coordination with City's approved implementation vendor and City software/hardware platform
- Fire alarm (BOD)
- Energy management systems (BOD)
- Green Building Program/Sustainable Design Services
- Interior, furniture, fixtures and equipment design
- Cost estimating
- Participation in Commissioning and Project close out
- Permitting for the Library
- Construction Administration for the Library

The following is an overview of the services the Consultant will be required to perform:

• **1.1 CONSULTANT'S SERVICES**

1.1.1 Basic Services. The scope of Master Architect's Basis Services are Pre-Design, Schematic Design, and Design Development. The scope will also include the Construction Documents for the Library Tenant Improvement. The Design Development Services will support the City in developing a Guaranteed Maximum Price to complete all future phases of the Project.

• **1.2 STANDARDS**

1.2.1 Criteria. Consultant will provide its Services in conjunction with the services of other Consultants and professionals retained by City, Consultant and their contractors and Consultants. Consultant's Scope of Services will satisfy the following criteria:

- A. The work effort will serve the purposes specified by City, applicable governmental requirements, and industry accepted custom;
- B. The Consultant's Basic Services will result in Design Development Documents that will lead to Construction Documents that are constructible by known techniques and with available labor and readily available materials and equipment, and are designed to 90% of City's construction budget to allow sufficient design contingencies.;
- C. The Development Phase services (if authorized) will lead to Construction Documents that are constructible by known techniques and with and readily available materials and equipment and are designed to 90% of City's construction budget to allow sufficient design contingencies;

- D. Operation, maintenance and repair of the improvements identified in the Construction Documents, when properly executed, should not be excessively expensive; and
- E. The Design Development Documents (for Consultant's Basic Services) and the Construction Documents (for Consultant's Development Phase Services) must be prepared to meet applicable legal requirements, including federal, state, and local Laws.

1.2.2 Objective. The ultimate objective is to provide, in precise, coherent, concise and in an easy to comprehend manner for a qualified professional, all information required for construction of the Project in accordance with the foregoing.

1.2.3 Compliance. By delivery of completed work, Consultant certifies that the work conforms to the requirements of (a) this Agreement, (b) all applicable Code Requirements, and (c) the professional standard of care in California.

1.2.4 Evaluation. Consultant understands and will implement the City's Project objectives and act in City's best interest at all times. Consultant is responsible for making an independent evaluation and judgment of all conditions affecting performance of the work, including without limitation site conditions, existing facilities, seismic, geologic, soils, hydrologic, geographic, climatic conditions, applicable Code Requirements, and all other known contingencies or design considerations. Data, calculations, opinions, reports, investigations, and other similar information provided by City relating to the Project Site or local or other conditions is not warranted or guaranteed, either expressly or impliedly, by City. Consultant's responsibilities under this section may not be delegated. Consultant is responsible to City for the acts, errors, or omissions of Consultant's employees, agents, representatives, subcontractors, and Consultants.

### • 1.3 SCHEDULE

1.3.1 Service Schedule. A schedule for the performance of Consultant's services (the "**Work Schedule**") is attached as **Exhibit C**.

1.3.2 Extension of time for unforeseen circumstances. If Consultant is unable to meet the completion date or Service Schedule due to circumstances beyond Consultant's reasonable control, such as war, riots, strikes, lockouts, work slow-downs or stoppages (except strikes, lockouts, or work slow-downs or stoppages of Consultant's employees or subcontractors), acts of God such as floods or earthquakes and electrical blackouts or brownouts, then Consultant must inform City in writing of the additional time required to perform the work and City may equitably adjust the Service Schedule.

1.3.3 Project Schedule. After the Project requirements have been sufficiently identified, City will prepare and periodically update a Project Schedule (the "**Project Schedule**"), based upon the Service Schedule of Consultant and the schedules of City and other Project participants. The Project Schedule will identify milestone dates for decisions required of City, design services furnished by Consultant, completion and submission of documentation provided by Consultant, and commencement of construction and Substantial Completion of the construction portion of the Project. Consultant will assist City with the preparation of and updating of the Project Schedule.

### • 1.4 BUDGET

1.4.1 Project Budget. City has developed a budget for construction identifying City's budgetary constraints (the "**Project Budget**"). Consultant will design to 90% of City's construction budget to allow sufficient design contingencies. City will provide the construction budget to Consultant prior to commencement of Consultant's services.

1.4.2 Assistance to City. Consultant will coordinate its services with those of City. Consultant's services will include assistance to City in scheduling, cost estimating, value engineering, and other similar services.

• **1.5 SUBCONSULTANTS**

1.5.1 Approval of Consultants. City must approve all Consultants retained by Consultant in its performance of the Services. Consultant will, concurrently with the execution hereof, submit to City a list identifying Consultant's principal, project manager, and project designer responsible for the Project, as well as a schedule of all Consultants. City may reasonably object to any person or entity so designated. If City objects, then Consultant must promptly replace the objectionable person or entity and resubmit an alternate to City for approval until an acceptable alternate is submitted. No changes may be made to the designated representatives of Consultant, including its Consultants, without the prior written consent of City unless such change results from the particular designated representative's termination of employment or such representative is not capable of performing the services for which he is responsible due to disability or death (in connection with employees of Consultant). In the event of a change as specified above (e.g., termination or incapacity), City may reasonably object to any replacement, in which case Consultant must promptly replace the objectionable person or entity and resubmit an alternate to City for approval until an acceptable alternated is submitted. The designated and approved principals, project manager, and project designers must dedicate such time and work effort as may be required to assure compliance with the obligations of Consultant under this Agreement. In addition to the primary contact designated by Consultant in this Agreement, Consultant must also designate a primary contact person for each Consultant who will be the responsible point of contact for coordination of the Project work with City throughout the duration of the Project, subject to replacement following the same process as set forth above.

1.5.2 Consultants. When Consultant is required to retain a Consultant, Consultant will negotiate fees on a lump sum basis to the extent possible and enter into a contract with the Consultant and be responsible for the Consultant's work, performance, and schedule, and coordination of its work with that of the other Consultants directly retained by Consultant as well as by City, Construction Manager, or their representatives.

1.5.3 Coordination of Consultants. Consultant will have the primary responsibility for coordination of (not "coordination with") both Consultant's Consultants and City's Consultants. As part of Consultant's coordination of Consultants' work product, Consultant will provide the appropriate space within the Project's design parameters to accommodate the physical work. Consultant will comply with such Consultant's recommendations via notes and/or details, subject to City's direction.

• **1.6 REVIEWS**

1.6.1 Meetings. Consultant's Basic Services include all meetings with City for formal reviews and presentations during each phase as indicated in the following paragraphs of this Article. Consultant's Basic Services also include all of the informal and unscheduled meetings required to properly coordinate Consultant's services with that of other Consultants, engineers, Consultants, and contractors, and to communicate with City during each phase of service. Consultant is responsible for preparing meeting minutes. Consultant will participate in periodic meetings with City senior staff and elected officials as needed or requested to present periodic Project updates and assist in securing required approvals.

1.6.2 Update. As part of the requirements set forth in this Article 2, Consultant will regularly monitor the time expended and quantities and quality of work performed by Consultant, and that of the Project Consultants retained by Consultant. Consultant will also submit a proposed updated schedule for all deliverables consistent with those listed below at the start of each phase of services.

1.6.3 Formal Reviews. Formal reviews will be required as necessary during the conceptual documents, schematic design documents, and design development documents. Unless otherwise directed, all Consultants' primary contacts must be present at these review sessions. Progress submittals, working drawings, specifications and all other documents that are required to perform the Services will be reviewed and returned with comments at a scheduled design review with Consultant and its appropriate Consultants. After receipt and review, City's comments will be incorporated into the next scheduled release of work.

1.6.4 Progress Submittals. Progress submittals will be required at the 50 and 100 percent completion points for Design Development Services. Review meetings will be held in conjunction with these progress submittals.

1.6.5 Regular Meetings. In addition to the milestone reviews, and other meetings included as part of Basic Services, informal progress design review meetings or conference calls covering one or more disciplines will be held every week during the Design Development phase and every two weeks thereafter.

1.6.6 Authorization to Proceed. Authorization to proceed to the next phase will be issued in writing to Consultant and might be withheld for one or more other disciplines depending on their progress and acceptance with design at City's sole discretion.

1.6.7 Drawing Submittals. Drawings submittals from Consultant will be sent to City by electronic mail in PDF and .dwg formats, CAD Plot file, and regular first-class mail. The date of mailing will be the triggering date for the time of a response, if any. Overnight courier services should be used only if approved by City. Consultant will send drawings submittals to City at 100 percent Schematic, 50 and 100 percent Design Development phases of work, which will include CAD (.dwg) and Plot files, PDF and/or TIFF files. Consultant shall also furnish City with all due diligence reports and CEQA reviews and specified mitigations.

1.6.8 Base Information. Consultant will review available geotechnical reports, existing civil surveys, available as-built drawings, program information, and other information. Consultant is to prepare base drawing information for the Project, needed for the subsequent work, in a format as required by City.

## • 1.7 DOCUMENT STANDARDS

1.7.1 Single Source. As part of its Basic Service, Consultant will provide a single source of responsibility and control for the Services, including but not limited to: architectural, landscaping, engineering (site surveying, structural, MEP, civil), lighting, signage and graphics, codes, acoustical, and water management.

1.7.2 NCS. All documents must be prepared on Revit in accordance with the National CAD Standards (NCS). Any recommendations to City on changes to the standards must be made within two weeks from the execution of this Agreement.

1.7.3 Code Compliance. Consultant will verify code compliance of the design with all applicable rules, regulations, codes, orders, and laws applicable to or affecting the Project, including those of the agencies of the City, County, State or other reviewing authority.

1.7.4 FTP Site. Consultant will establish and maintain during the Term a File Transfer Protocol (FTP) site (or arrange for Newforma or other similar document management site) for the Project, which will host the design documents and other relevant Contract Documents necessary for the design and construction of the Project.

## • 1.8 INFORMATION

1.8.1 Recommendations. Consultant will make recommendations to City regarding any investigations, surveys, tests, analyses, and reports that are deemed necessary and required by Consultant or any of its

Consultants to properly perform the Services. Such recommendations will be made in writing and in a timely manner to allow implementation without causing any delay to the Project Schedule.

1.8.2 Requests for Information by Consultant. Consultant will submit all requests for information to City as soon as information is required. Requests may be made by City verbally, by email, or by first-class mail. The date of mailing will be the triggering date for the time of a response, if any. Verbal requests are also acceptable so long as Consultant also submits the requests in written format and sends them via email or first-class mail. The date of mailing will be the triggering date for the time of a response, if any. Consultant will define the priority of the request.

1.8.3 Value Engineering. Value engineering will be accomplished in conjunction with the assistance of City and/or Construction Manager pursuant to a strategic program to be integrated as part of each progress submittal. Consultant will assist City during all phases on a continuous and timely basis to make value determinations that affect the design itself, including the best and most economical methods, materials, systems and equipment to be used in the Project.

• **1.9 ADDITIONAL SERVICES**

1.9.1 Performance of Additional Services. The Services described in this Section 1.9 are not included in Basic Services unless expressly identified in Sections 1.1 through 1.8, or in Article 2. Consultant will, upon request by City, perform the Additional Services described in this Section 1.9.

1.9.2 Compensation for Additional Services. City will compensate Consultant for such Additional Services as provided in Section 1.9 of the Agreement. Notwithstanding anything to the contrary in this Agreement, City will not be responsible to pay, and Consultant will not be entitled to receive, compensation for any contingent or Additional Services if such services are required due to deficiency of the drawings and specifications of Consultant or Consultant's failure to perform in accordance with the terms of this Agreement. Consultant will have no claim for any extras whatsoever, unless and until specific written directives are given by City to Consultant. Additionally, notwithstanding anything to the contrary in this Agreement, Consultant will not be compensated for Services, whether considered Basic or Additional, in excess of the fees set forth in **EXHIBIT B**, unless such excess is approved in advance in writing by City. Consultant acknowledges that the fees set forth in **EXHIBIT B** are a Not-To-Exceed Amount for all services necessary to effectuate the obligations of Consultant under this Agreement.

1.9.3 List of Additional Services. The following Services are Additional Services:

- A. Making material revisions to any drawings, specifications or other documents will be Additional Services only if Consultant demonstrates to City that Consultant incurred a direct increase in Consultant's costs and only when such revisions are:
  - (1) Inconsistent with approvals or instructions previously given by City, in writing, including revisions made necessary by adjustments in City's program or Project Budget (except when required due to Consultant's errors or omissions);
  - (2) Required by the enactment of revisions of Code Requirements subsequent to the preparation of such documents;
  - (3) Due to changes required as a result of City's failure to render decisions in a timely manner; or
  - (4) Due to a change in government agency regulations that are inconsistent with earlier regulations upon which written approvals were obtained.

- B. Providing services required because of significant changes in the Project including, but not limited to, changes in design, size, quality, complexity or City's schedule.
- C. Providing consultation concerning replacement of Project Work lost by theft, damaged by fire, or other casualty, acts of God or the elements during construction, and furnishing services required in connection with the replacement of such Project Work.
- D. Providing services made necessary by the termination or default or alleged default/breach of the Construction Manager, negligent acts or omissions of the Construction Manager, or by major defects or major deficiencies in the work of the Construction Manager.
- E. Providing services relative to the master planning and budgeting of future facilities, systems and equipment that are not a part of the Project.
- F. Providing any other services not otherwise included in this Agreement as Basic Services, if authorized in advance in writing by City.

1.9.4 Written Authorization Required. The parties will provide authorized written directions and communications with respect to all matters relating to scope, price, schedule or any other material issues relating to the Services. Consultant may not proceed with any request for Additional Services, and may not proceed to perform Additional Services, absent written authorization from City. City may not request Additional Services unless in a written authorization to Consultant.

1.9.5 Disputes Regarding Additional Services. If there is a dispute related to compensation for Additional Services, Consultant will continue to perform the Services (including the disputed Services) and the parties will proceed to resolve the dispute in accordance with the Agreement for Professional Services.

• **2.1. PRE-DESIGN PHASE**

2.1.1 Project Program. Consultant is fully familiar with the Project Site and the City's intended use of the Project Site and structures to be designed and the amount of space needed to be devoted to various programs.

2.1.2 Site Analysis and Pre-Development Work. Consultant will provide on-site observations, an initial analysis of zoning and other published critical applicable governmental restrictions, and assist City in establishing criteria and a preliminary evaluation of the Program Project requirements. In order to accomplish this objective, Consultant will perform the following:

- A. Consult with representatives of City to review applicable requirements of the Project in order to understand the goals and objectives of City with respect to their impact on City's space requirements;
- B. Review past public meetings and community outreach meetings and minutes related to the design of the library and overall project concerns, massing and design-related elements for consideration of overall project parameters and goals;
- C. Review the requirements necessary for the various Project functions, relationships or operations, such as those for projected personnel, space, furniture, furnishings and equipment, operating procedures and communications;
- D. Preparation of a budget for the Work and a Project Schedule;

- E. Gather information furnished by City and its representatives to aid Consultant in understanding City's present, short-term and long-term space requirements, including special equipment needs, organizational structure, adjacencies and flow; and
- F. Review and confirm the development requirements including: site access, building setbacks, building site coverages, building heights, parking and emergency services access.

2.1.3 Design Intent. When City and Consultant have sufficiently identified the Project requirements and Consultant has prepared other basic conceptual criteria, Consultant will prepare a written summary of observations and will meet with City (and any other designated representatives) regarding design intent.

2.1.4 Coordination. The following service is not included as part of Consultant's Basic Services: Environmental Services. Consultant will, however, be responsible for coordinating the work product of this Consultant with that of its own. For purposes of this requirement, coordination will include reviewing consistency of finishes, slopes, colors, interconnections, and similar issues benefiting from review by the Consultant and will include the requirements of Section 1.5.3.

2.1.9 Services. Consultant's **Pre-Design Scope of Services** include:

- A. Public Outreach: Consultant will coordinate the efforts of the Public and Community Outreach which will include at a minimum the following services:
  - 1. Assist City Outreach by participating in up to three (3) public outreach events.
  - 2. City to facilitate the Communication/Public Involvement & Facilitation services, including meetings and workshops.
- B. Studies of one or more possible solutions for selection and approval. These studies will include an overall site plan, diagrammatic plans for each level within the development, and tabulated data including square footage and overall efficiencies of the development, bearing in mind at all times City's budgetary constraints, and the Project Site limitations.
- C. Consultant will work with City and applicable regulatory agencies so designated to annotate the existing Project Program, and any revisions thereto, to ascertain City's needs and to establish the overall requirements for the Project. The Project Program will include aggregate space needs, site improvement criteria, special environmental requirements, anticipated utility services by type and capacity, and other information needed to set the standards for the size and type of structure(s) to be constructed as well as the interior improvements and furnishings.
- D. Consultant will prepare an initial concept illustrating diagrammatically the size and relationship of the Project components consistent with the Project Program.

## 2.2. SCHEMATIC DESIGN PHASE

2.2.1 Schematic Design Phase Services. During the Schematic Design Phase, Consultant will further develop the approved Pre-Design phase designs for the Project into hand drawn, or CAD measured drawings (typically 1/16"=1'-0" to 1/4"=1'-0"). The Schematic Design drawings will fix the building's components within the constraints of the site, regulatory envelope and Code Requirements, and the Project Budget. At this time, approximate dimensions, areas, and volumes are indicated on the drawings. Also, building systems, equipment and materials will be researched and explored, in connection with structural, mechanical, electrical, and plumbing Consultants. Consultant's Schematic Design Phase Services include:



- A. Initial on-site coordination meeting with Consultants to verify site configuration and conditions using all data and documentation available to Consultant
- B. Meeting minutes of meetings identifying those attending, topics discussed, required actions and to whom assigned, due dates and status of all open items
- C. Reviewing preliminary design and planning documentation including entitlements, zoning analysis, traffic studies, civil and geotechnical engineering reports, and other reports relevant to the design effort
- D. (Omitted)
- E. Plan check/meetings required by governmental and quasi-governmental authorities
- F. Coordination of all A/E services
- G. Analysis of comparative systems with other design related disciplines
- H. Determination of system space and location requirements with: structural, mechanical, electrical, plumbing, ADA and other relevant Consultants
- I. Determination of special building equipment and fixtures required by users that may affect Consultant's or that of its Consultants' work product
- J. Conducting Consultant coordination meetings to ensure coordination/compatibility
- K. Perform consulting, review, and approval services including: City consultations, research of critical applicable regulations, preparation of written and graphic explanatory materials, appearances on the City's behalf at agency meetings
- L. Provide City supplied data coordination services including: Review and coordination of complete as-built drawings, AutoCAD backgrounds and data furnished for the Project as a responsibility of the City
- M. Carefully examine the project sites and surrounding areas to become familiar and ascertain potential issues that will need to be addressed in the design
- N. Coordinate the preparation of an estimate of construction costs by Consultant's professional independent estimating Consultant.
- O. Provide LEED Green Building Program/Sustainable consulting services that will occur during the Schematic Design and Design Development phases in the project's pursuit of LEED Silver certification from the U.S. Green Building Council, and LEED Zero – Electrical certification from the U.S. Green Building Council. Team members must have experience in LEED Zero programs.
- P. Public Outreach: Consultant will coordinate the efforts of the Public and Community Outreach which will include at a minimum the following services:
  - 1. Assist City Outreach by participating in two (2) public outreach events.
  - 2. Assist City Outreach by participating in up to six (6) focus group workshops including underserved and underrepresented populations.
  - 3. City to facilitate the Communication/Public Involvement & Facilitation services, including meetings and workshops.

2.2.2 Schematic Design Deliverables. Based upon the approved Conceptual Design and any adjustments authorized by City in the Project Program, Project Schedule and Project Budget, Consultant will prepare for approval by City, Schematic Design Documents consisting of the following deliverables:

- A. Preparation of a general description of the project, including materials and equipment outlines, aggregate space needs, site improvement criteria, special environmental requirements, anticipated utility services by type and capacity, and other information needed to set the standards for the size and type of structure(s) to be constructed as well as the interior improvements and furnishings
- B. Presentation of optional design features and variations
- C. Colored elevations for all buildings and parking structure(s) at 1/16" = 1'-0"
- D. Buildings and parking structure sections at 1/16" = 1'-0"
- E. Wall sections showing general construction methods and materials at appropriate scale(s)
- F. Details as required at appropriate scale(s)
- G. Drawings, outline specifications, and systems performance criteria
- H. Color and Finish Selections
- I. Color and Materials Boards (3 minimum),
- J. Site Plan with diagrammatic indications showing horizontal relationships
- K. Building and Site Sections showing vertical relationships
- L. Building Elevations of major facades with material call outs
- M. Typical floor plans for each component colored for reference clarity
- N. Schematic conceptual exterior elevations and sections that delineate the basic shape, structure, site and character of the proposed development showing grid lines and typical column locations, and location of key exterior design features
- O. Preliminary selection of building systems and materials
- P. A minimum of two sketch perspectives conveying design intent
- Q. Interior Design Services consisting of space allocations and utilization plans based on functional relationships, and development of conceptual design solutions in order to establish:
  - 1. Space studies of maximum efficiency bay depths, mullion and columns spacing for the buildings
  - 2. Preliminary finish materials and color selections for shell and core components
- R. Electrical Engineering Services consisting of consideration of alternate systems, recommendations regarding basic electrical materials, systems and equipment, analyses, and development of conceptual design solutions for:
  - 1. Power service and distribution.
  - 2. Lighting Design.
  - 3. Special electrical systems.

4. General space requirements.
  5. Fire detection and alarm requirements.
  6. Security requirements.
  7. Communication requirements.
  8. Emergency power system requirements.
  9. Basis of Design Report to include recommendations for lighting, power, control, and communication systems and recommendations of special requirements as well as electrical utility demands for both normal and emergency power sources.
  10. Site plan showing recommended conduit routing and locations of transformers pads and vault locations.
- S. Mechanical and Plumbing Engineering Services consisting of consideration of alternate materials, systems and equipment, and development of conceptual design solutions for:
1. Heating, ventilating and air conditioning.
  2. Plumbing.
  3. Fire protection (backbone).
  4. Special mechanical systems.
  5. General space requirements.
  6. Basis of Design Report to include demand estimates for domestic and fire water, and natural gas, estimate of loads for sanitary system, recommendation and description systems and materials, description of special requirements, and design criteria.
  7. Recommendation on HVAC equipment, plumbing, and fire sprinkler riser locations.
  8. Recommendation on Mechanical room requirements, layouts and locations.
- T. Structural Engineering Services consisting of recommendations regarding basic structural materials and systems, analyses and development of conceptual design solutions for:
1. A predetermined structural system.
  2. Preliminary foundation plan requirements.
  3. Preliminary sketches and descriptions of structural work.
- U. Independent building code consultant review
- V. Virtual model, renderings and simulations
- W. Independent window wall systems review
- X. Design of automated access control and video surveillance systems
- Y. Design of AV systems
- Z. Acoustics, Noise and Vibration Control Design: Services and documentation include, but are not limited to:

1. Review the Design Program Document and provide comments.
  2. Develop project criteria to meet minimum and industry standard requirements for:
    - a. Exterior noise
    - b. Sound transmission
    - c. Impact transmission
  3. HVAC, electrical, plumbing and elevator system noise and vibration control and felleable vibration.
  4. Measure noise levels over several days to define the exterior noise levels. Provide preliminary recommendations for glazing.
  5. Provide preliminary recommendations for partitions and impact isolation.
  6. Participate in design meetings as required.
  7. Review mechanical engineer's system design concepts. Advise on the acoustical, noise and vibration implications of the system selected.
  8. Review schematic drawings and provide comments in writing.
  9. Review revisions and provide comments.
  10. Outline specifications.
- AA. Codes and Accessibility Compliance: Services and documentation include, but are not limited to:
1. Verify the Project's code requirements.
  2. Reference and cite all applicable codes and standards including local amendments to the state building code; local, state and federal accessibility regulations, CSA codes and regulations, and all code-related regulations such as NFPA, CBC and FHA.
  3. Identify all special studies, reports and other data related to any applicable environmentally sensitive area that will be required for obtaining permits.
  4. Review Consultant's proposed building construction types, building height and area limits, separation requirements and egress components to enable the rapid development of the planning and design.
- BB. Approved Space Program and Executive Summary Visioning Document
- CC. One set of approved Preliminary Interior Test Fit Plans
- DD. One set of approved Space Plans
- EE. One approved Interiors Schematic Design Document set for each building
- FF. General Information Sheet with Drawing Index
- GG. Area Summary Statistics for gross building, floor, common, and tenant areas, space efficiency, unit counts, key counts

- HH. Prepare a color palette to be used for building and interior areas, including illustrative Architectural materials and finish
- II. Creation of a products and materials selection list
- JJ. Draft project outline specifications

2.2.3 FTP Site. All deliverables will be available electronically on Consultant's FTP site and formatted into an 11x17 color PDF file format so that it can be readily printed and bound by City.

2.2.4 Electronic Copy. Consultant will provide City with an electronic version (in .dwg format for drawings) of all Schematic Design Documents (e.g., CAD files, Specifications, etc.) upon completion of the Schematic Design Phase. In connection with the deliverables identified above, Consultant will attend and coordinate attendance by other Project Consultants when necessary, to affect the timely and coordinated completion of the Schematic Design Documents such meetings as are necessary to accomplish the timely delivery of all services and documents identified in this Agreement.

*Consultant is to submit to the City for Preliminary Review. Consultant to submit revisions to the City within 14 business days after receipt of City's comments. Consultant to revise and resubmit to the City within 25 business days after receipt of City's comments to obtain City Planning Preliminary Approval.*

## **2.3. DESIGN DEVELOPMENT PHASE**

2.3.1 Design Development Services. The Design Development phase further develops and refines the approved Schematic Design for the buildings and site improvements into measured CAD drawings at a scale required to convey and describe the design intent. Consultant will continue to arrange and participate in design and coordination meetings required to coordinate the work product of the Consultants. Consultant's Design Development Phase Services include:

- A. Meetings to capture information relevant to progressing coordinated design effort predicated on Schematic Design Deliverables;
- B. Minutes of meetings identifying those attending, topics discussed, required actions and to whom assigned, due dates and status of all open items;
- C. Presentations as identified, including but not limited to two design progress presentations to the City Building Committee and/or City Council;
- D. Coordination of all architecture and engineering services;
- E. Review of building design program and verification of compliance;
- F. Review of all data received from City or other sources and determining need for additional data or clarifications;
- G. Structural engineer's review and investigation of all applicable regulations;
- H. Conducting coordination meetings with all of Master Consultant's Consultants;
- I. Conducting coordination meetings with all of City's Consultants;
- J. Perform consulting, review, and approval services including: City consultations, research of critical applicable regulations, preparation of written and graphic explanatory materials, appearances on the City's behalf at agency meetings;

- K. Provide two Design Development Presentations including final materials, finishes, sketches, elevations and plans for all disciplines noted, and all aspects of the Project;
- L. Upon approval of the Design Development, Documents prepare two sets of color, material and design presentation boards for the City's use; and
- M. Revisions include: One revision to the Design Development Documents.
- N. LEED Green Building Program/Sustainable Design Services, including:
  - 1. Provide LEED Green Building Program/Sustainable consulting services that will lead the City through planning to design with major decisions expected to occur during the Schematic Design and Design Development phases in the project's pursuit of a minimum of LEED Silver certification from the U.S. Green Building Council and LEED Zero – Electrical certification from the U.S. Green Building Council. Team members must have experience in LEED Zero programs.
  - 2. Project Registration services consisting of registering the Project with the USGBC/GBCI and managing the LEED On-Line service for the Project.
  - 3. LEED Green Building Program Design-Phase Kickoff Meeting services including:
    - a. Facilitating a kick-off meeting, inclusive of the City and design consultants, to set the stage for the LEED Green Building Program design-phase process.
    - b. Assessing specific LEED Green Building Program prerequisites and credits as either "Taken", "Potential" or "Not Applicable" and assigning LEED Green Building Program responsibilities to individual owner and design team members.
  - 4. Maintain and update the LEED Green Building Program checklist assessment throughout the duration of the Project.
  - 5. Owner's Project Requirements & Basis of Design services consisting of documentation to support Fundamental Building Systems Commissioning including:
    - a. Developing a preliminary Owner's Project Requirements (OPR) Document (required for the LEED Green Building Program Commissioning Prerequisite), defining key performance requirements for building systems serving as a basis for evaluating potential sustainable design ideas.
    - b. Lead the Project team in developing a narrative Basis of Design (BOD) that documents the significant programming and design assumptions and strategies for the Project.
    - c. Commissioning specifications to verify the commissioning requirements are included in construction documents.
  - 6. Sustainable Design Charrette services consisting of:
    - a. Facilitating a half-day workshop to refine project goals for sustainability and LEED certification.
    - b. Brainstorming green building design strategies.

- c. Refining the LEED Green Building Program assessment, roles and responsibilities.
  - d. Leading the team in a discussion of the design and construction strategies that are most effective for the Project and the corresponding LEED Green Building Program points associated with each strategy. The discussion shall include the Operations and Maintenance pros/cons and the cost differential in construction and life cycle operations and maintenance of LEED Green Building Program building vs. standard code compliant construction.
7. LEED Green Building Program Design Review services consisting of reviewing major design milestone submittals for compliance with targeted LEED Green Building Program credits, Owners Project Requirements, and established design goals.
8. LEED Green Building Program Specification Review services consisting of reviewing the project specifications for compliance with the targeted LEED Green Building Program credit requirements, as well as general contractor instructions regarding LEED Green Building Program certification.
- O. Public Outreach: Consultant will coordinate the efforts of the Public and Community Outreach which will include at a minimum the following services:
  - Assist City Outreach by participating in two (2) public outreach sessions
  - City to facilitate the Communication/Public Involvement & Facilitation services, including meetings and workshops.

2.3.2 Design Development Deliverables. Based upon the approved Schematic Design documents and any adjustments authorized by City in the Project Program, Project Schedule and Project Budget, Consultant will develop and prepare for approval by City, Design Development Documents consisting of the following Deliverables:

- A. **Architectural Design Deliverables:** Provide the following architectural documentation:
  - (1) Refinement of site plan indicating building location and site improvements (CAD);
  - (2) Refinement of other documents prepared as part of the Schematic Design Phase, including plans, elevations, sections, building color and materials palette, schedules and notes;
  - (3) Building & Detail sections defined;
  - (4) Typical and special Wall Sections;
  - (5) Building elevations;
  - (6) Key Design architectural details;
  - (7) Supporting the Affordable Housing Developer in the selection of exterior finish / color;
  - (8) Building Plans (each level);
  - (9) Equipment layouts;
  - (10) Preparation of a preliminary Project Manual;

- (11) Preparation of Outline Specifications, in standard CSI formats;
- (12) Informational Drawings, including:
  - (a) Title Sheet;
  - (b) Schedules: All partition/demising wall types defined, complete paint/finish schedule. Complete door/frame/hardware/finishes schedule, complete window schedule.
- (13) Drawings and other documents to fix and describe materials and systems that may be appropriate for the Project;
- (14) Review specifications for the waterproofing systems and provide comments and corrections as needed;
- (15) Planning and preparation of appropriate presentation materials; and
- (16) After presentation, identify changes, repercussions, contradictions, or conflicts to City.

**B. Structural Engineering Design Development Deliverables:** Documentation related to Interior Tenant Improvements including, but not limited to:

- (1) Final structural design criteria;
- (2) Interior framing requirements and sizes;
- (3) Lateral load resisting system;
- (4) Critical coordination clearances;
- (5) Preliminary structural design calculations for typical elements;
- (6) Framing layout drawings;
- (7) Typical detail sheets;
- (8) Identify pre-engineered structural elements (trusses, walls, etc.); and
- (9) Update and expand Schematic Phase Outline Specifications, in standard CSI formats.

**C. Mechanical and Plumbing Design Development Deliverables:** Documentation including, but not limited to:

- (1) Approximate sizes and capacities of major components and basic equipment information
- (2) Preliminary equipment layouts
- (3) Required space for equipment
- (4) Acoustical and vibration control requirements
- (5) Visual impacts
- (6) Energy conservation measures
- (7) HVAC plans showing supply and return air and thermostat locations;



- (8) HVAC equipment schedule including approximate load, weight, and power requirements;
- (9) Plumbing equipment and fixture schedule;
- (10) Updated mechanical room layouts
- (11) Ductwork single line layout;
- (12) Piping layout;
- (13) Standard details;
- (14) Updated HVAC load calculations, plumbing fixture count, and utility load calculations; and
- (15) Update and expand Schematic Phase Outline Specifications, in standard CSI formats, and keynotes in Engineer's standard format and level of detail.

**D. Electrical Engineering Design Development Deliverables:** Documentation including, but not limited to:

- (1) Criteria for exterior and interior lighting and electrical systems for architectural components
- (2) Approximate sizes and capacities of major components, and basic equipment information
- (3) Provide preliminary analysis of the building design for compliance with Energy Conservation Standards Updated Electrical load calculations and summaries (normal and emergency);
- (4) Preliminary equipment and lighting layouts
- (5) Required space for equipment
- (6) Un-circuited lighting layouts;
- (7) Un-circuited power plans;
- (8) Updated electrical/electronic room layouts;
- (9) Fire alarm, communications telephone LAN device layouts;
- (10) Completed single line diagram with feeder lengths;
- (11) Lighting protection plan and grounding;
- (12) Electrical equipment schedule with approximate loads, weights and power requirements;
- (13) Panel and loading schedules coordinated with electrical distribution panel sizes and locations;
- (14) Standard electrical details;
- (15) Update and expand Schematic Phase Outline Specifications, in standard CSI formats, and keynotes in Engineer's standard format and level of detail; and

- (16) Project Manual Table of Contents.

**E. Lighting Design Development Deliverables:** Documentation including, but not limited to:

- (1) Refine Selection of Lighting Fixtures;
- (2) Plans and Building Elevations showing the location of Lighting Fixtures at appropriate scales;
- (3) Update and expand Schematic Phase Outline Specifications (in standard CSI formats) including updating Vendors Cut Sheets;
- (4) Update of fixtures list;
- (5) Preliminary load and budget estimates;
- (6) Installation notes to the Construction Manager; and
- (7) Luminaire schedule.

**F. Codes and Accessibility Compliance:** Services and documentation including, but not limited to:

- (1) Update the code review of the Schematic Design with the focus on building construction types, building height and area limits, separation requirements and egress components to enable the rapid development of the scheme;
- (2) Attend meetings with Building Officials, Fire Agencies, Environmental Review Agencies, and similar Permitting agencies as required to resolve codes issues while advocating City's position;
- (3) Verify the Project's Code Requirements;
- (4) Cite applicable codes and standards including local amendments to the state building code; local, state and federal accessibility regulations, health codes and regulations, and code related regulations;
- (5) Identify special studies, reports and other data related to any applicable environmentally sensitive area that will be required for obtaining permits;
- (6) Review proposed building construction types, building height and area limits, separation requirements and egress components to enable the rapid development of the planning and design; and
- (7) Review the design development documents to assess compliance with applicable accessibility standards, identify issues based on the documents, and make recommendations relevant to each identified issue.

**G. Acoustics, Noise and Vibration Design Deliverables:** Services and documentation including, but not limited to:

- (1) Develop Project criteria to meet minimum and industry standard requirements for:
  - (a) Exterior noise;
  - (b) Sound transmission; and

(c) Impact transmission

- (2) Review proposed HVAC, electrical, plumbing and elevator system noise and vibration control and felt vibration;
- (3) Measure noise levels to provide preliminary recommendations for glazing;
- (4) Provide preliminary recommendations for partitions and impact isolation;
- (5) Predict the interior noise levels that will occur in different spaces taking into consideration building shell and interior space acoustical characteristics;
- (6) Summarize the results of our measurements, analysis and recommendations in a report. The analysis and report will be in accordance with city and state requirements;
- (7) Develop recommendations for absorption in different spaces to provide an environment that will limit reverberation, free of echoes and lower background noise levels. Provide details for all interior surfaces. Provide recommendations for absorption;
- (8) Mark-up floor plans with the required partition and door types as project progresses;
- (9) Provide sketches indicating plan, section and intersection details. Discuss and incorporate into the design improvements associated with unbalanced walls, cavity insulation resilient channels, isolation etc.;
- (10) Provide details for perimeter, astragal and threshold seals for doors. Provide specifications for acoustical performance of doors;
- (11) Provide recommendations for supply and return sound traps, duct lining, and duct velocities;
- (12) Provide recommendations for Vibration isolation of equipment and piping;
- (13) Provide recommendations for Vibration isolation of electrical, plumbing and elevator equipment to meet project criteria;
- (14) Analyze structural vibrations using Finite Element Analysis; and
- (15) Provide recommendation for structural changes as required.

**H. Exterior Wall and Window Systems:** Provide supporting services and documentation including, but not limited to:

- (1) Outline Specifications;
- (2) Details for window systems including profiles, mullions, flashings, and waterproofing systems.

**I. Automated Access Control and Video Surveillance:** Services and documentation including, but not limited to:

- (1) Outline Specifications;
- (2) Layout drawings indicating device locations, front head system locations, riser diagrams, and single line drawings to indicate a complete system.

**J. Audio/Video:** Services and documentation including, but not limited to:

- (1) Outline Specifications;
- (2) Layout drawings indicating device locations, front head system locations, riser diagrams, and single line drawings to indicate a complete system.

**K. Interior Design:** Services and documentation including, but not limited to:

- (1) Develop interior architectural elements, components and spaces including but not limited to, lighting concepts, ceiling and wall treatments and custom millwork.
- (2) Provide up to up to eight (8) Sketch-Up sketches of key design features proposed for the Project.
- (3) Develop three (3) final color palettes for all materials, finishes and fixtures based upon the approved material palette developed in the prior phase of work.
- (4) Provide partial reflected ceiling plans of key design features, and elevations of key architectural elements.
- (5) Further develop floor and finish plans to incorporate all design elements.
- (6) Provide two (2) Interiors Design Development Presentations including final materials, finishes, sketches, elevations, and plans.
- (7) Finalize the Interiors Design Development Documents, keynoting and outlining the following information:
  - a. Wall types, doors, and glazing.
  - b. Sound insulation requirements.
  - c. Telephone data and electrical requirements.
  - d. Special lighting and HVAC requirements.
  - e. Special ceiling, wall and floor treatments.
  - f. AV requirements.
  - g. Acoustical requirements.
  - h. Interior signage and graphics.
  - i. Finishes and materials.
  - j. Keynotes to describe key design features.
  - k. Keynoted outline sheet specifications.
  - l. Obtain the County's and user group's approval.
  - m. Two (2) Interiors Design Presentations.

**2.3.3 Criteria.** All of the foregoing effort will be performed consistent with the following:

- A. Consultant will prepare the Design Development Documents to comply with existing applicable Code Requirements.

- B. Consultant will coordinate and manage the Consultants retained by Consultant and coordinate its services with the services of the City's Consultants in its efforts to prepare Design Development Documents, and coordination thereof. Working with all applicable Consultants, Consultant will study the visual aspects of the structures. Building materials and methodologies of construction and assembly will be studied and selected, keeping in mind the various systems so that the final architectural design concept can be affected efficiently and economically and in accordance with City's budgetary expectations and Project Schedule.

2.3.4 FTP Site. All Design Development Deliverables will be available electronically on Consultant's FTP site and formatted into an 11x17 color PDF file format so that it can be readily printed and bound by City.

2.3.5 Electronic Copy. Consultant will provide City with an electronic version (in .dwg format for drawings) of all Design Development Documents (e.g., CAD files, Specifications, etc.) upon completion of the Design Development Phase.

*Consultant is to submit to the City for Final Review. Consultant to submit revisions to the City within 14 business days after receipt of City's comments. Consultant to revise and resubmit to the City within 25 business days after receipt of City's comments to obtain City Planning Final Approval.*

• **2.4. CONSTRUCTION DOCUMENTS PHASE – LIBRARY TENANT IMPROVEMENT**

2.4.1 Construction Documents. Consultant and City acknowledge that Consultant will be preparing the Construction Documents for the Downtown Library Tenant Improvement only City to expedite the Project, and Consultant will be compensated for those services. The Construction Documents Phase results in Construction Documents that set forth in detail the requirements for the construction of the Downtown Library Tenant Improvement. Based on approved Design Development documents, and any adjustments authorized by City in the Project Program, Project Schedule, and Project Budget, Consultant will prepare Construction Documents for approval by City. The design must comply with the Project Requirements, Requirements of Law, City's Design Standards, and the Americans with Disabilities Act. Consultant will manage and oversee all architectural and engineering disciplines and specialty Consultants for the preparation of Construction Documents by preparing the deliverables listed below required to obtain building permits and being able to build from. Construction Documents will include, but are not limited to, Building Department submittal, General and Special Conditions, Complete Construction Drawings including details, reports, solutions and final technical specifications for all architectural, Structural, Mechanical, Electrical, Plumbing, Fire Protection, Lighting, Signage and Graphics. Consultant must process the Construction Documents through approving agencies and incorporate all revisions/corrections as necessary to obtain the required approvals from those agencies. Consultant will participate in technical reviews of the Construction Documents and cost estimates with City prior to review and approval by City at the 90% completion stage. The Construction Documents will include drawings and specifications that establish in detail the quality levels of materials and systems required for the Project and will graphically illustrate the extent, configuration, location, relationships, and dimensions of the Project, and are coordinated with the work of Consultants retained by Consultant as part of its Basic Services and other Consultants (including those retained by Construction Manager or City). It is incumbent upon Consultant as a construction industry professional to set forth designs that are economical to build and use standard industry assemblies, systems, and components. The final Construction Documents will incorporate comments and mark-ups from appropriate governmental entities (Building, Fire Departments, etc.) and will consist of:

**A. CAD Scale Drawings:**

- (1) Site Plan;
- (2) Floor, podium slab, roof, unit, enlarged unit, stair & elevator plans (each level as applicable and required);
- (3) Building, Enlarged unit, exterior, enlarged, key interior, stair & elevator sections and elevations;
- (4) Building details;
- (5) Project Specifications
- (6) Utilities Plan
- (7) Floor Plan for each level
- (8) Building Sections
- (9) Enlarged Elevation
- (10) Architectural Details
- (11) Waterproofing Details
- (12) Structural Plans and Details
- (13) MEP Plans and Details
- (14) Interior Design Plans, Elevations, and Reflected Ceiling Plans
- (15) Interior Finish Plans
- (16) Interior finish selections
- (17) Interior Plumbing & Lighting Fixture selections
- (18) Window wall and curtainwall Plans
- (19) Intentionally left blank
- (20) Audio/video systems plans
- (21) Civil Engineering Plans
- (22) Acoustics Details
- (23) Area Calculations

**B. Informational Drawings:**

- (1) Drawing index/cover sheet;
- (2) Note sheets;
- (3) Schedules (door, window, hardware, & finishes);
- (4) Project data and area totals;
- (5) Code analysis and exiting plans.

**C. Specifications:**

Full Specifications showing the quality requirements of the Project plus delineate City's selections.

2.4.2 Construction Document Package. Consultant and/or its Consultants will (a) sign/seal Construction Documents as required by Building Department officials, (b) submit the Construction Drawings for Plan Check review and approval (City to pay all plan check fees), (c) revise as needed for governmental and jurisdictional approval, advising City of the required changes and (d) assist in resolving issues that may arise during plan check and amend the Construction Documents as may be required by the governing authority and do all things necessary to obtain the building permit. If government agency regulations are changed and become inconsistent with earlier regulations upon which written approvals were received and necessitate revisions, then Consultant will be compensated for any such revisions as an Additional Service. After final review and City acceptance of the 100% Construction Documents, Consultant will deliver a complete Construction Document package to City and other Permit applications as necessary for construction of the Project.

2.4.3 Reproduction. As part of its Basic Services, Consultant will provide City with one set of reproducible, and one set of printed final Construction Documents (the cost of the printed Construction Documents is a reimbursable expense). The reproducible set will be provided after City accepts the Construction Documents. Consultant will upload the final Construction Documents to the FTP site established for the Project. As part of its Basic Services, Consultant will issue specifications for the Project in compliance with all applicable Code Requirements, and provide City with one electronic set of approved specifications (in Word format).

2.4.4 Coordination. Consultant will retain, coordinate, and manage the mechanical engineer, electrical engineer, plumbing engineer, structural engineer, interior design consultant, code compliance consultant, Green Building Program/Sustainable consultant, audio/video consultant, acoustics consultant, and other related Consultants in its efforts to prepare Construction Documents. Consultant's Basic Services include all meetings required to accomplish this objective, including but not limited to formal meetings with City to review Consultant's efforts; meetings to follow up on corrections required by City or governmental agencies; formal pre-construction meetings with the Construction Manager and any other party involved with the construction effort; and management and coordination meetings with basic Consultants.

2.4.5 Coordination with City Affordable Housing Developer and Parking Structure Design Build Entity. Consultant will coordinate with City Affordable Housing Developer and Parking Structure Design Build Entity during construction to verify compliance with the final Construction Documents.

2.4.6 Coordination with City's and Construction Manager's Consultants. As part of its Basic Services, Consultant will consult with City, Construction Manager, and their respective Consultants in regard to design/build components. It is not intended that Consultant replicate items outside of Consultant's Scope of Services in Consultant's drawings, but to illustrate proper locations, spatial requirements, and trade coordination and to allow for inclusion of other Consultant's work within the buildings. City will provide Consultant with any City provided design drawings in a timely manner so that such designs can be properly coordinated within Consultant's drawings. Revisions to such City produced designs after incorporation by Consultant will be an Additional Service and will be reimbursed by City at the rates set forth in this Agreement. Consultant is not responsible for the acts, errors, or omissions of Consultants that are not retained by Consultant.

2.4.7 FTP Site. All Construction Documents Deliverables will be available electronically on Consultant's FTP site and formatted into an 11x17 color PDF file format so that it can be readily printed and bound by City.

2.4.8 Electronic Copy. Consultant will provide City with an electronic version (in .dwg format for drawings) of all Construction Documents (e.g., CAD files, Specifications, etc.) upon completion of the Construction Documents Phase.

2.4.9 Completion. The Construction Documents will be deemed to be complete when the plan check by the Building Official for the City has been completed and the Building Permit has been issued.

## **2.5 FURNITURE DESIGN AND MANAGEMENT SERVICES – LIBRARY TI ONLY**

2.5.1. In the furniture design and management phase of the project, the Consultant shall provide the following services necessary to design, negotiate and secure competitive pricing and services for the furniture items for the project.

### **A. Needs Assessment**

- (1) Meet with key representatives of the Project to define goals for obtaining furniture for the project, including image, function budget and schedule
- (2) Discuss the strategies for obtaining furniture for the new space. Evaluations would include the pros and cons for Public bid vs. established government pre-bid contracts such as CMAS or US Communities
- (3) Prepare an initial overall project furniture budget and schedule for review and approval by City
- (4) Review the work processes for all staff in more detail to assist the Consultant in designing typical workstation layouts that meet the functional needs of City Facility
- (5) Deliverables - One meeting, milestone schedule, and budget

### **B. Design and Bid Documentation Preparation**

- (1) Present private office and workstation images and ancillary furniture of the products from four major furniture consultants. Develop a strategy for bidding consultants that meet the design and budget intent of the City
- (2) Develop descriptive criteria for the furniture design intent for obtaining similar results in each of the competitive bids
- (3) Develop furniture setting plans for the entire project so the bidding dealers can understand the magnitude of the final scope
- (4) Assist in determining the criteria for Furniture Dealer (herein referred to as the "Dealer") selection, including initial and ongoing services, availability of products, installation capabilities, percentage off of list prices, etc.
- (5) Deliverables –
  - a. Two meetings
  - b. Furniture Configuration drawings-8 1/2 x 11 (individual) and 30 x 42 (overall)
  - c. Furniture Image Package



- d. Bid Documents including written and plan form

**C. Bid Process**

- (1) Develop and distribute Requests for Proposals to qualified suppliers, on City's behalf, respond to questions and provide clarifications as necessary to secure comparable competitive bids
- (2) Analyze bids for completeness; compare qualifications, services and prices. Make a recommendation for award of contract
- (3) Deliverables - Bid analysis spreadsheet and award of dealer contract

**D. Private Office, Workstations and Ancillary**

- (1) Finalize with City and the dealer the final configuration and specifications of these products
- (2) Select final finishes including fabrics, woods and paints to coordinate with approved color scheme. Dealer to provide a color board
- (3) Review dealer generated detailed furniture installation plans and sheet specifications for design intent. Coordinate power/data entry locations. Product numbers are to be verified with the dealer
- (4) Compare final costs for this product so as not to exceed the budget established
- (5) Detailed specifications are the Dealer's responsibilities

**E. Schedule Confirmation**

- (1) Review Dealer provided project schedule in coordination with the construction schedule and furniture acknowledgements
- (2) Deliverables - Three (3) Meetings with Dealer, marked up specifications, finish selections and power/data coordination

**F. Installation Administration Services**

- (1) Furniture Dealer shall coordinate with Consultant for final delivery and installation dates, confirm access and establish installation procedures with the City
- (2) Upon completion of installation, the Consultant shall attend a job walk to confirm completeness of installed FF&E items with the Dealer. Dealer shall develop a corrective work list of missing items or corrective measures required
- (3) Deliverables - One field visit

• **2.6. BIDDING AND NEGOTIATING SERVICES**

2.6.1 Included in Schematic Design and Construction Documents Phases. The services set forth in this Section 2.5 are included in, and part of, the Scope of Services for the Schematic Design and Construction Documents Phase.

2.6.2 Bid Documents. Upon conclusion of the Schematic Design and Construction Documents Phase, Consultant will provide reproducible Construction Documents to City.

2.6.3 Bidding and Negotiating Services. Consultant will provide services during these phases including, but not necessarily limited to, the following:

- A. Issue Schematic Design and Construction Documents and bid forms to the Construction Manager or City's representatives.
- B. Attend pre-bid meetings, if any, and interpret the documents as may be requested. Consultant will attend a job walk meeting with City, Construction Manager, and subcontractors bidding the contract and prepare addenda related to questions that arise.
- C. Prepare Addenda to the Construction Documents during the bidding period as may be required.
- D. Prepare timely response to contractors' inquiries.

• **2.7. CONSTRUCTION ADMINISTRATION PHASE – LIBRARY TI**

2.7.1 Commencement. The Construction Administration Phase will commence once building permits are made available for issuance and will terminate upon the earlier of (a) when final payment to the Construction Manager is due under the Construction Contract, or (b) in the absence of a final Certificate for Payment, 60 days following the date of Final Completion of the Project.

2.7.2 Administration. Unless otherwise provided in this Agreement and incorporated in the Contract Documents, as part of its Basic Services, Consultant will provide administration of the Construction Contract as set forth below and in the General Conditions of the Construction Contract provided to Consultant, including all necessary meetings.

2.7.3 Authority. Consultant will be a representative of City during the Construction Administration Phase, and will advise and consult with City. Consultant will have authority to act on behalf of City only to the extent provided in the Contract Documents. The extent of the duties, responsibilities, and limitations of authority of Consultant as City's representative during construction will not be modified without written consent of City, the Construction Manager, and Consultant. Consultant's Construction Administration Phase duties, responsibilities, and limitations of authority will not be restricted, modified, or extended without the written consent of City and Consultant. Consistent with the foregoing, prior to direction being given by Consultant to any contractor or vendor, Consultant will first advise City of its intended advice, opinions and directions and obtain City's prior approval.

2.7.4 Services. Consultant will provide Construction Administration services including, but not limited to, those required of the Consultant under the Development Agreement and the following:

- A. Administration. Represent, advise and consult with City during the administration of the Construction Contract.
- B. Prepare Owner Selections. Consultant will prepare and submit to City all selections of color, textures, and finishes for all required items of the Project for which City or Public Agency input is required in ample time for City or Public Agency approval before the time such information is needed by the subcontractors or Construction Manager.
- C. Distribute Documents. Prepare and distribute to all appropriate persons and entities, any correspondence, bulletins, drawings, supplemental specifications, addenda, etc. necessary to clarify or supplement the Construction Documents throughout construction. Bulletins will provide the Construction Manager with information relating to clarification, documentation of field changes, detailed changes, errors, omissions, and City changes. Consultant will provide

“clouded” revisions of all changes made to the Construction Documents and written narratives of all changes, so that all changes to the Construction Documents are clearly identified as changes.

- D. Site Visits. Visit the site at intervals appropriate to the stage of construction, or as otherwise agreed by Consultant in writing to become familiar with the progress, acceptability, and quality of the Work and to determine if the Work is proceeding in accordance with the Construction Documents, with Consultant performing at least one site visit per week. However, Consultant is not required to make exhaustive or continuous on-site inspections to check the quality or quantity of Work. On the basis of such on-site observations as a Consultant, Consultant will keep City informed of the progress, acceptability, and quality of Work, and will endeavor to guard City against defects and deficiencies in Work of the Construction Manager. As part of its Basic Services, Consultant has included all such visits, plus all visits to correct or clarify ambiguities, conflicts, errors, or omissions in the Construction Documents. Consultant agrees that its Principal Contact will be present and make as many site visits as reasonably requested by City during the closeout phase of work. Consultant will at all times have access to Work wherever it is in preparation or progress. Consultant and its Consultants will review, stamp, and sign in a timely manner all documents requiring approval or for which Consultant or its Consultants are responsible. Consultant will not have control over, or charge of, and will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the Work, unless expressly specified by Consultant or its Consultants. Except as otherwise provided in this Agreement, Consultant will not be responsible for the Construction Manager's schedule or Construction Manager's failure to carry out the Work in accordance with the Contract Documents. Except as otherwise provided in this Agreement, Consultant will not be responsible for the acts or omissions of the Construction Manager, its subcontractors, its agents or employees, or of any other persons performing portions of the Work, other than the representatives, agents, employees or Consultants of Consultant.
- E. Site Observation Reports. Prepare site observation reports within three Business Days subsequent to a site visit, or sooner if such information to be transmitted is of substantial and immediate importance. Consultant will issue reports to City and the Construction Manager related to deficiencies, errors, non-adherence to schedules, disagreements with pricing or time requests on change orders when requested by City, and other items of importance that Consultant observes during construction.
- F. Reject Work. Consultant will report to City and Developer any work that Consultant knows or suspects does not conform to the Contract Documents. Consultant will have the authority to recommend to the City to reject work that does not conform to the Contract Documents; however, the decision to reject shall be the sole responsibility of the City. Whenever Consultant considers it necessary or advisable for implementation of the intent of the Contract Documents, Consultant will have the responsibility and authority to require additional inspection or testing of the Work in accordance with the provisions of the Contract Documents, whether or not such work is fabricated, installed or completed; provided, however, that Consultant must obtain City's prior written approval of any such special inspection or testing. This authority, however, will not give rise to a duty or responsibility of Consultant to the

Construction Manager, its subcontractors and their sub-subcontractors, material and equipment suppliers, agents or employees or other persons performing portions of the Work.

- G. Interpretations. Consultant will interpret the requirements of the Contract Documents and convey such determination to City and the Construction Manager upon request of City. Consultant will render interpretations necessary for the proper execution or progress of the Work, with reasonable promptness and in accordance with the agreed upon time limits. Consultant will render written decisions, within a reasonable time, on all claims, disputes and other matters in question between City and the Construction Manager relating to the execution of progress of the Work or the interpretation of the Contract Documents. Consultant's response to such request will be made with reasonable promptness and within any time limits agreed upon. Interpretations and decisions of Consultant must be consistent with the intent of and reasonably inferable from the Contract Documents, must be in writing or in graphic form, and must be made in a timely manner. Consultant's decision in matters relating to artistic effect will be final if consistent with the intent of the Contract Documents. Consultant's decision on any other claims, disputes or other matters, including those in question between City and the Construction Manager, will be subject to the terms of the General Conditions.
- H. Certificate for Payment. Review and approve (within five (5) Business Days of receipt) the Construction Manager's applications for payment during the course of construction and based on Consultant's observations at the site and an evaluation of the Application for Payment. Consultant will determine the amounts owing to the Construction Manager and will issue a Certificate for Payment in such amounts as provided in the Contract Documents. The issuance of a Certificate for Payment will constitute a representation by Consultant to City that, based on Consultant's observations at the site as provided in the data comprising the Construction Manager's Application for Payment, (1) the Work has progressed to the point indicated; (2) to the best of Consultant's knowledge, information, and belief, the quality of Work is in accordance with the Contract Documents (subject to an evaluation of the Work for conformance with the Contract Documents upon Substantial Completion, to the results of any subsequent test required by or performed under the Contract Documents, to minor deviations from the Contract Documents correctable prior to completion, and to any qualifications stated in the Certificate for Payment); and (3) the Construction Manager is entitled to payment in the amount certified. However, the issuance of a Certificate for Payment will not be a representation that Consultant has made any examination to ascertain how or for what purpose the Construction Manager has used the monies paid on account of the contract price.
- I. Review Submittals. Consultant and its Consultants will review and approve or take other appropriate action within (unless otherwise noted in writing) 10 days after Consultant's receipt of a submittal by the Construction Manager (e.g., shop drawings, product data and samples) for the purpose of checking for general conformance with information given and the design concept expressed in the Contract Documents to determine whether or not the Work will be in general compliance with the requirements of the Contract Documents. City will require the Construction Manager to review and approve all submittals prior to submitting to Consultant. Consultant's actions will be taken in accordance with the schedule submitted to City pursuant to this Agreement so as to cause no delay in the Work or the construction of the Project, while allowing sufficient time in Consultant's professional judgment to permit adequate review. Review of such submittals is not conducted for the purpose of determining the accuracy and

completeness of other details such as dimensions and qualities or for substantiating the instructions for installation or performance of equipment or systems designed by the Construction Manager, all of which remain the responsibility of the Construction Manager. Consultant's review will not constitute approval of safety precautions or, unless otherwise specifically stated by Consultant, of construction means, methods, techniques, sequences, or procedures. Consultant's review of a specific item will not indicate an approval of an assembly in which the item is a component. When professional certification of performance characteristics of materials, systems, or equipment is required by the Contract Documents, Consultant will be entitled to rely upon such certification to establish that the materials, systems, or equipment will meet the performance criteria required by the Contract Documents. As part of its Basic Services, Consultant has included review and approval of submittals (as defined above). If professional design services or certifications by a design professional related to systems, materials, or equipment are specifically required of the City or Construction Manager by the Contract Documents, then Consultant will specify appropriate performance and design criteria that such services must satisfy. Shop Drawings and other submittals related to the Work designed or certified by a design professional retained by City or Construction Manager will bear such professional's written approval when submitted to the Consultant. Consultant will be entitled to rely upon the adequacy, accuracy and completeness of the services, certifications or approvals performed by such design professionals.

- J. RFIs. Consultant will provide assistance to the Construction Manager, its superintendent and subcontractors as is reasonably required to explain or interpret the drawings and Requests for Information (RFI). Consultant will answer all requests for information, in writing, generated by the subcontractors, City, or Construction Manager within five (5) Business Days of receipt of such requests for information unless additional reasonable time is necessary for which the Consultant shall notify the City.
- K. Changes. Consultant will review all Change Orders for City's approval and execution in accordance with the Contract Documents. Consultant will have authority to order minor changes in the Work, which are not inconsistent with the intent of the Contract Documents, so long as such changes in the Work do not involve an adjustment in the Contract Price or an extension of the Contract Time. Consultant will respond to all requests for information and construction change directives in a reasonable timeframe. Consultant will review all Change Orders resulting from ambiguities, conflicts, errors, or omissions in the Construction Documents as part of its Basic Services, as well as all Change Order reviews for matters not in any way related to deficiencies in the Construction Documents. Consultant will review subcontractors' and Construction Manager's submitted Change Order proposals and render an opinion as to the inclusion or omission from the scope of work covered in the Construction Documents and as to the validity and reasonableness of the cost estimates.
- L. Substantial Completion. Conduct observations throughout construction of the Project to determine the date or dates of Substantial Completion and the date of Final Completion and will issue a Certificate of Substantial Completion in the current form of AIA G704. Consultant shall give notice in writing to Developer at least thirty (30) days prior to the date upon which Consultant anticipates the Project shall be Substantially Complete. During the fifteen (15) Business Day period after the delivery of the estimated completion notice, City, Developer, Consultant, Construction Manager, and City shall meet on one or more occasions, if necessary,

and tour to inspect and review the Project, as applicable, to determine whether it is Substantially Complete. "Substantial Completion" means the time at which the Work (or a specified part thereof) has progressed to the point where, in the opinion of City and Consultant, the Work (or a specified part thereof) is sufficiently complete, in general accordance with the Construction Documents, so that the Work (or a specified part thereof) can be utilized for its intended use. In order for the Project to achieve Substantial Completion, the Premises must have been inspected by a "Certified Access Specialist" and such inspection has determined that all applicable construction-related accessibility standards under California Civil Code Section 55.53 have been met (or that any work required to meet such standards will be included in the Punch List if the required work does not preclude occupancy; if the work necessary to meet Civil Code section 55.53 does not preclude occupancy, then it will not preclude Substantial Completion). The terms "substantially complete" and "substantially completed" as applied to all or part of the Work refer to Substantial Completion thereof. If the Project is divided into multiple phases, then the construction schedule will be broken out by phases to show the Construction Manager's scheduling information for each phase or buildings within a phase. Substantial Completion will be the date that a Certificate of Substantial Completion (AIA form G704) is issued as set forth above for the Project or a particular phase or building within a phase. As part of its Basic Services, Consultant will provide time as needed for punch lists, walkthroughs, and Project close-out. Consultant will provide written reports to City of Consultant's observations. Promptly after issuing the tentative Certificate of Substantial Completion (but in no event exceeding three (3) Business Days), City, Consultant, Construction Manager and City shall participate in a job site walk of the Project to determine the status of completion. If City or City does not consider the Project substantially complete or City or City objects to the Punch List, then City must notify Consultant in writing within ten (10) Business Days of the job site walk giving all of City's and City's specific reasons that the Project is not Substantially Complete or the Punch List is inaccurate; if City does not provide written notice within such time, then City and City will be deemed to have no objection. Once City addresses all of City's reasonable objections, Consultant will then issue a definitive Certificate of Substantial Completion (with the potential of a revised Punch List) agreed to by the Consultant, City, and City. The Certificate of Substantial Completion will include by attachment the (revised) Punch List. The completion of the Punch List, installation of City's IT, and completion of any other City work (e.g., installation of Tenant's Personal Property) shall not be required in order for the Project to be Substantially Complete.

- M. Punch List. Upon Substantial Completion of the Project, review and revise the Construction Manager's punch list to ensure the punch list is complete to assure the construction is completed as documented in the Construction Documents. City and Construction Manager will be informed, in writing, of all work to be completed as documented in the punch list. Consultant, as part of its Basic Services, will perform observations necessary to develop a punch list and to close-out the Project.
- N. Certificate of Occupancy. Consultant will assist the Construction Manager in obtaining for City the temporary and final Certificates of Occupancy for the building(s) from the applicable governmental agencies and, if required by the governmental agency, will sign such and forward the original to City and copy the applicable governmental agency.

- O. Instructional Sessions. Specify and arrange with Public Agency, Construction Manager, or City for instructional sessions wherein operational and maintenance personnel will be instructed in the use, operation and maintenance of mechanical, electrical and other equipment, and the maintenance and care of special finishes and other operational items, all of which will have been specified within the Contract Documents.
- P. Final Completion. When the Project has achieved Final Completion (all punch list items performed), Consultant shall issue its "Certificate of Final Completion" and the certificate of any other Consultant or engineer under Consultant requested by City.
- Q. Representations and Warranties. Upon Substantial Completion of the Project, Consultant shall represent and warrant to City and Developer the items set forth in (1)-(6) below. Each of the following warranties with respect to the Project shall expire and be of no further force or effect, unless City or Developer shall have made a claim based upon an alleged breach of such warranties by Consultant on or before the expiration of the Warranty Period; however, such expiration shall not otherwise limit City's or Developer's rights and remedies hereunder.
- (1) To the knowledge of Consultant, the Project has been completed in substantial accordance with the Contract Documents and is free from defects in workmanship and materials in connection with the construction thereof.
  - (2) Consultant has no knowledge of any structural defects, latent defects or building systems defects within the Project.
  - (3) To the knowledge of Consultant, the Project has been constructed in accordance with all Requirements of Law, all permits, and all insurance laws, regulations and requirements in effect at the time of construction of the Project.
  - (4) The Project is served by water, storm and sanitary sewage facilities, fiber optics, telephone, electricity, fire protection and other required public utilities adequate to serve the Project at the time of Substantial Completion of the Project.
  - (5) The Project does not encroach onto adjoining land or onto any easements and there are no encroachments of improvements from adjoining land onto the Building Land. The location of the Project does not violate any applicable setback requirements. The Building Land is not located in a flood zone.
  - (6) To the best of Consultant's knowledge, after due and diligent inquiry, all permits necessary for the construction, use and occupancy of the Project have been obtained and are in full force and effect.

2.7.5 Post-Construction Services. As part of Consultant's Basic Services under the Construction Administration phase, Consultant agrees to perform the following services (despite such services to be performed after the expiration of the Term):

- A. Response. For a period of one year after City's acceptance of the final Certificate of Payment with respect to the Project, Consultant will respond to City's written notifications of errors, omissions, defects, or faults in design or implementation of the work of the Construction Manager. Consultant will be available for efforts to determine the cause of and to determine the best remedy for such errors, omissions, defects, or faults in the design or construction. If such errors, defects, omissions, or faults in design are not found to be due to the fault of the

Consultant or any of its Consultants, then Consultant will be compensated for its time for such efforts as an Additional Service based on the agreed upon hourly rates set forth in this Agreement.

- B. Record Drawings. As the construction of the Project progresses and no later than 30 days after the Final Completion thereof, Consultant will prepare and furnish to City a set of reproducible Record Drawings and CAD disks showing construction changes in the work and final locations of MEP, Tenant Improvements, fire protection sprinkler system (to the extent referenced in the Construction Documents), and life safety (to the extent referenced in the Construction Documents) components, and other considerations based on the subcontractors' or Construction Manager's As-Built Drawings, marked up prints, drawings and other data furnished by the subcontractors or Construction Manager to Consultant. The liability of Consultant and its Consultants relating to the accuracy of the portions of the Record Drawings based on subcontractors' and Construction Manager's As-Built Drawings is limited to the extent of the proper transcribing of the subcontractor's or Construction Manager's As-Built Drawings onto the reproducible Record Drawings and CAD disks. Such transcribing will not relieve the subcontractors or Construction Manager of their responsibilities for the accuracy or completeness of the information recorded.

**END**



## EXHIBIT B: FEE SCHEDULE

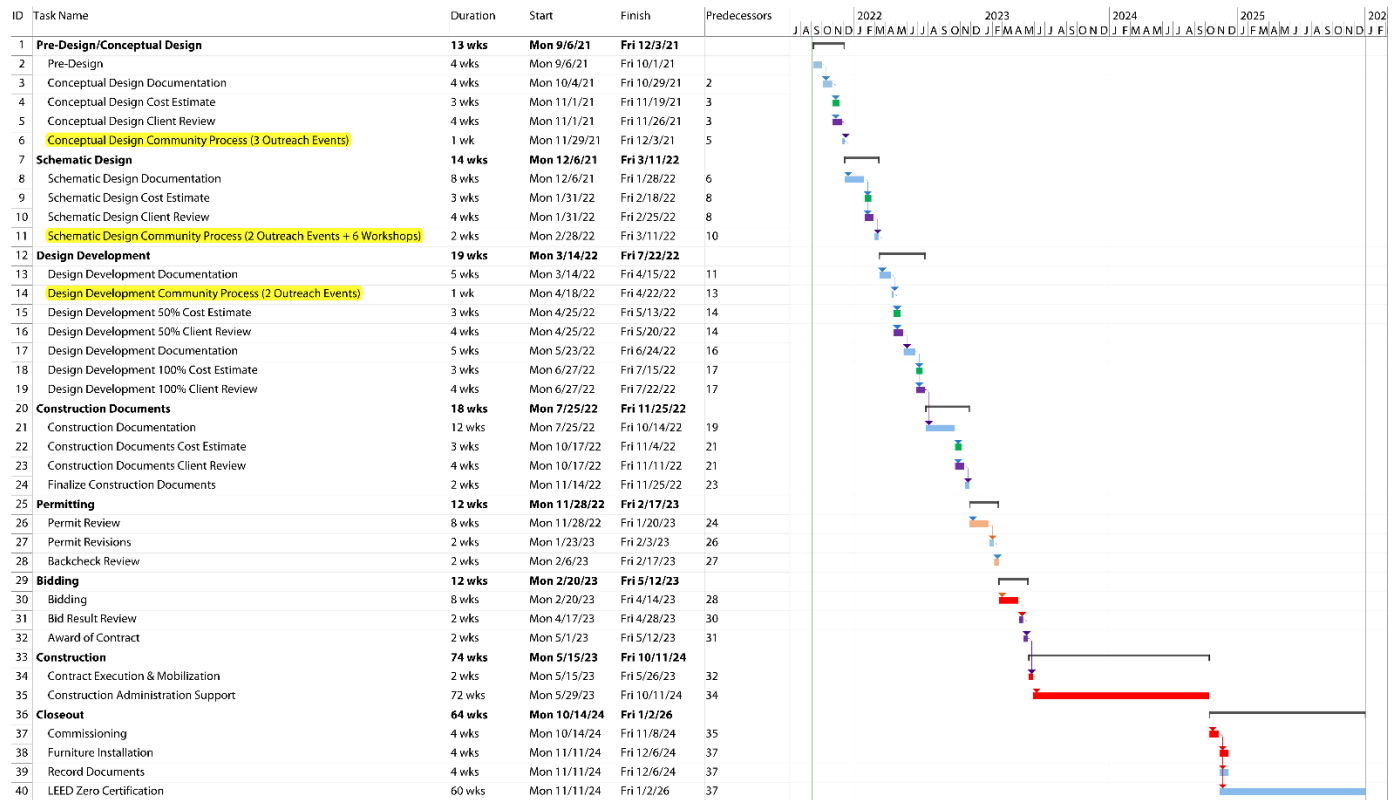
## JAYSON ARCHITECTURE

CITY OF SANTA CRUZ  
LIBRARY MIXED USE PROJECT

ARCHITECTURE AND ENGINEERING FEE PROPOSAL  
July 2, 2021

MASTER ARCHITECTURE AND ENGINEERING SERVICES - DOWNTOWN LIBRARY TENANT IMPROVEMENT								
Discipline	Conceptual Design	Schematic Design	Design Development	Construction Documents	Regulatory Permitting	Bid Support	Construction Administration Support	TOTAL
Architecture	\$ 116,875.00	\$ 186,825.00	\$ 345,395.00	\$ 599,345.00	\$ 70,500.00	\$ 71,680.00	\$ 316,000.00	\$ 1,706,620.00
Interior Design (Included Above)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FF&E Design and Procurement (Included Above)	\$ -	\$ 2,000.00	\$ 2,000.00	\$ 30,000.00	\$ -	\$ 10,000.00	\$ 10,000.00	\$ 54,000.00
Signage / Graphics (Included Above)	\$ -	\$ 2,000.00	\$ 4,000.00	\$ 10,000.00	\$ -	\$ 2,000.00	\$ 8,000.00	\$ 26,000.00
Codes and Accessibility Compliance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Waterproofing	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Structural	\$ -	\$ -	\$ 5,500.00	\$ 8,800.00	\$ -	\$ -	\$ 2,200.00	\$ 16,500.00
Mechanical	\$ 3,300.00	\$ 11,000.00	\$ 15,950.00	\$ 22,000.00	\$ -	\$ 2,200.00	\$ 13,200.00	\$ 67,650.00
Plumbing	\$ 2,200.00	\$ 4,400.00	\$ 13,200.00	\$ 15,180.00	\$ -	\$ 1,100.00	\$ 8,800.00	\$ 44,680.00
Electrical	\$ 3,300.00	\$ 8,800.00	\$ 13,200.00	\$ 19,800.00	\$ -	\$ 2,200.00	\$ 13,200.00	\$ 60,500.00
Low Voltage (SCS)	\$ -	\$ 1,100.00	\$ 2,200.00	\$ 4,400.00	\$ -	\$ -	\$ 1,100.00	\$ 8,800.00
Audio Visual	\$ -	\$ 1,100.00	\$ 2,200.00	\$ 4,400.00	\$ -	\$ -	\$ 1,100.00	\$ 8,800.00
Lighting Design	\$ -	\$ 1,100.00	\$ 4,400.00	\$ 8,800.00	\$ -	\$ -	\$ 2,200.00	\$ 16,500.00
Security Systems (Basis of Design)	\$ -	\$ 1,100.00	\$ 2,200.00	\$ 4,400.00	\$ -	\$ -	\$ 1,100.00	\$ 8,800.00
Fire Alarm (Basis of Design)	\$ -	\$ 1,100.00	\$ 1,100.00	\$ 4,400.00	\$ -	\$ -	\$ 1,100.00	\$ 7,700.00
Building Management Systems (BOD)	\$ 1,100.00	\$ 2,200.00	\$ 3,300.00	\$ 6,600.00	\$ -	\$ 2,200.00	\$ 5,500.00	\$ 20,900.00
Utility Coordination	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Green Building Program Service	\$ -	\$ 2,000.00	\$ 2,000.00	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	\$ 24,000.00
Net Zero Design Services	\$ 550.00	\$ 5,500.00	\$ 7,150.00	\$ 7,700.00	\$ -	\$ -	\$ 14,300.00	\$ 35,200.00
Estimating	\$ 9,086.00	\$ 13,695.00	\$ 20,559.00	\$ 20,559.00	\$ -	\$ -	\$ -	\$ 63,899.00
Meetings	\$ 7,800.00	\$ 7,800.00	\$ 11,700.00	\$ 11,700.00	\$ 3,900.00	\$ 3,900.00	\$ 48,000.00	\$ 94,800.00
<b>SUBTOTALS</b>	<b>\$ 144,211.00</b>	<b>\$ 251,720.00</b>	<b>\$ 456,054.00</b>	<b>\$ 788,084.00</b>	<b>\$ 74,400.00</b>	<b>\$ 95,280.00</b>	<b>\$ 455,800.00</b>	<b>\$ 2,265,549.00</b>
<b>REIMBURSABLE EXPENSES</b>								
	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00	\$ 4,000.00	\$ 2,000.00	\$ 1,000.00	\$ 12,000.00	\$ 24,000.00
								\$ -
								\$ -
								\$ -
								\$ -
<b>SUBTOTAL</b>								<b>\$ 24,000.00</b>
<b>GRAND TOTAL</b>								<b>\$ 2,289,549.00</b>

## EXHIBIT C: WORK SCHEDULE



## Schedule Notes:

1. Schedule subject to adjustment based on master schedule prepared by Mixed-Use Developer.
2. Specific milestones, meetings, & presentations will be added to schedule after coordination with the City and Developer.

EXHIBIT D: INSURANCE REQUIREMENTS

**A. CERTIFICATE REQUIREMENTS**

The City will be issued a Certificate of Insurance (a Memorandum of Understanding will not be accepted) with the following minimum requirements:

- Certificate(s) will show current policy number(s) and effective dates,
- Coverage and policy limits will meet, or exceed, requirements below,
- The Certificate Holder will be City of Santa Cruz, Risk Management, 877 Cedar St., Suite 100, Santa Cruz, CA 95060,
- Certificate will be signed by an authorized representative,
- An endorsement will be provided to show the City, its officers, officials, employees, and volunteers as additional insureds.

**B. MINIMUM SCOPE AND LIMITS OF INSURANCE**

Consultant acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. The City will be entitled to coverage for the highest limits maintained by Consultant. Coverage will be at least as broad as:

- **COMMERCIAL GENERAL LIABILITY (CGL): \$1,000,000 PER OCCURRENCE**  
Proof of coverage for \$1 Million per occurrence including products and completed operations, property damage, bodily injury, personal and advertising injury will be provided on Insurance Services Office (ISO) Form CG 00 01 covering CGL. If a general aggregate limit applies, either the general aggregate limit will apply separately to this project/location or the general aggregate limit will be at least twice the required occurrence limit.
- **PROFESSIONAL LIABILITY (ERRORS AND OMISSIONS): \$2,000,000 PER OCCURRENCE OR CLAIM, \$2,000,000 AGGREGATE.**  
Consultant will maintain insurance appropriate to Consultant's profession; with limit no less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after date of completion of the services under this Agreement. If coverage is canceled or non-renewed and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date or start of work date, Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.
- **AUTOMOBILE LIABILITY:**  
Proof of coverage for \$1,000,000 provided on ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), per accident for bodily injury and property damage.
- **WORKERS' COMPENSATION AS REQUIRED BY THE STATE OF CALIFORNIA, WITH STATUTORY LIMITS, AND EMPLOYER'S LIABILITY INSURANCE: \$1,000,000 per accident for bodily injury or disease. **Must include a waiver of subrogation.****

**C. OTHER INSURANCE PROVISIONS**

The insurance policies are to contain, or be endorsed to contain, the following provisions:

- **ADDITIONAL INSURED STATUS**  
The City, its officers, officials, employees and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of Consultant including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage will be provided in the form of an endorsement to Consultant's insurance at least as broad as ISO Form CG 20 10 11 85, or if not available, through the addition of both CG 20 10 and CG 20 37 (if a later edition is used).

- PRIMARY COVERAGE

For any claims related to this agreement, Consultant's insurance coverage will be **primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers will be excess of Consultant's insurance and will not contribute with it.

- NOTICE OF CANCELLATION

Each insurance policy required above shall state that the coverage shall not be canceled, except with notice to the City.

- WAIVER OF SUBROGATION

Consultant hereby grants to the City a waiver of any right to subrogation which any insurer of said Consultant may acquire against the City by virtue of the payment of any loss, including attorney's fees under such insurance. Consultant agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. The Worker's Compensation policy will be endorsed with a waiver of subrogation in favor of the City for all work performed by the Consultant and its employees.

- DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retentions must be declared to and approved by the City. City may require Consultant to purchase coverage with a lower retention or provide proof of ability to pay losses and related expenses. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.

- ACCEPTABILITY OF INSURERS

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the Entity.

- CLAIMS MADE POLICIES

If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
3. If coverage is canceled or non-renewed, and not *replaced with another claims-made policy form with a Retroactive Date* prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of *five (5)* years after completion of contract work.

- VERIFICATION OF COVERAGE

Consultant will furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning will not waive the Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

#### D. SUBCONTRACTORS

Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

## Rosemary Balsley

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**From:** Cara <ratbert@cruzio.com>  
**Sent:** Friday, September 10, 2021 12:45 PM  
**To:** City Council  
**Subject:** I support the Downtown Mixed-Use Library Project!

I'm really pleased to learn that we now have an architect chosen for our library project. I really look forward to seeing the design. Thank you for going ahead with this vital project, in spite of opposition. We really need both the library and the low-income housing.

Caroline Lamb

## Rosemary Balsley

---

**From:** Diane Sipkin <sipkind@gmail.com>  
**Sent:** Friday, September 10, 2021 1:33 PM  
**To:** City Council  
**Subject:** I support the Downtown Mixed-Use Library Project and the selection of Jayson Architecture!

Dear City Council Members:

I am so excited that the Downtown Library Project is moving ahead! I want to express my continued strong support of the project as well the selection of Jayson Architecture.

Thank you,

Diane Sipkin  
Westside Santa Cruz

**Rosemary Balsley**

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**From:** Vivian Rogers <vrogers27@yahoo.com>  
**Sent:** Friday, September 10, 2021 1:57 PM  
**To:** City Council  
**Subject:** YAY! What a great choice!

Dear Mayor, Vice-Mayor and City Council Members,

I'm delighted to hear that there is a recommendation to approve Jayson Architecture as the Master Architect for the Downtown Library!

They already know the community and have created/redesigned several great libraries for our County. This is a wonderful choice and I hope you'll vote unanimously in favor of the recommendation.

Thank you!

*Vivian Rogers*



## Rosemary Balsley

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**From:** Joan Martin <joan@baymoon.com>  
**Sent:** Friday, September 10, 2021 4:29 PM  
**To:** City Council  
**Subject:** I support the Downtown Mixed-Use Library Project and the selection of Jayson Architecture!

I look forward to a state-of-the-art library in our downtown. Combined with housing and a garage, this is a win-win-win addition to our City Joan Gilbert Martin

Sent from my iPhone

## Rosemary Balsley

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**From:** Martha Dexter <mmdexter@gmail.com>  
**Sent:** Friday, September 10, 2021 4:29 PM  
**To:** City Council  
**Subject:** I support the Downtown Mixed-Use Library Project and the selection of Jayson Architecture!

Hello, City Council Members,

I write today in support of the Downtown Mixed-Use Library Project and I am especially supportive of the selection of Jayson Architecture as the Master Library Architect.

I am a professional librarian with over 30 years of experience. After I retired, I served for 3 years on the Santa Cruz Public Libraries Joint Powers Board which approved the Facilities Master Plan in 2013. I also served 4 years on the Library Advisory Commission (2016-2020) and was a member of the Downtown Library Advisory Commission. I was also a member of the campaign committee for Measure S.

I am very knowledgeable of the library system and the many benefits that Measure S has provided in bringing 21st century libraries to Santa Cruz county through the renovation and/or rebuilding of all 10 branches. The plan for a downtown mixed-used project with a state-of-the-art library is clearly the best option for realizing the dream of a new downtown library. It is cost-effective, makes the best use of Measure S funds, keeps the library open throughout construction, and supports much-needed housing and parking in the downtown. It's truly a win-win!

I am currently chair of the Friends of the Library capital campaign supporting the renovation of Garfield Park Library and Branciforte Library. It has been my great pleasure to work with Abe Jayson who is the architect for both of these libraries. He is truly a library design visionary -- he is dedicated to the concept of libraries as public community spaces and his designs stimulate public excitement and engagement. You can see this already in the beautiful new La Selva Beach Library and other projects in our library system, and I can't wait to unveil the new Garfield Park Library and the Branciforte Library next year. Abe will bring his creative energy to the new Downtown Library in the best possible way -- it will be a beautiful centerpiece for the downtown, for the Santa Cruz Public Libraries system, and for all of Santa Cruz. I urge you to confirm the selection of Jayson Architecture as Master Library Architect for the Downtown Mixed-Use Library Project.

Thank you.

Martha Dexter  
Santa Cruz city resident

## Rosemary Balsley

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**From:** Mary Ripma <maryaustinripma@gmail.com>  
**Sent:** Friday, September 10, 2021 6:49 PM  
**To:** City Council  
**Subject:** I support the Downtown Mixed-Use Library Project and the selection of Jayson Architecture!

Dear Council

I am encouraged to hear about the downtown mixed use library project going forward. The latest warning about the possible closure of the downtown branch in case of poor air quality reminds us all that it's time to start over with state of the art infrastructure.

Thanks

Mary Ripma

Sent from my iPhone8

**Rosemary Balsley**

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**From:** Joe Ferrara <joe@atlantisfantasyworld.com>  
**Sent:** Saturday, September 11, 2021 9:14 AM  
**To:** City Council  
**Subject:** Downtown Mixed-Use Library Project

Dear Council Members,

I want to give my full support to the approval of Jayson Architecture as Master Library Architect for Downtown Mixed-Use Library Project. We need to move forward with this vital project which I believe will be the core of the new downtown community activity.

Joe Ferrara, Owner of Atlantis Fantasyworld, 45 years downtown merchant

## Rosemary Balsley

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**From:** Judi Grunstra <judiriva@hotmail.com>  
**Sent:** Saturday, September 11, 2021 6:40 PM  
**To:** City Council  
**Subject:** Agenda item 24\_Jayson contract

Dear Council:

I have read the contract for Jayson Architect's services for the library in the mixed use project and have several concerns (though I have no concerns about Mr. Jayson's ability to deliver a good project).

I thought it was strange that Bonnie Lipscomb will be signing the contract (along with Abe Jayson) (p. 24.12) yet there is no place for the Library Director or Interim Library Director to sign this contract. Shouldn't he/she be signing on to this?

Most of my concerns with this contract are about public outreach. These concerns are based on experience with the city's previous actions regarding the downtown library's fate.

There appear to be three phases when the public will have an opportunity to provide input to Mr. Jayson and his team:

Pre-Design, Schematic Design, and Design Development.

In the Pre-Design phase, the contract reads: (on page 17)

2.1.9 Services. Consultant's Pre-Design Scope of Services include:

A. Public Outreach: Consultant will coordinate the efforts of the Public and Community Outreach which will include at a minimum the following services:

1. Assist City Outreach by participating in **up to three (3) public outreach events.**
2. City to facilitate the Communication/Public Involvement & Facilitation services, including meetings and workshops.

To assure us that this could not be interpreted to mean 1 or 2 outreach events, the "up to 3...events" should be changed to read "3 public outreach events."

The Schematic Design Phase states there will be 2 public outreach "events" and "up to 6 focus group workshops."

(24.22, or pg 18)

In the Design Development Phase (24.26 - 2.3.1. "O") it states "2 public outreach sessions."

What consists of a "public outreach event" (or session)? Could it merely be an online survey? A kiosk set up in a random city location (like the EDD dept. did with the Library Site Re-Envisioning process)? That kind of event is just a cursory "token" and not anywhere near a productive dialogue. The city can check off that they did "public outreach" but it can be a sham. The contract should define what a "public outreach event" means.

All three include: "City to facilitate the Communication/Public Involvement and Facilitation services, including meetings and workshops."

When the city brought in a facilitator at the one public "forum" towards the end of the DLAC's process, on December 3, 2017, rather than having a representative of the consultants (Noll & Tam), the facilitator was totally unequipped to answer any of the attendees' questions. Someone from Abe Jayson's organization who is knowledgeable about all aspects of the project should be the facilitator at the public "events" or "sessions." Not a city-appointed facilitator!

The schedule on page 43 (24.47) is of concern. The date of the public outreach during the Pre-Design Phase is the week of November 29 through Dec. 3, 2021. November 29 is right after Thanksgiving, when many people may be out of town or busy gearing up for Christmas. It's an odd coincidence that the DLAC forum was also held during this holiday time when people are occupied with thoughts other than attending city meetings. According to the schedule, 3 events are to be held during that week.

During the Schematic Design Phase, the public meetings will be held in the 2-week period from 2/28/22-3/11/22 - 2 events and 6 workshops in 2 weeks. Is that really sufficient time? At least one more week would not seem unreasonable.

During the Design Development Phase, there are 2 events in 1 week, the week of 4/18/22-4/22/22 - yes, the week following Easter. Again, a time when people may be out of town.

**I urge the City Council to allow for changes to this schedule for public outreach!**

Another concern/question is with this section on pg. 24.3: *The mixed use cost assessment completed by Group 4 earlier last year estimated that an additional 5,000 square feet could be added to the project with an additional budget of \$3 million. The City is exploring a number of ways to fill the potential \$3 million funding gap, which could include fundraising by the Friends of the Library or from private and governmental sources.*

Is the contract with Jayson Architects for a 30,000+ sq ft library? Or one using the additional 5000 sq ft? Might "private or government sources" include the sale of "air rights" to the developer, something brought up in the past by Group 4 in their presentation to the Council?

Though perhaps this would not be included in this contract with Jayson Architects, at some point the "Master Architect" should be required by Council to put up "story poles" on Lot 4 to demonstrate to the public the massing of the mixed-use building. We still don't know the proposed height of this project. (Perhaps that will have been included in the presentation earlier in the council meeting of Sept 14)

Thank you for your attention to the many details of the complexities of running a city, even a small one like Santa Cruz.

Judi Grunstra

## Rosemary Balsley

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**From:** Martin Gomez <mjgomez@sbcglobal.net>  
**Sent:** Sunday, September 12, 2021 9:02 AM  
**To:** City Council; Donna Meyers; Sonja Brunner; Sandy Brown; Justin Cummings; Renee Golder; skalanatari-johnson@cityofsantacruz.com; Martine Watkins  
**Subject:** Master Architect - Mixed Use Project

Dear Members of the Santa Cruz City Council,

Thank you for your ongoing support of the Downtown Mixed-Use Library Project. As a former member of the Downtown Library Advisory Committee, I am thrilled to see this project moving forward. I encourage you to approve the contract with Jayson Architects as the master architect for the project. I have had the pleasure to participate in meetings at which Mr. Jayson and members of his team have made presentations to the community and have been impressed with his commitment to community engagement as well as his professionalism. I have observed his work on the La Selva Beach and Garfield Park library projects and am convinced that he will do a wonderful job for this important project for the Santa Cruz Public Libraries.

**Martín Gómez**  
Former Director of the Oakland, Brooklyn, and Los Angeles Public Libraries  
(415) 999-9601

## Rosemary Balsley

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**From:** Janis O'Driscoll <president@fscpl.org>  
**Sent:** Sunday, September 12, 2021 10:39 AM  
**To:** City Council  
**Subject:** Appointment of Jayson Architecture to the Downtown Mixed Use Project

Dear Council Members:

I am delighted to see the appointment of a Master Library Architect for the Downtown Mixed Use Project on the City's September 14 agenda. I am particularly pleased that the recommendation is to appoint Jayson Architecture to this important and exciting project.

As a former staff member of Santa Cruz Public Libraries and current member of the Board of the Friends of the Santa Cruz Public Libraries, I have had an opportunity to work with this firm on the LaSelva Beach Branch and am currently engaged with them on the Branciforte, Garfield Park, and Live Oak Branch renovations. I have found that they consistently combine their considerable design skills and technical expertise with a dedicated commitment to LISTENING to the Library and the community. I have found them responsive and open to collaboration.

The mixed use project is a dynamic step forward for the City and I am proud that the Downtown Branch Library is a part of it. I served as staff to the Downtown Library Advisory Committee(DLAC) and continue to support their recommendation as the best solution for the community and the Library. I deeply appreciate the City Council's thoroughness over the years in asking questions and weighing the options and its determination to make the best decision for the residents.

I encourage you to appoint Jayson Architecture as Master Library Architect for the Downtown mixed use project. You will find them to be a professional and responsive team sensitive to library, housing, and transportation needs.

Thank you.

--

Janis O'Driscoll  
President, Friends of the Santa Cruz Public Libraries  
[President@fscpl.org](mailto:President@fscpl.org)





## Rosemary Balsley

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**From:** Robin Holland <robincreates@gmail.com>  
**Sent:** Sunday, September 12, 2021 1:13 PM  
**To:** City Council; Donna Meyers; Sonja Brunner; Sandy Brown; Justin Cummings; Renee Golder; skalanatari-johnson@cityofsantacruz.com; Martine Watkins  
**Cc:** Robin Holland  
**Subject:** Downtown Mixed Use Library Project

Dear Members of the Santa Cruz City Council,

I'm writing in support of the downtown library/mixed use project. My family moved from downtown San Rafael to downtown Santa Cruz in 2012, and the Downtown library is our go-to library. We depend on it regularly.

We're living right in the middle of the issues of downtown Santa Cruz, and we see the benefits of building the new mixed-use downtown library.

We support awarding Jayson Architects the contract for this project. We're looking forward to the Downtown library getting to be all that it can be, resembling state-of-the-art libraries I've frequented like the beautiful Mill Valley library, the downtown San Francisco library, and the downtown San Jose library.

You have our family's support!

Best regards,

Robin & Larry Holland

--

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Robin Holland Brand Consulting

[RobinHollandInternational](#)

415-342-5546

[robincreates@gmail.com](mailto:robincreates@gmail.com)

## Rosemary Balsley

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**From:** Laura Albrecht <laura.elizabeth.albrecht@gmail.com>  
**Sent:** Monday, September 13, 2021 6:36 AM  
**To:** City Council  
**Subject:** I support the Downtown Mixed-Use Library Project and the selection of Jayson Architecture!

Dear Members of the Santa Cruz City Council,

I am writing in support of the downtown mixed-use library project. As a Santa Cruz native who has used the public library system throughout many life stages, I view the downtown project as a positive and necessary improvement for the SCPL system and for the downtown marketplace.

As a Library and Information Science graduate student at San Jose State University, I am learning and experiencing the ways public libraries impact communities through access to information, free educational opportunities, and community building. I will continue to volunteer for my public library system and look forward to working within a state-of-the-art library building in the future.

I foresee Santa Cruz Public Libraries supporting me and my 8 year old son for many years to come. You have my family's support!

Best,

Laura Albrecht

## Rosemary Balsley

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**From:** Paul Edwards <pedwards@dientes.org>  
**Sent:** Monday, September 13, 2021 7:34 AM  
**To:** City Council  
**Cc:** Bonnie Bush  
**Subject:** Library Mixed-Use Project Master Architect - Agenda Item 7, City Council Regular Meeting 9/14/2021 - support from Dientes  
**Attachments:** Library Project advocacy letter to City Council 09142021.pdf



Greetings Mayor Meyers and Council Members,

On behalf of Dientes and Laura Marcus, CEO, please accept the attached letter for your review prior to the Council Meeting 9/14/2021.

Thank you.

Sincerely,  
Paul



**Paul Edwards**  
**Executive Assistant**  
Dientes Community Dental Care  
5300 Soquel Ave, Suite 103, Santa Cruz, CA 95062  
831.464.5410 direct | 831.464.5416 fax  
[pedwards@dientes.org](mailto:pedwards@dientes.org) | [www.dientes.org](http://www.dientes.org)  

**Dientes Stands  
with Dreamers**  
**WE SUPPORT DACA**



September 13, 2021

Mayor Donna Meyers  
Council Members  
City of Santa Cruz  
809 Center Street, Room 10  
Santa Cruz, CA 95060

Re: Library Mixed-Use Project Master Architect – Agenda Item 7, City Council Regular Meeting 9/14/2021

Dear Mayor and Council Members,

Dientes Community Dental Care is proud to continue its support of the Library Mixed-Use Project and urges you to approve the services agreement for the architect in consideration today. In addition to access to a new library, we also look forward to this project helping broaden access to health care services for low-income children and other marginalized populations in our community by including easily accessed parking for patients who will visit our future downtown clinic.

For this reason, Dientes Community Dental Care respectfully asks for your AYE vote today.

Sincerely,

A handwritten signature in purple ink, appearing to read "Laura Marcus".

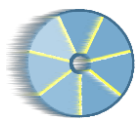
Laura Marcus  
CEO, Dientes

## Rosemary Balsley

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**From:** Rick Longinotti <longinotti@baymoon.com>  
**Sent:** Monday, September 13, 2021 12:21 PM  
**To:** City Council; Donna Meyers; Martine Watkins; Sandy Brown; Justin Cummings; Renee Golder; Sonja Brunner; skalantarijohnson@cityofsantacruz.com  
**Cc:** Rosemary Menard  
**Subject:** [CAUTION: Verify Sender Before Opening!] Library Master Architect Contract  
**Attachments:** Library architect spending.docx

Dear Council Members,  
Please see my attached letter from Campaign for Sustainable Transportation.  
Thanks,  
Rick



# Campaign for Sustainable Transportation

Rick Longinotti, Co-chair [Rick@sustainabletransportationSC.org](mailto:Rick@sustainabletransportationSC.org)

September 13, 2021

Dear City Council Members,

On your agenda tomorrow is a request to approve \$2.29 million for a Library Master Architect Contract. I want to inform you that my organization is part of a coalition of groups that is about to begin collecting signatures on a ballot initiative that would allow voters to decide the fate of this garage-library-housing project. I urge you to put off spending funds on this project until the voters have had a chance to decide. This would prevent the City from expending funds unnecessarily.

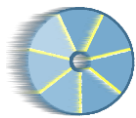
I want to remind you that in 2012, 73% of voters approved a ballot initiative giving themselves the right to decide whether to approve a desalination contract. By that point, the City and Soquel Creek Water District had spent \$14 million studying a desalination plant. The City Council's decision selecting desalination over inter-district water transfers was based on false information from the former Water Director that a water rights application allowing water transfers would take 20 years to win state approval. Thankfully, under the leadership of Rosemary Menard, the Water Supply Advisory Committee received accurate information from water rights attorneys and water transfers became City policy.

The decision to plan a six level parking garage Downtown is similarly based on false information about the need for such a structure. The only information the Council received about how to address future parking demand was an estimate from Public Works staff. In 2016 City contracted with Nelson\Nygaard to produce the *Downtown Parking Strategic Plan*. However, staff never brought this report to the Council. The *Downtown Parking Strategic Plan* describes Downtown as overbuilt for parking. "In aggregate almost thirty percent of off-street parking in the Downtown remains empty even at the peak of the peak times." The report also prescribes an approach to meeting future parking demand, "The most fiscally prudent approach to accommodating additional demand: Modernize parking management and better align parking prices to the cost of building and maintaining the system."

An honest environmental review of the proposed mixed use project can be expected to take seriously the alternatives to building a new parking structure recommended by Nelson\Nygaard, as well as the similar recommendations from Kimley-Horn and JR Parking Associates, prepared for the October 15, 2015 Planning Commission meeting, as well as the recommendations from Patrick Siegman and parking researcher Adam Millard-Ball at the Council study session on March 19, 2019. The Public Works Department has presented no analysis that explains why these experts are wrong. An EIR that names an alternative to building the garage will require dropping a major element of this project, causing considerable delay.

There are many downsides to overbuilding parking in the Downtown. Nelson\Nygaard wrote, "Oversupplying parking in a space-constrained area like a downtown can fragment the built environment, creating a less desirable place to work, live, visit, and walk around." Another major downside of building an unnecessary garage is the opportunity cost:

- Space devoted to parking is lost to affordable housing. Urban Planning Partners, reporting to the Santa Cruz City Planning Commission on January 7, 2021 "The space required to park two cars (including circulation space) is equivalent to the space required for a two-bedroom housing unit."



# Campaign for Sustainable Transportation

Rick Longinotti, Co-chair [Rick@sustainabletransportationSC.org](mailto:Rick@sustainabletransportationSC.org)

- Local funds spent on parking could be instead fund affordable housing and supplement Measure S funding for renovation of the Library at its current location.

There are two financial hurdles that may prove difficult for this project to overcome:

- The Measure S funding for the Library portion of the project is inadequate to fund the size of the Library in the City's concept. There is no funding source yet identified to fill the gap.
- The bond funding for the garage portion of the project depends on demonstrating to bond rating agencies that the Downtown Parking District has sufficient revenue stream to finance the bond. In 2018 City staff presented to the Council an independent review by Economic and Planning Systems (EPS) of its model to finance the garage. EPS warned, *"The model does not evaluate a worst-case scenario (for parking revenues) where a major recession occurs or a technological change (and pricing) substantially reduces parking demand."* Parking revenue is currently inadequate and may remain so for several years.

It would be a mistake to spend \$2.9 million to advance this project in the face of lack of adequate information (the Nelson\Nygaard study) and no effort on the part of the City to seek a negotiated agreement with the many Downtown business owners, climate activists, affordable housing advocates, and supporters of the Public Library, who oppose this project.

Thank you,

## Rosemary Balsley

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**From:** Bonnie Bush  
**Sent:** Monday, September 13, 2021 1:46 PM  
**To:** City Council  
**Subject:** FW: item #24 — approval of contract with Jayson Architecture as Master Library Architect for the Library Mixed Use Project.

*Bonnie Bush, CMC*

City Clerk  
City of Santa Cruz  
831-420-5035

Public Records Requests may be submitted online via the Public Records Request form, by email, or by hard copy form available at the City Clerk's Office located at 809 Center Street, Room 9, Santa Cruz, CA 95060.

Please note: Public Record Act Requests submitted via email, fax, USPS, or dropoff after 5:00 p.m. on a business day, Saturdays, Sundays, or holidays will be processed as received on the next open business day. The 10-day response period begins when the request is received.

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**From:** Casey Beyer [mailto:casey.beyer@santacruzchamber.org]  
**Sent:** Monday, September 13, 2021 1:07 PM  
**To:** council@cityofsantacruz.com  
**Cc:** Bonnie Bush <bbush@cityofsantacruz.com>; Bonnie Lipscomb <blipscomb@cityofsantacruz.com>; Lee Butler <lbutler@cityofsantacruz.com>  
**Subject:** item #24 — approval of contract with Jayson Architecture as Master Library Architect for the Library Mixed Use Project.

Dear Mayor Meyers, Vice Mayor Brunner and Councilmembers Brown, Cummings, Golder, Kalanarti-Johnson and Watkins:

I am writing on behalf of the Santa Cruz County Chamber, the voice of the Santa Cruz County business for the past 132 years. We advocate on behalf our members to promote economic vitality for our region. A downtown library with a mixed use plan is the right decision. The Chamber has supported the proposed mixed use Library project for the past four plus years during the lengthy planning process. We encourage you to approve the contract with Jayson Architecture as the Master Library Architect for the Library Mixed use project and move this project forward without delay.

Thank you for considering the views of the Santa Cruz County Chamber.

Casey

Casey Beyer  
Chief Executive Officer  
Santa Cruz County  
Chamber of Commerce  
(831) 457-3713



**From:** Shalom Dreampeace Compost <shalom.compost@gmail.com>  
**Sent:** Monday, September 13, 2021 1:49 PM  
**To:** City Council  
**Subject:** Please do not proceed with Library Parking Structure

Dear City Council Members,

On your agenda tomorrow is a request to approve \$2.29 million for a Library Master Architect Contract. I want to inform you that my organization is part of a coalition of groups that is about to begin collecting signatures on a ballot initiative that would allow voters to decide the fate of this garage-library-housing project. I urge you to put off spending funds on this project until the voters have had a chance to decide. This would prevent the City from expending funds unnecessarily.

I want to remind you that in 2012, 73% of voters approved a ballot initiative giving themselves the right to decide whether to approve a desalination contract. By that point, the City and Soquel Creek Water District had spent \$14 million studying a desalination plant. The City Council's decision selecting desalination over inter-district water transfers was based on false information from the former Water Director that a water rights application allowing water transfers would take 20 years to win state approval. Thankfully, under the leadership of Rosemary Menard, the Water Supply Advisory Committee received accurate information from water rights attorneys and water transfers became City policy.

The decision to plan a six level parking garage Downtown is similarly based on false information about the need for such a structure. The only information the Council received about how to address future parking demand was an estimate from Public Works staff. In 2016 City contracted with Nelson\Nygaard to produce the Downtown Parking Strategic Plan. However, staff never brought this report to the Council. The Downtown

Parking Strategic Plan describes Downtown as overbuilt for parking. “In aggregate almost thirty percent of off-street parking in the Downtown remains empty even at the peak of the peak times.” The report also prescribes an approach to meeting future parking demand, “The most fiscally prudent approach to accommodating additional demand: Modernize parking management and better align parking prices to the cost of building and maintaining the system.”

An honest environmental review of the proposed mixed use project can be expected to take seriously the alternatives to building a new parking structure recommended by Nelson\Nygaard, as well as the similar recommendations from Kimley-Horn and JR Parking Associates, prepared for the October 15, 2015 Planning Commission meeting, as well as the recommendations from Patrick Siegman and parking researcher Adam Millard-Ball at the Council study session on March 19, 2019. The Public Works Department has presented no analysis that explains why these experts are wrong. An EIR that names an alternative to building the garage will require dropping a major element of this project, causing considerable delay.

There are many downsides to overbuilding parking in the Downtown. Nelson\Nygaard wrote, “Oversupplying parking in a space-constrained area like a downtown can fragment the built environment, creating a less desirable place to work, live, visit, and walk around.” Another major downside of building an unnecessary garage is the opportunity cost: Space devoted to parking is lost to affordable housing. Urban Planning Partners, reporting to the Santa Cruz City Planning Commission on January 7, 2021 “The space required to park two cars (including circulation space) is equivalent to the space required for a two-bedroom housing unit.”

Local funds spent on parking could be instead fund affordable housing and supplement Measure S funding for renovation of the Library at its current location.

There are two financial hurdles that may prove difficult for this project to overcome:

The Measure S funding for the Library portion of the project is inadequate to fund the size of the Library in the City's concept. There is no funding source yet identified to fill the gap.

The bond funding for the garage portion of the project depends on demonstrating to bond rating agencies that the Downtown Parking District has sufficient revenue stream to finance the bond. In 2018 City staff presented to the Council an independent review by Economic and Planning Systems (EPS) of its model to finance the garage. EPS warned, "The model does not evaluate a worst-case scenario (for parking revenues) where a major recession occurs or a technological change (and pricing) substantially reduces parking demand." Parking revenue is currently inadequate and may remain so for several years.

It would be a mistake to spend \$2.9 million to advance this project in the face of lack of adequate information (the Nelson\Nygaard study) and no effort on the part of the City to seek a negotiated agreement with the many Downtown business owners, climate activists, affordable housing advocates, and supporters of the Public Library, who oppose this project.

Thank you,

**Shalom**

## Rosemary Balsley

---

**From:** Monica McGuire <monica.healingcoach@gmail.com>  
**Sent:** Monday, September 13, 2021 1:50 PM  
**To:** City Council  
**Subject:** 9/13/21: The People Domiciled in Santa Cruz want you to wait on the Library Master Architect contract, till voters have chosen OUR preference

Dear City Council Members - Employees of The People,

Your agenda tomorrow includes a request to approve \$2.29 million for a Library Master Architect Contract. I stand with the multiple Santa Cruz County and City organizations forming a coalition of groups to collect signatures (for a ballot initiative) to RIGHTfully allow voters to decide the fate of this garage-library-housing project.

I urge you to put off spending funds on this project until the PEOPLE have had a chance to tell you what we prefer, and to stop unnecessary high expenditures.

In 2012, 73% of voters approved OUR right to approve a desalination contract, but only after \$14 million was poorly spent studying desalination over inter-district water transfers - based on false information from the former Water Director. Thanks to Rosemary Menard, the Water Supply Advisory Committee accepted ACCURATE information, and water transfers became City policy.

The decision to plan a six level parking garage Downtown is similarly based on exclusive (and false) information CLAIMING a need for such a structure from Public Works staff. In 2016 City contracted with Nelson\Nygaard to produce the Downtown Parking Strategic Plan. However, staff never brought this report to the Council. The Downtown Parking Strategic Plan describes Downtown as overbuilt for parking. "In aggregate almost thirty percent of off-street parking in the Downtown remains empty even at the peak of the peak times." The report also prescribes an approach to meeting future parking demand, "The most fiscally prudent approach to accommodating additional demand: Modernize parking management and better align parking prices to the cost of building and maintaining the system."

An honest environmental review of ANY proposed mixed use project MUST actually consider alternatives to building a new parking structure recommended (by Nelson\Nygaard, Kimley-Horn and JR Parking Associates (prepared for the October 15, 2015 Planning Commission meeting) and Patrick Siegman plus Adam Millard-Ball (at the Council study session on March 19, 2019).

**Please also ask WHY the Public Works Department has presented no analysis countering these expert opinions and analyses. Communicate fully and prove to US the alternatives are actually inferior, and WHY, if you believe the challenges and options and so many PEOPLE (who you are hired to represent) are wrong.**

The short list of downsides to overbuilding parking in the Downtown include:

- As Nelson\Nygaard wrote, "Oversupplying parking in a space-constrained area like a downtown can fragment the built environment, creating a less desirable place to work, live, visit, and walk around."
- Another major downside of building an unnecessary garage is the opportunity cost: Space devoted to parking is lost to affordable housing. Urban Planning Partners, reporting to the Santa Cruz City Planning Commission on January 7, 2021 "The space required to park two cars (including circulation space) is equivalent to the space required for a two-bedroom housing unit."

- Local funds spent on parking could be instead fund affordable housing and supplement Measure S funding for renovation of the Library at its current location.
- Two financial hurdles that may prove difficult for this project to overcome:
- The Measure S funding for the Library portion of the project is inadequate to fund the size of the Library in the City's concept. There is no funding source yet identified to fill the gap.
- The bond funding for the garage portion of the project depends on demonstrating to bond rating agencies that the Downtown Parking District has sufficient revenue stream to finance the bond. In 2018 City staff presented to the Council an independent review by Economic and Planning Systems (EPS) of its model to finance the garage. EPS warned, "The model does not evaluate a worst-case scenario (for parking revenues) where a major recession occurs or a technological change (and pricing) substantially reduces parking demand." Parking revenue is currently inadequate and may remain so for several years.

Do NOT spend \$2.9 million MORE to advance this project with INADEQUATE information (the Nelson/Nygaard study) and no effort on the part of the City to seek a negotiated agreement with the many Downtown business owners, climate activists, affordable housing advocates, and supporters of the Public Library, who oppose this project.

PLEASE SHOW your allegiance to We The People tomorrow, in all the honorable, appropriate ways.

Thank you for your time, as always. We understand your position is difficult, and we want better communication, always.

~Monica McGuire

[MonicaMcGuire.com](http://MonicaMcGuire.com)

831 465-1851 Landline

**Immunity Boosting** Lifestyles



Please see me interviewed about Self-Healing Lifestyles:

[https://www.youtube.com/watch?v=lqMRx\\_spfKI](https://www.youtube.com/watch?v=lqMRx_spfKI) on TranformationalMessengerTV

and

<https://www.facebook.com/self.healing.lifestyles/?pnref=lhc>

## **Rosemary Balsley**

---

**From:** Janine <j9discuss@gmail.com>  
**Sent:** Monday, September 13, 2021 2:14 PM  
**To:** City Council; Bonnie Bush  
**Subject:** Item #24 on September 14, 2021 Agenda

Hello

I am writing in support of awarding the contract for the Mixed-Use Library Master Architect to Jayson Architecture.

How exciting that the Library MIXed Use Project is moving forward.

Thank you  
Janine Roeth

## Rosemary Balsley

---

**From:** Bonnie Bush  
**Sent:** Monday, September 13, 2021 2:16 PM  
**To:** City Council  
**Subject:** FW: Agenda Item 24 | MBEP Comment Letter | Sept 14 City Council  
**Attachments:** SC Downtown Library Project Support Letter Sept 2021.pdf

*Bonnie Bush, CMC*

City Clerk  
City of Santa Cruz  
831-420-5035

Public Records Requests may be submitted online via the Public Records Request form, by email, or by hard copy form available at the City Clerk's Office located at 809 Center Street, Room 9, Santa Cruz, CA 95060.

Please note: Public Record Act Requests submitted via email, fax, USPS, or dropoff after 5:00 p.m. on a business day, Saturdays, Sundays, or holidays will be processed as received on the next open business day. The 10-day response period begins when the request is received.

**From:** Ashley Gauer [mailto:agauer@mbep.biz]  
**Sent:** Monday, September 13, 2021 2:14 PM  
**To:** Bonnie Bush <bbush@cityofsantacruz.com>  
**Cc:** Matt Huerta <mhuerta@mbep.biz>; Kate Roberts <kroberts@mbep.biz>  
**Subject:** Agenda Item 24 | MBEP Comment Letter | Sept 14 City Council

Hi Bonnie,

Here's another comment letter from MBEP with regards to the Downtown Mixed-Use Library Project, Item 24 on the Agenda.

Thanks, again. Hope you had a nice wknd!  
Ashley

On Fri, Sep 10, 2021 at 4:44 PM Bonnie Bush <[bbush@cityofsantacruz.com](mailto:bbush@cityofsantacruz.com)> wrote:

Hi Ashley,

For inclusion in the packet, the deadline is Monday at 3pm (indicated on first page of the agenda), so you made it! The packet will be updated Monday morning for any emails that come in over the weekend.

Thanks!

Bonnie Bush, CMC  
City Clerk  
831-420-5035

> On Sep 10, 2021, at 4:38 PM, Ashley Gauer <[agauer@mbep.biz](mailto:agauer@mbep.biz)> wrote:  
>

--  
-----  
**Ashley Gauer**

808.927.1535

Program Manager, Special Projects

**Monterey Bay Economic Partnership**



**Lead. Impact. Thrive.**

**Watch our [video](#) to learn more**

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September 13, 2021

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President, CSU Monterey Bay

**Matt Huffaker, Board Vice-Chair**  
City Manager, Watsonville

**Steve Snodgrass, Board Treasurer**  
CFO, Graniterock

**Carrie L. Birkhofer, Board Secretary**  
President & CEO,  
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Chancellor, UC Santa Cruz

**Charles McKee**  
County Administrative Officer,  
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**Nanette Mickiewicz**  
President, Dominican Hospital

**Tom Moran**  
President & CEO, Goodwill Central Coast

**Benjamin Ow**  
President, Ow Commercial Properties

**Miles Reiter**  
CEO, Driscoll's

**Dr. Raul Rodriguez**  
Interim Superintendent/President,  
Hartnell College

**Faris Sabbah**  
Santa Cruz County  
Superintendent of Schools

**Susan True**  
CEO, Community Foundation  
Santa Cruz County

**Staff: Kate Roberts, President & CEO**

Santa Cruz City Council  
809 Center Street  
Santa Cruz, CA 95060

**Subject:** Support for Downtown Mixed-Use Library Project, Agenda Item 24

Dear Mayor Meyers and Santa Cruz City Councilmembers,

The Monterey Bay Economic Partnership (MBEP) supports staff's recommendation to **award the contract and authorize the City Manager to execute an agreement with Jayson Architecture** as the Mixed-Use Library Master Architect. MBEP's Housing Initiative supports the construction of housing in our region at all types and income levels in appropriate locations near existing jobs, transit and services. MBEP's Climate Change Initiative advocates for the construction of transit-oriented housing developments and climate-resilient infrastructure.

Since 2019, we have had the opportunity to participate in the visioning process for the Downtown Mixed-Use Library Project thanks to staff's community stakeholder meetings. **We continue to express support for the inclusion of sustainable, affordable, resilient housing, and opportunities for economic and workforce development.** We commend the city for the inclusion of at least 50 affordable housing units above the library space, in addition to no more than 400 parking spaces in the form of an onsite parking garage to maximize affordability and sustainable land use.

We agree with community partners that **with formal approval of Jayson Architecture as Master Library Architect, and with Eden Housing and For the Future Housing as the affordable housing developers, the Downtown Mixed-Use Library Use Project will represent a strong team with extensive high level expertise and a solid record of local projects.** We look forward to being part of the next steps leading to completion of this visionary project - one that fulfills broadly-shared community goals of a first class downtown library, permanently affordable housing, and a multi-modal, vibrant downtown.

Thank you for your leadership and time.

Sincerely

Kate Roberts  
President & CEO

---

*Founded in 2015, MBEP consists of over 85 public, private and civic entities located throughout Monterey, San Benito and Santa Cruz counties with a mission to improve the economic health and quality of life in the Monterey Bay region. Our initiatives advocate for and catalyze an increase in sustainable, mixed-income housing of all types with a focus on equity, climate resilience, and equal access to high quality clean transit, broadband infrastructure, and economic upward mobility.*

3180 Imjin Road, Suite 102  
Marina, CA 93933 831.915.2806

Santa Cruz . San Benito . Monterey

## Rosemary Balsley

---

**From:** Elizabeth Conlan <elizabethconlan@protonmail.com>  
**Sent:** Monday, September 13, 2021 2:20 PM  
**To:** City Council  
**Subject:** Agenda item #24 — Support approval of contract with Jayson Architecture as Master Library Architect for the Library Mixed Use Projectn

Dear Mayor Meyers, Vice Mayor Brunner, and Councilmembers:

I encourage you to approve the contact with Jayson Architecture for the library mixed-use project, on the agenda for the Council meeting on September 14. I am thrilled that the city is moving ahead with a new, updated library and the plans for 107 new affordable homes Downtown.

Thank you,  
Elizabeth Conlan

## Rosemary Balsley

---

**From:** Erica Stanojevic <ericast@gmail.com>  
**Sent:** Monday, September 13, 2021 2:23 PM  
**To:** City Council  
**Subject:** Farmer's market and library project

Dear City Council Members,

On your agenda tomorrow is a request to approve \$2.29 million for a Library Master Architect Contract. I want to inform you that my organization is part of a coalition of groups that is about to begin collecting signatures on a ballot initiative that would allow voters to decide the fate of this garage-library-housing project. I urge you to put off spending funds on this project until the voters have had a chance to decide. This would prevent the City from expending funds unnecessarily.

I want to remind you that in 2012, 73% of voters approved a ballot initiative giving themselves the right to decide whether to approve a desalination contract. By that point, the City and Soquel Creek Water District had spent \$14 million studying a desalination plant. The City Council's decision selecting desalination over inter-district water transfers was based on false information from the former Water Director that a water rights application allowing water transfers would take 20 years to win state approval. Thankfully, under the leadership of Rosemary Menard, the Water Supply Advisory Committee received accurate information from water rights attorneys and water transfers became City policy.

The decision to plan a six level parking garage Downtown is similarly based on false information about the need for such a structure. The only information the Council received about how to address future parking demand was an estimate from Public Works staff. In 2016 City contracted with Nelson\Nygaard to produce the Downtown Parking Strategic Plan. However, staff never brought this report to the Council. The Downtown Parking Strategic Plan describes Downtown as overbuilt for parking. "In aggregate almost thirty percent of off-street parking in the Downtown remains empty even at the peak of the peak times." The report also prescribes an approach to meeting future parking demand, "The most fiscally prudent approach to accommodating additional demand: Modernize parking management and better align parking prices to the cost of building and maintaining the system."

An honest environmental review of the proposed mixed use project can be expected to take seriously the alternatives to building a new parking structure recommended by Nelson\Nygaard, as well as the similar recommendations from Kimley-Horn and JR Parking Associates, prepared for the October 15, 2015 Planning Commission meeting, as well as the recommendations from Patrick Siegman and parking researcher Adam Millard-Ball at the Council study session on March 19, 2019. The Public Works Department has presented no analysis that explains why these experts are wrong. An EIR that names an alternative to building the garage will require dropping a major element of this project, causing considerable delay.

There are many downsides to overbuilding parking in the Downtown. Nelson\Nygaard wrote, "Oversupplying parking in a space-constrained area like a downtown can fragment the built environment, creating a less desirable place to work, live, visit, and walk around." Another major downside of building an unnecessary garage is the opportunity cost:

- Space devoted to parking is lost to affordable housing. Urban Planning Partners, reporting to the Santa Cruz City Planning Commission on January 7, 2021 "The space required to park two cars (including circulation space) is equivalent to the space required for a two-bedroom housing unit."
- Local funds spent on parking could be instead fund affordable housing and supplement Measure S funding for renovation of the Library at its current location.

There are two financial hurdles that may prove difficult for this project to overcome:

- The Measure S funding for the Library portion of the project is inadequate to fund the size of the Library in the City's concept. There is no funding source yet identified to fill the gap.
- The bond funding for the garage portion of the project depends on demonstrating to bond rating agencies that the Downtown Parking District has sufficient revenue stream to finance the bond. In 2018 City staff presented to the Council an independent review by Economic and Planning Systems (EPS) of its model to finance the garage. EPS warned, "The model does not evaluate a worst-case scenario (for parking revenues) where a major recession occurs or a technological change (and pricing) substantially reduces parking demand." Parking revenue is currently inadequate and may remain so for several years.

It would be a mistake to spend \$2.9 million to advance this project in the face of lack of adequate information (the Nelson\Nygaard study) and no effort on the part of the City to seek a negotiated agreement with the many Downtown business owners, climate activists, affordable housing advocates, and supporters of the Public Library, who oppose this project.

Thank you,  
Erica

## Rosemary Balsley

---

**From:** Debbie Bulger <dfbulger@cruzio.com>  
**Sent:** Monday, September 13, 2021 2:27 PM  
**To:** City Council  
**Subject:** Please delay decision for contract for garage library

Dear City Council Members,

As you know there is considerable opposition to cutting down the heritage Magnolia trees in the Farmers Market Lot for a new garage/library. This last green parcel downtown is a poor site for this massive structure.

If petition signature gatherers are successful in their drive to require a vote on this building, city money will be wasted.

Is there a clause in the contract that the money can be applied to another site/design if voters want to keep the Farmers Market where it is?

I am definitely in favor of saving money.

The prudent action is to delay this decision until after the initiative vote.

Debbie Bulger  
Santa Cruz

## Rosemary Balsley

---

**From:** Michael Levy <levysantacruz@gmail.com>  
**Sent:** Monday, September 13, 2021 2:46 PM  
**To:** City Council  
**Subject:** No garage please

Dear Councilmember,

As a downtown resident, longtime Santa Cruz citizen, and person acutely aware of the climate disaster that is upon us, I ask that you proceed no further with plans for a new parking structure downtown. The reasons are many. I am in alignment with the letter from Rick Longinotti, which ends as follows:

It would be a mistake to spend \$2.9 million to advance this project in the face of lack of adequate information (the Nelson\Nygaard study) and no effort on the part of the City to seek a negotiated agreement with the many Downtown business owners, climate activists, affordable housing advocates, and supporters of the Public Library, who oppose this project.

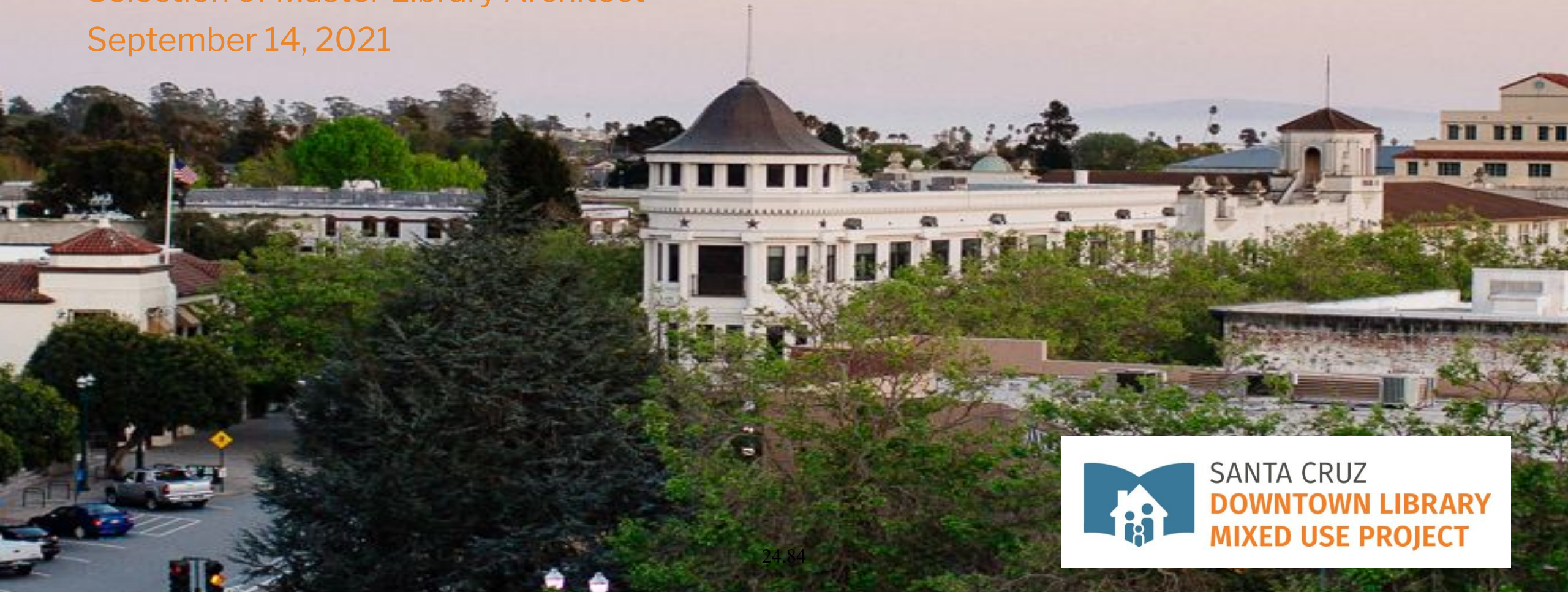
Yours,  
Michael Levy

*Michael Levy  
2120 N Pacific Ave Spc 45  
Santa Cruz, CA 95060  
408-458-3566*

# DOWNTOWN LIBRARY MIXED-USE PROJECT

Selection of Master Library Architect

September 14, 2021



SANTA CRUZ  
**DOWNTOWN LIBRARY**  
**MIXED USE PROJECT**



# AGENDA

- Background and Process
- Contract Scope and Timeline
- Community Outreach
- Funding Sources
- Recommendation
- Presentation by Jayson Architecture
- Santa Cruz Libraries' Perspective
- Next Steps and Questions



# AGENDA

- Background and Process
- Contract Scope and Timeline
- Community Outreach
- Funding Sources
- Recommendation
- Presentation by Jayson Architecture
- Santa Cruz Libraries' Perspective
- Next Steps and Questions

# Background: Master Library Architect and Selection Process

- Request for Proposals was posted on April 22nd, 2021
- 9 firms submitted proposals
  - Project Team
  - Past Related Experience
  - Design and Program
  - Approach to Scope
- Following initial evaluation, four teams were interviewed; Dreyfus and Blackford, Jayson Architecture, ABA, and Group 4
- Following a second round of interviews, Jayson Architecture was selected as the preferred Master Library Architect
  - Strong team, approach to scope, quality and success of community engagement, current relevant local projects and quality design

# AGENDA

- Background and Process
- Contract Scope and Timeline
- Community Outreach
- Funding Sources
- Recommendation
- Presentation by Jayson Architecture
- Santa Cruz Libraries' Perspective
- Next Steps and Questions

# Contract Scope and Timeline

- Role of Master Library Architect
  - Will serve as lead architect for Downtown Library and integration with overall site design
  - Will lead community engagements efforts on library site design and integration with overall site design
  - Will prepare site concepts for Council consideration
  - Will prepare conceptual design, schematic design and design development drawings, each of the phases with active community engagement
  - Will prepare construction documents, assistance during bidding and construction administration as further outlined in the contract

## Contract Scope and Timeline

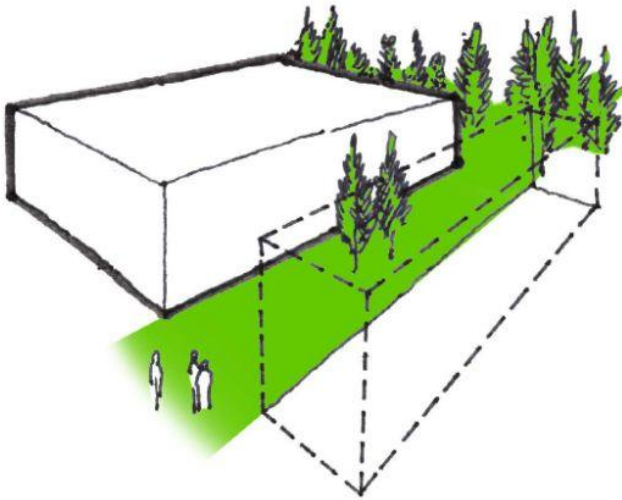
- Total Cost for Scope through Project Completion is \$2.29M
- Contract allows City to terminate the contract with 10 days notice
- Architectural services will be paid on a monthly basis, no obligation beyond work performed to date
- Estimates for each phase, including timing and costs are outlined in the contract
  - Pre-Design is estimated to start in mid-September, concluding in early December
    - Outreach events and community workshops will be noticed and posted on the City's project website at [www.CityofSantaCruz.com/mixeduselibrary](http://www.CityofSantaCruz.com/mixeduselibrary)
  - Staff will return to Council in December for feedback and direction on conceptual project design

# AGENDA

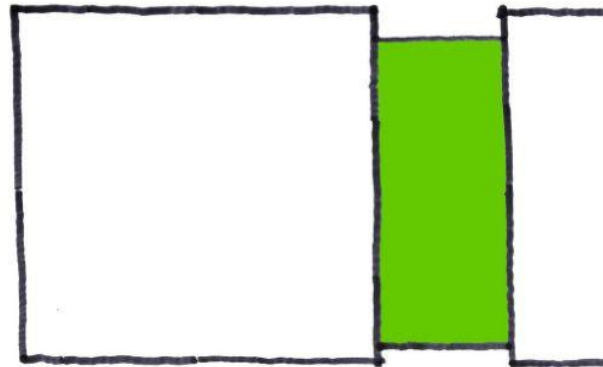
- Background and Process
- Contract Scope and Timeline
- Community Outreach
- Funding Sources
- Recommendation
- Presentation by Jayson Architecture
- Santa Cruz Libraries' Perspective
- Next Steps and Questions

# Community Outreach

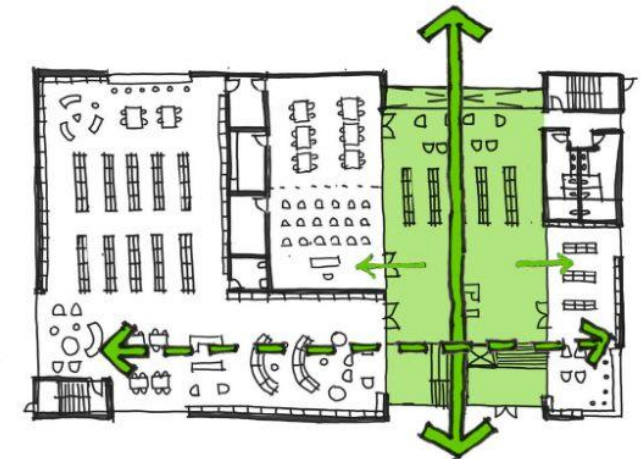
Conceptual Design:  
6 Focus Groups  
3 Workshops



Schematic Design:  
2 Workshops



Design Development:  
2 Presentations



# AGENDA

- Background and Process
- Contract Scope and Timeline
- Community Outreach
- Funding Sources
- Recommendation
- Presentation by Jayson Architecture
- Santa Cruz Libraries' Perspective
- Next Steps and Questions



## Funding Sources

- Funding for the contract for the current fiscal year is budgeted in the approved FY22 CIP budget and includes the following funding sources:
  - Measure S Funds
  - Economic Development Trust Fund
  - Parking District

# AGENDA

- Background and Process
- Contract Scope and Timeline
- Community Outreach
- Funding Sources
- Recommendation
- Presentation by Jayson Architecture
- Santa Cruz Libraries' Perspective
- Next Steps and Questions

---

## Recommendation

Motion to award the contract for the Mixed-Use Library Master Architect to Jayson Architecture in an amount up to \$2,289,550 and authorize the City Manager to execute an agreement with Jayson Architecture in a form to be approved by the City Attorney.

# AGENDA

- Background and Process
- Contract Scope and Timeline
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- Funding Sources
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- Presentation by Jayson Architecture
- Santa Cruz Public Libraries' Perspective
- Next Steps and Questions

# AGENDA

- Background and Process
- Contract Scope and Timeline
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# AGENDA

- Background and Process
- Contract Scope and Timeline
- Community Outreach
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- Recommendation
- Presentation by Jayson Architecture
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- Next Steps and Questions

---

## NEXT STEPS

- Upcoming Community Outreach on Site Concepts and Library Design
  - October Stakeholder Meetings
  - November/December Workshops
- Farmers' Market engagement- Ongoing
- Council Presentation and Site Design-December



# DOWNTOWN LIBRARY MIXED-USE PROJECT

Selection of Master Library Architect  
September 14, 2021

## Questions?



SANTA CRUZ  
**DOWNTOWN LIBRARY**  
**MIXED USE PROJECT**





City Council Presentation for the

**SANTA CRUZ DOWNTOWN LIBRARY  
MIXED USE PROJECT MASTER ARCHITECT**

For the City of Santa Cruz

September 14<sup>th</sup>, 2021





## ABE JAYSON

**Principal-in-Charge  
Community Liaison  
Library Expert**

*Architect, AIA, California License # C33239  
LEED Accredited Professional, BD+C*



## KATIE STUART

**Associate, Project Manager  
Main Point of Contact  
Library Expert**

*Architect, California License # C36427  
LEED Accredited Professional, BD+C*



An aerial photograph of a city grid, likely Santa Cruz, with a river winding through it. A sports field is visible in the lower-left corner. The image is darkened to serve as a background for text.

I

# EXPERTISE

UNDERSTANDING THE  
COMPONENTS THAT CREATE  
A WONDERFUL LIBRARY

II

# ENGAGEMENT

PROMOTING DIALOGUE  
TO ACHIEVE ROBUST  
QUALITATIVE FEEDBACK

III

# VALUES

CRAFTING A NARRATIVE  
THAT REFLECTS THE  
VALUES OF SANTA CRUZ





I. EXPERTISE



























































An aerial photograph of a city grid, likely Los Angeles, showing a dense arrangement of buildings and streets. A river or canal winds through the center-right of the image. In the bottom left, there is a sports field with a red track and green field, labeled 'BANK OF AMERICA STADIUM'. The text 'ENGAGEMENT' is overlaid in large white letters, preceded by a green double vertical bar and a dot.

# ||. ENGAGEMENT





# PROJECT TEAM

CITY

LIBRARY

AFFORDABLE HOUSING DEVELOPER / MASTER DEVELOPER

DESIGN TEAM

# COMMUNITY STAKEHOLDERS

LIBRARY USERS

HOUSING ADVOCATES

DOWNTOWN BUSINESSES & EMPLOYEES

DOWNTOWN INTEREST GROUPS & ADVOCATES

RESIDENTS - CURRENT & FUTURE

PROJECT NEIGHBORS

ENVIRONMENTAL GROUPS

CIVIC LEADERS





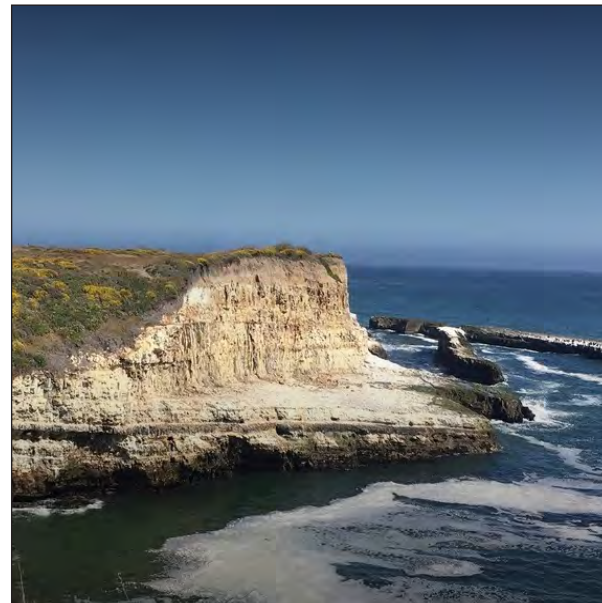
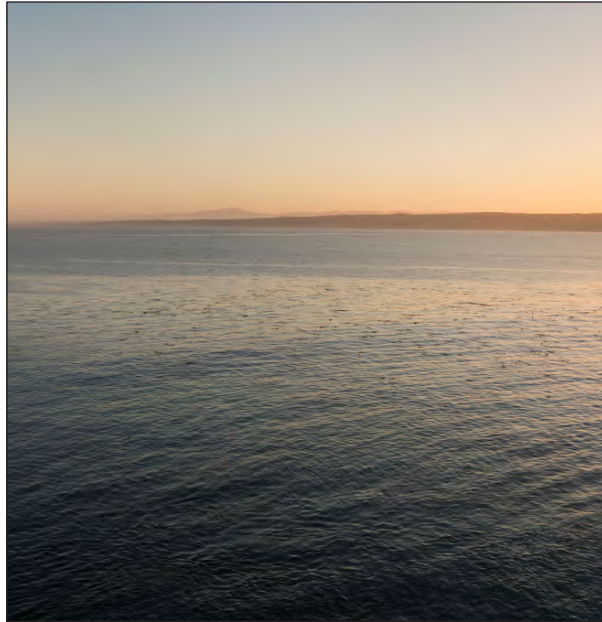
## LEARNING: CULTURAL CONTEXT

24.122

SANTA CRUZ DOWNTOWN LIBRARY  
MIXED USE PROJECT MASTER ARCHITECT

JAYSON  
ARCHITECTURE





## LEARNING: NATURAL CONTEXT

24.123

SANTA CRUZ DOWNTOWN LIBRARY  
MIXED USE PROJECT MASTER ARCHITECT

JAYSON  
ARCHITECTURE

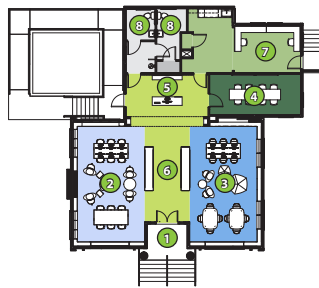








ADULT READING



ENTRY



CHILDREN'S READING

- 1 ENTRANCE
- 2 ADULT READING
- 3 CHILDREN'S READING
- 4 MEETING ROOM
- 5 CIRCULATION DESK
- 6 NEW COLLECTION
- 7 STAFF
- 8 RESTROOM

JAYSON  
ARCHITECTURE

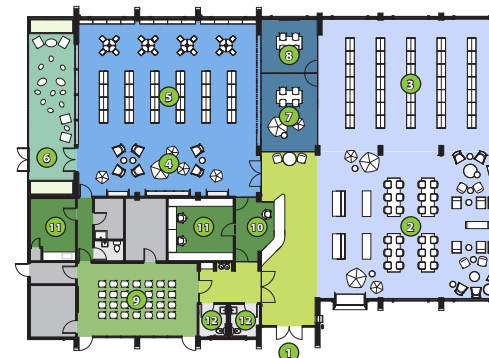


SANTA CRUZ  
PUBLIC LIBRARIES

October 14th, 2019  
GARFIELD PARK LIBRARY



ADULT READING ROOM



EXTERIOR ENTRY



TEEN ROOM



CHILDREN'S READING ROOM

- 1 ENTRANCE
- 2 ADULT READING
- 3 ADULT COLLECTION
- 4 CHILDREN'S READING
- 5 CHILDREN'S COLLECTION
- 6 CHILDREN'S PATIO
- 7 TEENS
- 8 MEETING ROOM
- 9 COMMUNITY ROOM
- 10 CIRCULATION DESK
- 11 STAFF
- 12 RESTROOM

JAYSON  
ARCHITECTURE



SANTA CRUZ  
PUBLIC LIBRARIES

October 14th, 2019  
BRANCIFORTE LIBRARY



**1. WHAT WORDS WOULD YOU USE TO  
DESCRIBE THE CURRENT LIBRARY?**

- + HELPFUL → LIKE CONNECTION  
TO OTHER LIBRARIES
- + FRIENDLY
- + HISTORIC
- + NEIGHBORHOOD
- + ACCESSIBLE
- + COMFORTABLE
- + INVITING (ALSO THE STAFF)
- + BEAUTIFUL SITE

**2. WHAT ARE YOUR FAVORITE THINGS  
ABOUT THE CURRENT LIBRARY?**

- + TALK TO THE STAFF
- + LIBRARY STORYTELLING
- + BEAUTIFUL (GOSSIP) EASE, IDYLIC SETTING
- + CATHERINE
- + BOOKS (FOR THREE WEEKS!)
- + LUCKY DAY COLLECTION
- + TREES + LAWN
- + DOG WATER DISHES
- + GIVE AWAY MAGAZINES
- + BOOK CART @ FRONT





1. FOSTERING GROUP **DIALOGUE**

2. PROMOTING STAKEHOLDER **TEAMWORK**

3. IDENTIFYING CORE **NARRATIVES**

4. DEVELOPING COMMUNITY **OWNERSHIP**



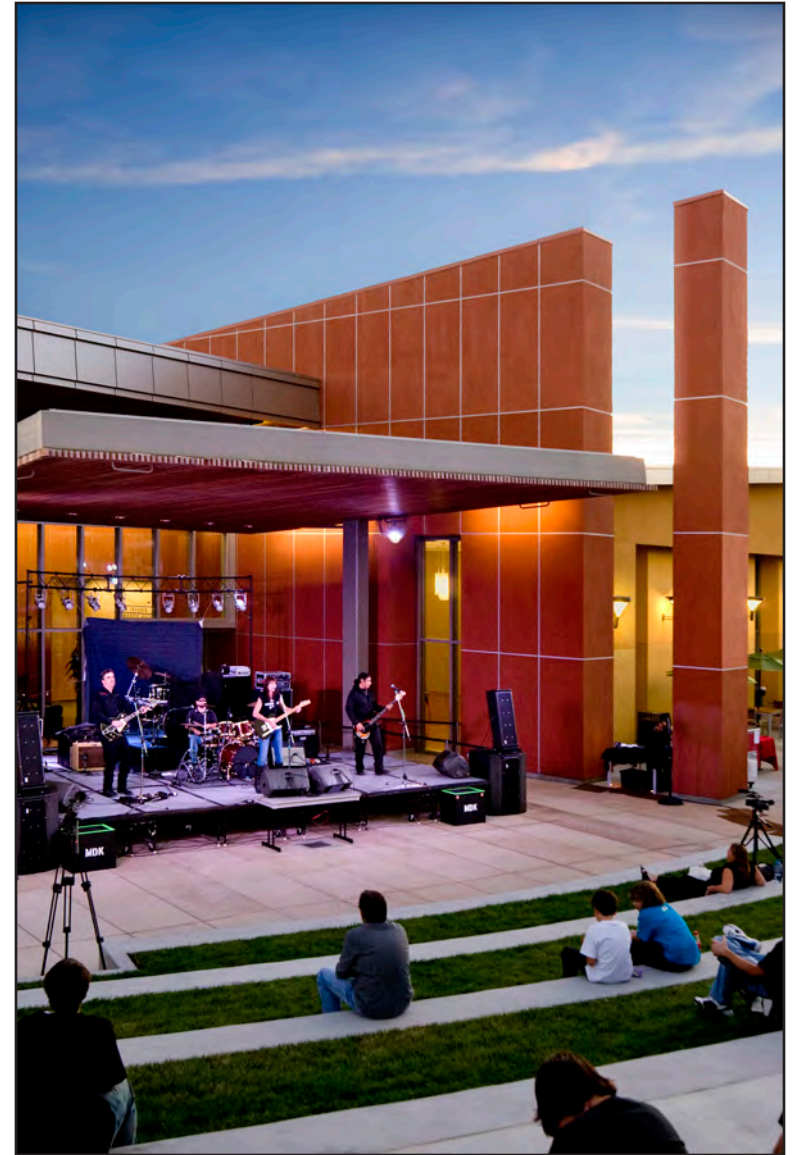


# III. VALUES





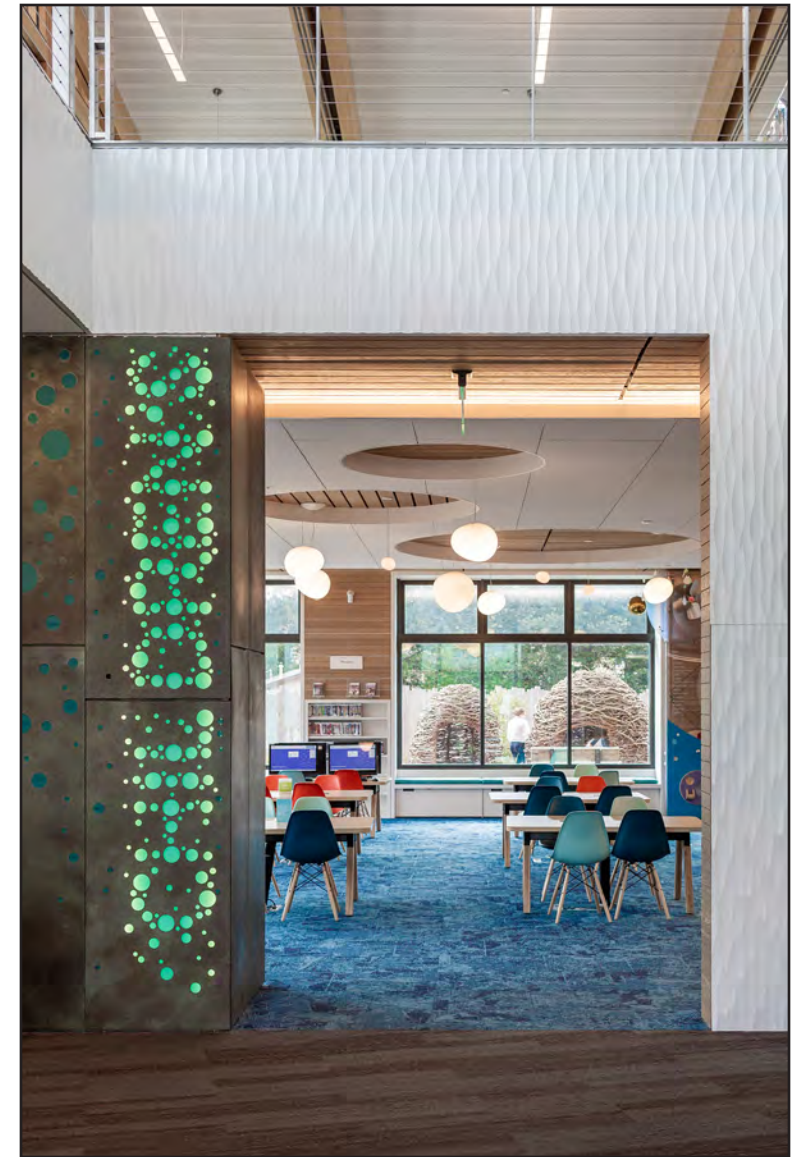
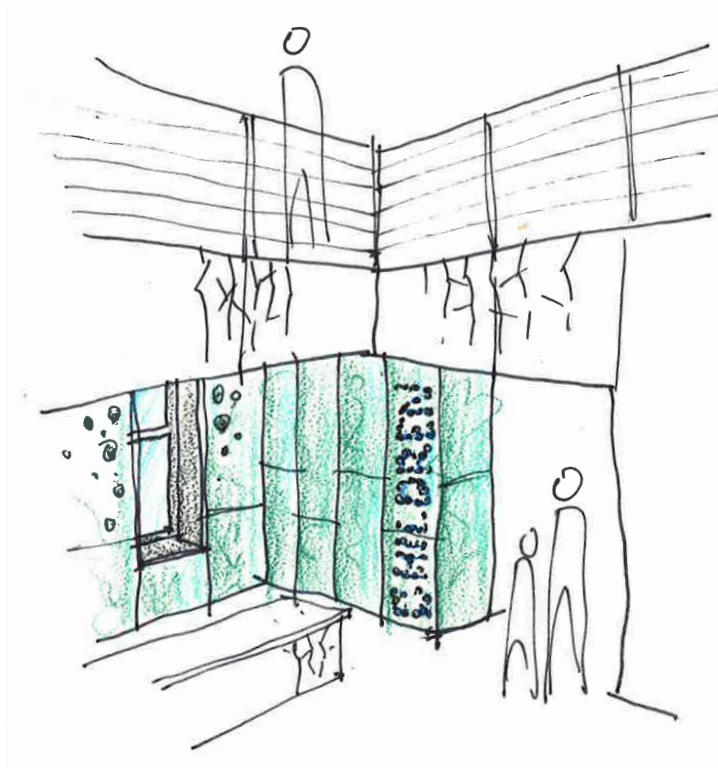
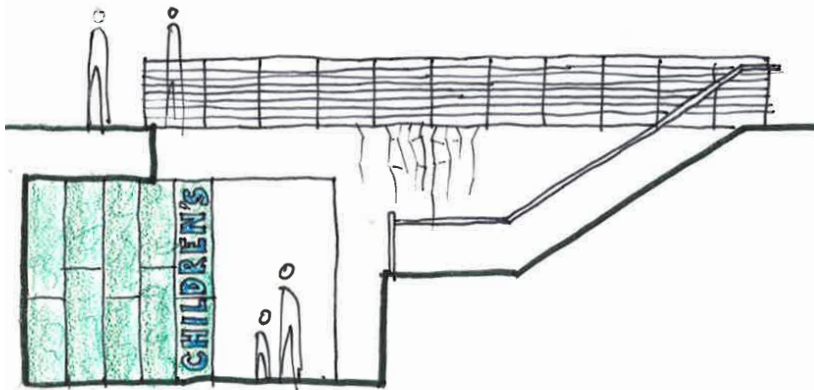
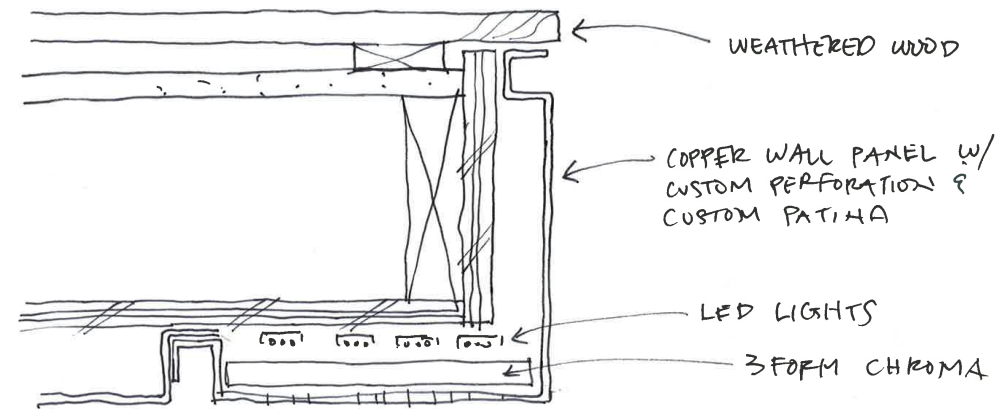
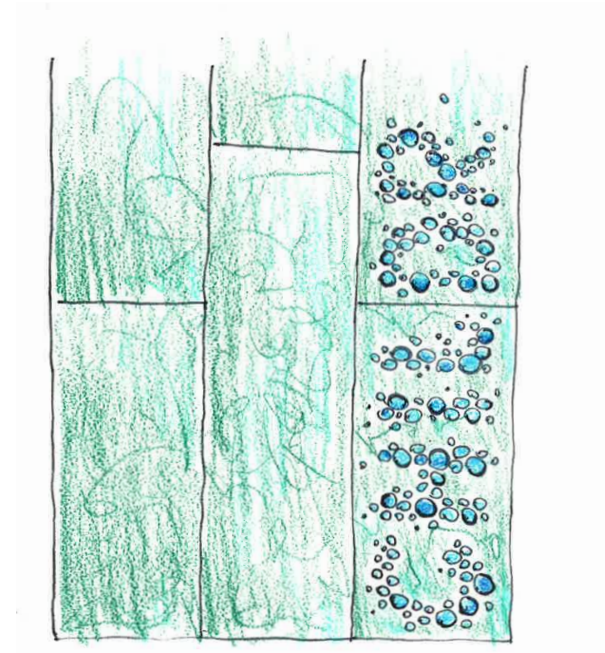


















An aerial photograph of a city grid, likely Los Angeles, showing a dense arrangement of buildings and streets. A river or canal winds through the center-right of the image. In the bottom-left corner, there is a sports field with a red track and green field, labeled 'BANK OF AMERICA STADIUM'. The overall image has a dark, muted color palette.

**JAYSON**  
ARCHITECTURE

**THANK YOU**





## City Council SUPPLEMENTAL AGENDA REPORT

**DATE:** 09/13/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Planning and Community Development

**SUBJECT:** **831 Water Street: CP20-0121 (APN 009-212-30, -31, -38)** – A Public Oversight Meeting to Assess Compliance with the City's Objective Standards Criteria and Accompanying Density Bonus Request for an Affordable Housing Project Proposed Pursuant to SB 35 (Planning and Zoning: Affordable Housing: Streamlined Approval Process). The Proposed Project Includes Demolition of Existing Commercial Buildings and Construction of a Five-story Mixed-use Building and a Four-story Residential Building Consisting of 2,727 Square Feet of Ground Floor Retail and 145 Residential Units (With 50% of the Base Units as Affordable per SB35) with Shared Underground Parking. (Owner: Novin Development Corp.) (PL)

---

**RECOMMENDATION:** Continue this item to the October 12, 2021 City Council agenda.

---

**BACKGROUND:** On July 1, 2021, the Planning and Community Development Department received an SB35 application for a development at APN's 009-212-30, -31, and -38 for the construction of two five-story mixed-use buildings with 165 residential units and shared underground parking. On July 27, 2021, the applicant submitted a revision to the plans to allow for the construction of a five-story mixed-use building and a four-story residential building consisting of 2,727 square feet of ground floor retail and 145 residential units with 50% of the base units as affordable per SB35 and with shared underground parking. City staff scheduled a City Council Public Oversight meeting for September 14, 2021 in order to allow for the City Council to review the project's compliance with objective standards, to hear public testimony, and to ministerially approve or deny the SB35 and density bonus request.

**ANALYSIS:** SB35 includes specific timelines within which the city must provide feedback to an applicant and approve or deny a proposed development. Unfortunately, neither the legislation nor the guidelines published by the California Department of Housing and Community Development (HCD) specify the number or extent of revisions that may occur within these timeframes. The legislation only addresses the extent of modifications that can be made with the building permit application.

The city received additional information from the applicant on September 9, 2021, after the agenda report and associated analysis of compliance with objective standards was prepared for the September 14, 2021 City Council meeting. The additional materials could significantly affect staff's recommendation; therefore, it is recommended that the item is continued to the October 12, 2021 City Council meeting to allow for further analysis of the revised plans' consistency with objective standards.

With the submittal of additional materials, the applicant also voluntarily extended the City's review period to October 14, 2021; therefore, a continuance to the October 12, 2021 Council meeting would still allow for the City to meet the timeframes specified in SB35.

The additional materials have been posted to the project webpage on the City's website for public review: <http://www.cityofsantacruz.com/831Water>.

Please note that the project plans associated with the September 14, 2021 City Council agenda report were mistakenly left out of the agenda report attachments and are now included as a part of the agenda materials. The additional application materials submitted on September 9, 2021 are attached to this report.

**FISCAL IMPACT:** No fiscal impact is anticipated from the continuance.

**Prepared By:**  
Samantha Haschert  
Principal Planner

**Submitted By:**  
Lee Butler  
Deputy City Manager

**Approved By:**  
Rosemary Menard  
Interim City Manager

**ATTACHMENTS:**  
September 9, 2021 Expanded Application for Development



1111 Broadway, 24<sup>th</sup> Floor  
Oakland, CA 94607-4036

T: 510.834.6600  
F: 510.834.1928

www.wendel.com  
amorrison@wendel.com

September 9, 2021

**Via Email**

Mr. Lee Butler  
Community Development Director  
City of Santa Cruz  
809 Center Street  
Room 107 and 101  
Santa Cruz, CA 95060

[lbutler@cityofsantacruz.com](mailto:lbutler@cityofsantacruz.com)

**Re: 831 Water Street – Mixed-Use Development (PLFYI 053)  
SB 35 Application – Submitting Additional Information Requested by City  
Objections to Council Action at September 7 Special Meeting**

Dear Mr. Butler:

As you are aware, Wendel Rosen, LLP represents Novin Development Corporation (“Applicant”) in connection with a proposed mixed-use development project located at the northwest corner of Water Street and N. Branciforte Avenue in the City of Santa Cruz (“City”). The project, as proposed, includes two mixed-use buildings totaling 140 units (51% of which will be affordable to low-income households) with shared underground parking, ground-floor commercial and residential amenity space (the “Project”).

The Applicant submitted an application to the City for processing the application pursuant to Government Code section 65913.4 (“SB 35”) on July 1, 2021. The purpose of this correspondence is to: 1) submit additional information on the application as requested by the City (“Additional Information”); 2) outline the chronology of certain events relating to the application; 3) explain the density bonus request ; and 4) provide our objections to certain discussions and decisions made by the City Council at its meeting on September 7.

*I. Additional Information*

The Additional Information is attached to this correspondence.

We also note, that because the City has not published a separate SB 35 application, the Applicant was directed to complete the City's Land Use Application form (“Form”). In that Form, there are certain mandatory documents which are required to be submitted. There are other documents and reports, however, that are not mandatory and, in the context of a non-SB 35 application, are within the City's planning staff's discretion to request. None of these discretionary reports or documents were requested at the time the Applicant was directed to utilize the Form in connection with the SB 35 Application submittal.



Since submittal of the Application on July 1, staff has requested the Applicant submit the following studies from the discretionary part of the Form: a geotechnical report (Stevens Ferrone Bailey, June 11, 2021) and archeological report (Albion Environmental, January 2021). We are submitting those reports along with the Additional Information. We are also submitting an historic resource report (Preservation Architecture, June 18, 2021).

## ***II. Chronology of Application***

The Applicant submitted a Notice of Intent to Submit an SB 35 Application to the City on June 3, 2021. Following this Notice, the Applicant participated in the SB 35 tribal resources consultation required by SB 35 which resulted in an enforceable agreement between the City and the Tribes relative to the Project and to which the Applicant will be subject. The Applicant then submitted its SB 35 Application ("Application") on July 1, 2021.

Following the submittal of the Application, the City's planning staff met with the Applicant to discuss the Project and, among other things, noted that the plans submitted in conjunction with the Application did not include revisions to address fire access requirements, which had been identified as an issue during the Project's pre-application review. The Applicant then submitted the corrected and revised set of plans on July 27, 2021 and voluntarily provided the City with an extension of the City's review time to evaluate the revised plan set, to September 27, 2021. Pursuant to SB 35, the City would have had 60 days from July 1<sup>st</sup> (or August 29<sup>th</sup>) to provide the Applicant with written documentation of which objective standards the development conflicts with without the Applicant's voluntary extension of review time.

The Additional Information submittal dated September 9, 2021 provides the final plan set including architectural renderings, civil engineering and landscape design drawings to complement the July 27<sup>th</sup> submittal.

## ***III. Density Bonus Statement***

Included in the Additional Information is the Application's Density Bonus Statement dated September 9, 2021 which addresses how the base density of the Project has been calculated as well as an Objective Standards Matrix.

### ***A. Granting of Density Bonus Concessions/Incentives/Waivers***

Because the Project will provide at least 24% of the base project units for lower income households<sup>1</sup>, it is entitled to up to three (3) concessions or incentives (Section 65915 (d)(2)(C)) that provide actual and identifiable cost reductions for the affordable units per Section 65915 (d)(1)(A). Concessions may include any "reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission... including, but not limited to, a reduction in setback and square footage requirements and in the

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<sup>1</sup> The Project will provide the following numbers of units affordable to lower income households: 60 studios/single room occupancy units; 7-1 bedroom units; and 3-2 bedroom units.

ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs” (Section 65915 (k)(1)).

The SDBL makes clear that when an applicant requests concessions/incentives, the local jurisdiction may request reasonable documentation to justify the requested concession/incentive but the local jurisdiction shall grant the concession/incentive unless it makes a written finding, based upon substantial evidence for one of three reasons. A concession/incentive must be granted unless the jurisdiction “makes a written finding, based upon substantial evidence” that: A) the concession does not result in actual cost reductions; B) would have a specific, adverse public health and safety impact; or C) is in violation of federal or state law (Section 65915 (d)(1) (emphasis added)).

A “specific, adverse impact” is defined as a “significant, quantifiable, direct and unavoidable impact based upon objective, identified written public health or safety standards, policies or conditions.” Section 65589.5(d)(2). To resolve any potential ambiguity, the statute also declares that the jurisdiction “shall bear the burden of proof for the denial of a requested concession or incentive.” Section 65915 (d)(4).

It has been suggested by members of the community that the Applicant’s requested concessions should be denied based upon public health and safety reasons. However, as noted above, the City must make written findings, based upon substantial evidence, that the requested concession (not the Project, if approved) will have a specific, adverse impact (specifically defined) on objective public health and safety standards, policies or conditions.

Here, the Applicant requests the following concessions/incentives:

- a concession from the requirement to disperse affordable units throughout the development pursuant to Santa Cruz Municipal Code (“SCMC”) Section 24.16.260; and
- a concession from the requirement to include 12% of the parking spaces to be equipped with electrical vehicle charging stations (“EVCS”) pursuant to SCMC Section 24.12.241.

First, the City must establish, based upon substantial evidence, that each of these requested concessions/incentives will not result in identifiable and actual cost reductions in order to provide for affordable housing costs.

Second, the City must establish, based upon substantial evidence, that the requested concessions/incentives would have a specific, adverse impact on public health and safety or the physical environment “...based upon objective, identified written public health or safety standards, policies or conditions.” Section 65589.5(d)(2). Assuming the dispersal requirement is an objective standard to which the Project is subject (and we would argue that there is some ambiguity in the concept of dispersal which would render this standard subjective), the requested concession (to not disperse) has no “specific adverse impact” on either the public health and safety nor upon the physical environment. The same holds true for the requested concessions from the EVCS requirement. There are simply no “significant, quantifiable, direct and

unavoidable impact[s] based upon objective, identified written public health or safety standards, policies or conditions” since the concessions will not result in such impacts and these standards and policies have not been enacted by the City.

Third, in order to deny the requested concession/incentive, the City must establish, based upon substantial evidence, that the concession or incentive would be contrary to state or federal law. Again, we see no basis on which the City could conceivably deny the requested concession/incentive.

*B. Required Financial Documentation*

Relative to the Council's motion on September 7, and the requirement to provide financial "documents" related to density bonus requests, the SDBL requires the applicant for a density bonus to demonstrate that the concession/incentive (here, an exception to the dispersal requirement) results in "identifiable and actual cost reductions" to provide for affordable housing costs. While the City's density bonus ordinance requires the submittal of a pro forma or other "reasonable documentation" (See SCMC Section 24.16.255(3), the SDBL was amended to expressly remove the requirement of a developer's pro forma in order to justify the identifiable and actual cost reductions. The attached update Density Bonus Statement contains sufficient information to demonstrate the concession will result in identifiable actual cost savings for the provision of affordable housing.

The Project has applied to receive state and local affordable housing grant funds. The Project is required by its financing sources to separate the affordable units from the market rate units (housed in a separate building) so that a deed restriction (required by Section 10337(a) of the State's Low Income Housing Tax Credit regulations) can be recorded on the parcel with the affordable units. This deed restriction will ensure that the units remain affordable for a period of 55 years. Evenly dispersing the units throughout the two buildings would render the project ineligible for one of its major sources of funding and, without these tax credits, the Project would be unable to obtain financing sufficient to allow the Project to move forward.

*IV. Objections to Council Discussion and Action at September 7 Special Meeting*

At the special City Council meeting on September 7, the City Council designated itself to make the determination of whether to grant or deny a density bonus request made in connection with an SB 35 application. Such a determination is contrary to both SDBL, SB 35 and the City's density bonus regulations.

The Applicant is requesting a density bonus and requesting concessions/incentives and waivers. Section 300 (c)(4) of the Updated Streamlined Ministerial Approval Process Guidelines issued by the Housing and Community Development Department dated March 30, 2021 (“HCD Guidelines”) states that “project eligibility for a density bonus concession, incentive, parking reduction or waiver of development standards shall be determined consistent with Density Bonus Law.”

SDBL at Section 65915 (d) permits an applicant to submit a proposal for the specific concessions necessary for the project to the City and may request a meeting with the City. The Applicant has not requested such a meeting to discuss the requested concessions. The section goes on to state that the city shall grant the concession unless it makes a written finding, based upon substantial evidence, that the requested concession/incentive does not result in identifiable and actual cost reductions to provide for the affordable housing costs; that the concession/incentive would be contrary to state or federal law; or that the concession/incentive would have a specific, adverse impact on public health or safety or the environment and for which there is no feasible method to mitigate or avoid that adverse impact.

Pursuant to the City's density bonus ordinance, an application for a density bonus and related concessions/incentives and waivers shall be "reviewed at a noticed public hearing as part of the first approval of the housing development by the approval body with authority to approve the housing development." (See SCMC Section 24.16.270(1)). The section goes on to state that, "if review by the planning commission or city council is not required, the application shall be heard by the zoning administrator."

Because the Project application has been submitted as an SB 35 application, the determination of whether to grant an SB 35 application is ministerial. Section 65913.4(a) underscores that eligible applications are subject to the streamlined, ministerial approval provided for in subsection (c). "Ministerial approval" is defined as "a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project". The public official merely ensures that the proposed development meets all the "objective zoning standards," "objective subdivision standards," and "objective design review standards" in effect at the time that the application is submitted to the local government, but uses no special discretion or judgment in reaching a decision." HCD Guidelines Section 102 (n) (emphasis added).

What is clear, however, is that the City's density bonus ordinance specifically allows an application for a density bonus, concession/incentive or waiver to be considered by the zoning administrator precisely because no discretionary review by the planning commission or city council is authorized by SB 35. We contend, therefore, that to have the City Council review, analyze and potentially make denial findings regarding the Project request for a concession/incentive and waivers would be a violation of SB 35.

Inevitably, the special meeting held on September 7 included public comments and, even a motion, pertaining to the Project and amounts to a violation of SB 35 and the Ralph M. Brown Act in that the meeting's agenda made no reference to the fact that the Council would be considering and taking action regarding the Project. That motion included specific reference to the "September 14<sup>th</sup> hearing on the 831 Water Street Project" and directed staff to provide the City Council and the public, at least three days prior to the public oversight hearing on the Project, financial documentation supporting the project density bonus requests. Nowhere in the agenda or staff report for the special meeting on September 7 was this contemplated action properly noticed.



By letter dated September 6, 2021 and during public comment during the September 7 special meeting, our office objected to such an action as contrary to SB 35, the City's charter and other state laws governing the amendment of an adopted City ordinance.

Without waiving the objections stated in the record, we understand the City Council wishes to conduct a public oversight meeting to determine the Project's consistency with objective standards on September 14 and to "consider for approval" the Applicant's associated density bonus requests. The Applicant will participate in the meeting on September 14.

**V. Conclusion**

Pursuant to Government Code Section 65589.6, should the city disapprove the Project for purposes of the Housing Accountability Act (Section 65589.5), the city will bear the burden of proof that its determination under SB 35 conformed to all of the conditions specified under the Housing Accountability Act.

While we remain highly concerned and, even, skeptical that the public oversight meeting currently scheduled for September 14 can be conducted in a manner that will not inhibit, chill or preclude the ministerial approval contemplated by SB 35, we look forward to receiving the City's written documentation of non-consistency with objective standards (if any) so that we can provide any outstanding information to the City in order for the Project to qualify as eligible for ministerial approval pursuant to SB 35.

Thank you and please do not hesitate to contact either me or my partner, Patricia Curtin (pcurtin@wendel.com) should you have any questions.

Very truly yours,

WENDEL ROSEN LLP



Amara Morrison

ALM/cab

cc: Client  
Tony Condotti, City Attorney  
Darcy Pruitt, Assistant City Attorney  
Samantha Haschert, Principal Planner  
Mark Rhoades, Rhoades Planning Group  
Alex Marqusee, Rhoades Planning Group  
Mark Donahue, Lowney Architecture

**831 Water Street, Santa Cruz, CA**  
**Government Code Section 65913.4 Project Submittal**  
**Density Bonus Statement**  
**September 9, 2021**

This Density Bonus Statement is submitted as an attachment to the application by Novin Development for a proposed mixed-use housing project at 831 Water Street in the City of Santa Cruz ("City"). The application is for a streamlined ministerial development permit pursuant to Government Code Section 65913.4, otherwise known as SB35, and as well as Government Code 65915 et seq ("State Density Bonus Law").

The document provides the relevant information for the application pursuant to Santa Cruz Municipal Code Chapter SCMC 24.16 and is organized as follows:

1. Legislative Context
2. Density Bonus Requests
3. Information required by SCMC 24.16.265.3

### **1. Legislative Context**

Pursuant to Government Code section 65915, because over 50%, 71 of the total 140 units (51%), of the proposed project (except for the manager's unit as allowed by State Density Bonus Law) of the "base" density units will be affordable, at least, to low-income households (80% AMI), the project is entitled to a 50% density bonus over the otherwise allowable maximum residential density ("base project").

The project is located within the East Side Business Area Plan, is zoned for Community Commercial, and has a Mixed-Use High Density General Plan designation. The zoning district does not have a density standard and therefore the project relies on the General Plan density standards per State Density Bonus Law (65915 (o)(4)). The General Plan designation of MXHD has a density standard of 30 dwelling units per acre as of right.

The project is applying for a density bonus under 65915(b)(1)(a) to be eligible for an 50% density bonus as the project provides 51% of its residential units as affordable. The project is therefore eligible for 45 dwelling units per acre. The General Plan also allows that studios and small one-bedrooms do not count towards the underlying density. This was confirmed by Council Resolution No. NS 29-077.

LU 3.8: "Allow the following residential uses to exceed the maximum densities in this chapter: Cf. LU1.3 and 3.7.1.

- Single-room occupancy (SRO) units;
- Small ownership units (SOU);
- **Small studio and one-bedroom units;**
- Accessory dwelling units (ADU);
- **Density bonus units;** and
- Residential uses within areas designated High-Density Overlay District (HD-O)."

Due to this general plan standard, only the project's two- and three-bedroom units are counted under the dwelling unit per acre density standard. The project proposes 15 two-bedroom units and 3 three-bedroom units which equate to just less than 20 du/acre in conformance with this standard.

Per City Staff's request, the project has also calculated the allowable density bonus based on the total floor area and average unit sizes allowed in the base case project. Plan Set dated 9/9/21 on page G02.0 provides the necessary diagrams and calculations that demonstrate the allowable square footage in the base and proposed density bonus building:

Lot Size	39,659	SF	0.91	acres
Base FAR	1.75			
Max Base GSF	69,403	SF		
Proposed Total GSF	90,536	SF		
Proposed Residential GSF	85,434	SF		
Proposed # of Units	140	units		
GSF / Building Area	611	SF		
Base Unit Count	109	units		
50% DB (Max # of Units)	164	units	(24)	unused density bonus units
50% DB (Max GSF)	104,105	SF	(18,671)	unused density bonus sf
50% DB (Max FAR)	2.625			

Specifically, the table above demonstrates that project is able to achieve a base unit count of 109 units at 611 gross square feet per unit while meeting all the underlying development standards such as FAR, height, setbacks and open space among others. Please see the Plan Set pages G0.20 through G02.4 for an analysis of the base and proposed projects. With the 50% density bonus, this permits the project to build up to 164 units and 104,105 gross square feet and requires the City to waive any development standards precluding the construction of this project.

Under State Density Bonus Law, the City must waive or modify any development standards that, if applied, "will have the effect of physically precluding the construction of a development ... at the densities or with the concessions or incentives permitted [by the density bonus]" Gov. Code 65915 (e). Development standards are defined in this section as "a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio" Gov. Code 65915 (o)(1).

Finally, the project is entitled to up to three (3) concessions or incentives (Gov Code 65915 (d)(2)(C)) that provide actual and identifiable cost reductions for the affordable units per Gov Code 65915 (d)(1)(A). Concessions may include any "reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission... including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs" Gov Code 65915 (k)(1).

The State statute makes clear that when an applicant requests concessions/incentives, the local jurisdiction may request reasonable documentation but then the local jurisdiction must approve the applicant's requests absent very specific findings. A concession/incentive must be granted unless the jurisdiction "makes a written finding, based upon substantial evidence" that the concession doesn't result in cost reductions, would have a specific, adverse public health and safety impact, or is in violation

of federal or state law Gov Code 65915 (d)(1) (emphasis added). A "specific, adverse impact" is defined as a "significant, quantifiable, direct and unavoidable impact based upon objective, identified written public health or safety standards, policies or conditions." Gov Code 65589.5(d)(2). To resolve any potential ambiguity, the statute also declares that the jurisdiction "shall bear the burden of proof for the denial of a requested concession or incentive." Gov Code 65915 (d)(4).

Similarly, the statute allows jurisdictions to deny waivers based on specific, adverse health and safety impacts that cannot be mitigated, adverse impacts to historic properties, or violations of state or federal law. Gov Code 65915 (e)(1).

## 2. Summary of Density Bonus Requests

### Density Bonus Law Waivers and Modifications

Standard	Regulation	Proposed	Rationale for Granting
SCMC 24.10.750.1.a Height of buildings	Maximum. 3 stories and 40 ft.	4 and 5 stories 48 and 59 ft.	<b><i>Waiver 1:</i></b> Complying with the standard would require the building to reduce the number of floors and eliminate a substantial number of residential units.  This would physically preclude the construction of the Project that would include the number of residential units allowed under the State Density Bonus Law.
24.10.750.1.d Open Space per unit Private 100 sq ft per unit	14,000 sf of private open space.	6,510 SF	<b><i>Waiver 2:</i></b> The constrained site physically prohibits the inclusion of this amount of private open space. Inclusion of this additional outdoor space would require reducing the building mass to provide this additional open space through ground floor patios. Adding more private balconies would require different engineering standards which cannot be accommodated by the proposed project.  Inclusion of this private open space would physically preclude the construction of the Project that would include the number of residential units that are allowed under the State Density Bonus Law.



24.10.750.1.d Open Space per unit Common 150 sq ft per unit	21,000 sf of common open space.	19,830 sf	<p><b>Waiver 3:</b> The constrained site physically prohibits the inclusion of this amount of common open space. Inclusion of this additional outdoor space would require reducing the building mass to provide additional common open space on the ground floor.</p> <p>Inclusion of this common open space would physically preclude the construction of the Project that would include the number of residential units that are allowed under the State Density Bonus Law.</p>
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#### Density Bonus Law Concessions and Incentives

Standard	Regulation	Proposed	Rationale for Granting
24.16.260 STANDARDS FOR DENSITY BONUS HOUSING DEVELOPMENTS	Requirement to disperse affordable units throughout the development.	Two separate buildings, one affordable and one not.	<p><b>Concession 1:</b> The project is required by its financing (low-income housing tax credits) to separate the affordable units from the market rate units in order to record a deed restriction on the parcel with the affordable units. Specifically, Section 10337(a)<sup>1</sup> of the California LIHTC regulations requires a separate deed restriction for the affordable unit necessitating a different building. Dispersing the units throughout the two buildings would render the project ineligible for one of its major sources of funding. Without these tax credits, the project would be unable to find sufficient financing to move forward.</p> <p>Therefore, not complying with this standard provides an actual and identifiable cost savings to the project by allowing for its financing.</p>

<sup>1</sup> <https://www.treasurer.ca.gov/ctcac/programreg/2021/20210616/2021-regulations-clean.pdf>

24.12.241 ELECTRIC VEHICLE CHARGING STATION REQUIREMENTS.	12% of provided parking spaces must be equipped within EVSE. This equates to 18 spaces out of the total 144.	6 EVSE spaces provided. All parking stacker spaces are EV ready.	<p><b>Concession 2:</b> Adding EVSE spaces would increase the cost of the project significantly due to the material and labor cost of increasing the capacity of the electrical panel and installing charging stations. Each EVSE station costs at least \$500 in parts alone leading to a cost savings of at least \$6,000 just in parts. Labor costs for installation depends upon the level of charge. Level 3 charges are generally used in multi-unit projects to accommodate multiple vehicles. Labor cost for a Level 3 charger is between \$14,740 and \$40,500. The true savings are much greater as the project does not need to engage in expensive electrical system upgrades.</p> <p>Therefore, not complying with this standard provides actual and identifiable cost savings to the project in the form of reduced construction costs.</p>
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As stated above, the requested concessions/incentives must be granted unless the jurisdiction “makes a written finding, based upon substantial evidence” that the concession does not result in cost reductions, would have a specific, adverse public health and safety impact, or is in violation of federal or state law Gov Code” and the jurisdiction bears the burden of proof for the denial of a requested concession or incentive.

### Parking Requirements

The project is subject to commercial and residential automobile requirements contained in Section 24.12.240. The project is applying under SB35 which prohibits a city from applying minimum parking requirements to the entire project when a project is within a half mile of public transit, see Gov Code § 65913.4(e)(1)(a). The project site is in front of SCMTD bus stops for the 66 and 71. Therefore, the project does not have to provide any automobile parking for residential units, commercial space, or guest parking.

### 3. Information required by SCMC 24.16.265/Affordable Housing Plan

- a) *Site plan showing total number of units, number and location of affordable units, and number and location of proposed density bonus units.*

See Plan Set pages A01.1 through G02.4 for calculations and descriptions.

- b) A description of any requested density bonuses, incentives, concessions, waivers or modifications of development standards, modified parking standards, or commercial development bonus.*

See Section 2 above.

- c) Summary table showing the maximum number of units permitted by the zoning and general plan excluding any density bonus units, affordable units qualifying the project for a density bonus, level of affordability of all affordable units, proposed bonus percentage, number of density bonus units proposed, and total number of dwelling units proposed on the site.*

See Section 2 above.

- d) Tenure (rental versus for-sale) of target units and proposals for ensuring affordability.*

The affordable units will be deed restricted in accordance with the State Density Bonus Law and SB35 requirements.

- e) A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size, if known, of all residents of currently occupied units. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size, if known, of residents occupying dwelling units when the site contained the maximum number of dwelling units.*

There have been no dwelling units on the site in the previous five-year period. The project site has been a commercial development.

- f) Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very-low- or lower-income households in the five-year period preceding the date of submittal of the application.*

There have been no dwelling units on the site in the previous five-year period. The project site has been a commercial development.

- g) For all incentives and concessions except those listed in Section 24.16.255(2), a pro forma demonstrating that the requested incentives and concessions result in identifiable and actual cost reductions and evidence that the cost reduction allows the applicant to provide affordable rents or affordable ownership costs. If a mixed-use building or project is proposed as an incentive, the applicant shall also provide evidence that nonresidential land uses will reduce the cost of the residential project and that the nonresidential land uses are compatible with the residential project and the existing or planned surrounding development.*
- h) Any pro forma submitted to comply with subsection (2)(g) may not include the lost opportunity cost of any affordable units (i.e., the revenue that would have been generated had the units been*

*rented or sold at market rate) and may include as an additional cost only those additional expenses that are required solely because of the proposed construction of the affordable units. The cost of reviewing any required pro forma data submitted in support of a request for a concession or incentive, including but not limited to the cost to the city of hiring a consultant to review the pro forma, shall be borne by the applicant. The pro forma shall also include: (1) the actual cost reduction achieved through the incentive or concession; and (2) evidence that the cost reduction allows the developer to provide affordable rents or affordable sales prices.*

Please see the rationale in Section 2 for why the requested incentives will result in identifiable and actual cost reductions. State Density Bonus Law no longer permits a local jurisdiction to require a pro forma to substantiate costs savings.

The State Density Bonus Law statute make clear that when an applicant requests concessions/incentives, the local jurisdiction may request “reasonable documentation” but no additional ‘study or report’. The local jurisdiction must approve the applicant’s requests absent very specific findings. A concessions/incentive must be granted unless the jurisdiction “makes a written finding, based upon substantial evidence” that the concessions doesn’t result in cost reductions, would have a specific, adverse public health and safety impact, or is in violation of federal or state law. Gov Code 65915 (d)(1) (emphasis added). To resolve any potential ambiguity, the statute also declares that the jurisdiction “shall bear the burden of proof for the denial of a requested concession or incentive.” Gov Code 65915 (d)(4). In addition, the project is subject to the Housing Accountability Act (HAA) as it complies with all objective standards. The HAA requires a municipality to issue written findings based on a preponderance of the evidence in the record in order to deny a project, see Gov Code § 65589.5(j)(1).

- i) For waivers or modifications of development standards: the application shall provide evidence that each development standard for which the waiver is requested will have the effect of physically precluding the construction of the housing development at the densities or with the incentives or concessions permitted by this Part 3.*

See Section 2.

- j) If a parking modification is requested, a table showing parking required by the zoning ordinance and proposed parking. If a parking reduction provided by Section 24.16.256(2) is requested, evidence that the project is eligible for the requested parking reduction.*

No parking modifications are requested pursuant to SDBL, rather the City is prohibited from requiring parking under SB35 as demonstrated above.

Subsections k through p are not applicable as none of those project types are proposed.



## **831 Water Street**

**9/9/21**

### **Objective Zoning and Design Standards Table**

This project is being presented to the City of Santa Cruz pursuant to Government Code Section 65913.4 (SB 35). The following is a table that includes all of the City of Santa Cruz's object zoning and design standards as they apply to the project that will be located at 831 Water Street. The project will be built by Novin Development and will include at least 50% affordable housing that is affordable consistent with GC Section 95913.4, and State Density Bonus Law Section 65915(b)(1)(G). The project is also subject to Government Code Section 65589.5, the Housing Accountability Act.

Under SB 35, the only applicable standards that can be applied to a qualifying project are those "that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal." Gov. Code § 65913.4 (a)(5). ("Consistency with objective standards is determined after "excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915"). Further, projects that comply with SB 35 and objective standards are not subject to CEQA and cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a).

The table on the following pages includes all of the objective zoning and design standards that apply to the project at 831 Water Street. It includes any regulations regulation that includes shall, must, or is in the imperative. Not including any standards that say 'encourage', 'should' or 'may' or that are listed as a policy or guideline instead of a standard.

These standards came primarily from the the Santa Cruz Municipal Code. General Plan policies have been included if they are standards for private development. The development is also subject to the Eastside Business Area Plan. The beginning of that document focusing on the Water Street Entry Character Zone only includes guidelines that are subjective in nature. Therefore they are not included in this document. Similarly, the project is subject to the Heritage Tree Ordinance but that ordinance is not applicable as the project site is entirely paved and does not include any existing trees.

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
<b>Chapter 24.04 Administration</b>		
24.04.052 COMPLETENESS OF APPLICATION	Not applicable.  SB35 projects are a 'ministerial project' (Gov Code § 65913.4(a)) and are therefore exempt from the Permit Streamlining Act's 30 day completeness reviews, see Gov Code § 65928.	N/A
24.04.090 PUBLIC HEARING REQUIREMENT.	SB35 permits a local government to conduct a public hearing within 90 days of the application's submission. However, the public hearing may only consider the project's consistency with objective standards.	N/A
<b>24.10 Land Use Districts</b>		
24.10.150 DEVELOPMENT ON KNOWN ARCHAEOLOGICAL SITES	Not applicable.  The project is applying under SB35. Projects that comply with SB 35 and objective standards are not subject to CEQA and cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a).	N/A

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
24.10.730 USE PERMIT REQUIREMENT. 2.q	Not applicable.  The project is applying under SB35. Projects that comply with SB 35 and objective standards are not subject to CEQA and cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a).	N/A
24.10.750.1.a Height of buildings – Maximum. 3 stories and 40 ft.	Applicable objective standard.	Compliant through a density bonus waiver.  The project exceeds the allowable height and is requesting a density bonus waiver. Please see the density bonus statement for more information.
24.10.750.1.b Lot area – minimum (net)(sq. ft.) 5,000	Not applicable. Project does not propose any new lots.	N/A
24.10.750.1.c Setbacks Front-yard (N Bianciforte): 0 Rear-yard (west side) 0 feet Interior (north side): 20 feet Exterior (water street) 0 feet  The interior side yard abuts a residential district (multiple, 135-115 Belvedere Te) and is therefore the same as that district per 24.10.750.1 – Note 1.. Abutting yard the rear yard of a R-1-5 parcel which has a 20' rear yard requirement (24.10.350.)	Applicable objective standard	Compliant.  The project provides a 20' setback on the interior side setback of the property. See plan set page A00.1.

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
24.10.750.1.d Open Space per unit Private (sq. ft.) 100 Common (sq. ft.) 150, and easily accessible to residential units.	<p>The square feet per unit requirements are applicable and objective standards.</p> <p>The standard requiring common open space to be “easily accessible to residential units” is not an objective standard. ‘Easily accessible’ is not “uniformly verifiable by reference to an external and uniform benchmark” and is not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).</p>	<p>Compliant through a density bonus waiver.</p> <p>The project does not provide the required private or common open space and is requesting density bonus waivers. Please see the density bonus statement for more information.</p>
24.10.750.1.e Distance between buildings on the same lot. 10’ min	Applicable and objective standards.	<p>Compliant.</p> <p>The two buildings are 10’ apart in compliance of this standard. See Plan Set page A00.1</p>

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
24.10.750.2 Additional Setback Requirement. In any C-C District directly across a street or thoroughfare, not including a freeway, from any R-District, parking and loading facilities shall be at least ten feet distant from the property line and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.	Not applicable. The project site is directly across from properties in the C-C district.	N/A
24.10.750.3 Other Requirements.	Applicable and objective standards.	Compliant.  See section below on compliance with Community Design Criteria.
<b>Chapter 24.12 Community Design</b>		
24.12.100 MINIMUM BUILDING SITE Each building site in each zoning district shall be planned and arranged so as to occupy only that portion of a lot not otherwise required as a yard, setback, easement, right-of-way, or other legally established open space; except, that where all other provisions of this title are met, a building site may be established in airspace when created through an approval of a community housing project	Applicable and objective standards.	Compliant
24.12.110 SETBACK REQUIREMENTS MODIFICATIONS 1. Front Yards.	Not applicable. The development site is on a corner lot.	N/A



Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
<p>24.12.110 SETBACK REQUIREMENTS MODIFICATIONS</p> <p>2. Corner Lot Yards.</p> <p>a. Where, on a corner lot, an exterior side yard abuts a front yard of an adjoining lot in an R-District, the corner lot exterior side yard shall have a width of not less than one-half of the required depth of such adjacent front yard.</p> <p>b. Each corner lot should have one front yard, two side yards, and one rear yard of the depth required by this title. Normally the front yard shall be across the narrow dimension of the lot and the rear yard opposite this; in unusual cases, however, the location and the relationship of such yards to abutting streets and to each other may be determined by the zoning administrator.</p> <p>c. In any zoning district in which a minimum front yard is established, no obstruction to view between three and one-half feet, and eight feet above grade shall be placed within the clear corner triangle as defined in this title.</p>	<p>Subsections B are applicable and objective standards.</p> <p>Subsection A is not applicable as the exterior side yard along Water Street abuts a CC zoned property.</p> <p>Subsection C is not applicable as there is no required front yard.</p>	<p>Compliant.</p> <p>The project's front yard is along N Brianciforte perusant to 2.b.</p>
<p>24.12.110 SETBACK REQUIREMENTS MODIFICATIONS</p> <p>3. Double-Frontage Yards.</p> <p>4. Lots of Record</p>	<p>Not applicable. The project's interior side yard does not abut an alley or right-of-way. The project meets the minimum lot area.</p>	<p>N/A</p>

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
24.12.115 SPECIAL STREET SETBACK REQUIREMENTS FOR DESIGNATED STREETS.	Not applicable. The project site is not on an designated street.	N/A
24.12.120 PROJECTIONS INTO REQUIRED YARD AREAS, SETBACKS AND EASEMENTS	Applicable and objective standards.	Compliant.  There are no projections into the required interior side yard.
24.12.125 LANDSCAPING REQUIREMENT. In all districts where yards are required, all portions of each front and exterior side yard, except where improved for pedestrian or vehicular access, or a porch or a patio, shall be landscaped and permanently maintained.	Not applicable. There are no required front or exterior side yards.	N/A
24.12.130 EXTENDED STORAGE OR PARKING IN YARD AREAS.	Not applicable. There are no required front or exterior side yards.	N/A
24.12.140 ACCESSORY BUILDINGS.	Not applicable. No accessory building proposed.	N/A
24.12.145 FOOD PREPARATION FACILITY (SPECIAL PURPOSE).	Not applicable. No food preparation facility proposed.	N/A
24.12.150 HEIGHT LIMITS MODIFICATIONS.	Not applicable. None of the listed features are proposed..	N/A
24.12.160 FENCING AND SCREENING. 1. Fencing	Not applicable. None of the listed fences are proposed.	N/A

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
24.12.160 FENCING AND SCREENING. 2. a. In any nonresidential district adjacent to any R- District, screening between districts shall be provided.	Applicable and objective standards.	Compliant.  The project retains the existing fence along the interior side yard. See Plan Set page A00.1
24.12.170 through 24.12.195	Not applicable. None of the listed items are proposed.	N/A
24.12.230 GENERAL REQUIREMENTS.	Not applicable.  The project is applying under SB35. Projects that comply with SB 35 and objective standards are not subject to CEQA and cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a).	N/A

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
<p>24.12.240 NUMBER OF PARKING SPACES REQUIRED. 1 space per studio or one-bedroom, 2 spaces for all larger units. In addition to meeting above residential parking requirements, guest parking spaces shall be provided at a rate 10% of the above standards. Fractional spaces will be rounded up to the next whole number.</p>	<p>Not applicable. The project is applying pursuant to Gov. Code § 65913.4 and meets the standard of being within a half mile of public transit (SCMTD routes 67 and 71). Therefore, the City is prohibited from applying automobile parking minimums to the project per Gov. Code § 65913.4(e)(1) and HCD's SB35 guidance<sup>1</sup> Section 300(e). This applies to both the residential and commercial portions of the development.</p>	<p>N/A</p>
<p>24.12.241 ELECTRIC VEHICLE CHARGING STATION REQUIREMENTS. 12% of provided parking spaces must be equipped withan EVSE</p>	<p>Applicable objective standard.</p> <p>The project provides 144 parking spaces and is therefore required to provide 18 EVSE spaces.</p>	<p>Compliant through a Density Bonus concession.</p> <p>The project provides 6 EVSE spaces which is fewer than the required 18 in violation of this standard. The project requests a Density Bonus concession to not provide the otherwise required EVSE. Please find more details in the Density Bonus statement.</p>

<sup>1</sup> <https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf>

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
<p>24.12.250 BIKE PARKING REQUIREMENTS.</p> <p>2.a Commercial: 2 + 15% of auto parking requirement.</p>	<p>Applicable objective standard.</p> <p>The project is not required to provide any commercial parking. The project is applying pursuant to Gov. Code § 65913.4 and meets the standard of being within a half mile of public transit (SCMTD routes 67 and 71). Therefore, the City is prohibited from applying automobile parking minimums to the project per Gov. Code § 65913.4(e)(1) and HCD's SB35 guidance<sup>2</sup> Section 300(e).</p> <p>Therefore, the project is required to provide 2 bicycle parking stalls.</p>	<p>Compliant.</p> <p>The project will provide five short-term bicycle parking racks (or ten spaces) in front of the commercial space.</p>
<p>24.12.250 BIKE PARKING REQUIREMENTS. 2.b</p> <p>Multifamily: 1 space per unit.</p> <p>100% Class 1 garages or secure accessible indoor areas count</p> <p>One space per four units Class 2</p>	<p>Applicable objective standard.</p> <p>140 bicycle parking spaces are required for the residential component.</p>	<p>Compliant.</p> <p>The project provides 150 long-term bicycle parking spaces in bicycle locker rooms within the parking garage. See Plan Set page A01.0</p>

<sup>2</sup> <https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf>



<p>24.12.250 BIKE PARKING REQUIREMENTS. 4. Location and Design of Facilities</p> <p>a. Bicycle parking should be located in close proximity to the building's entrance and clustered in lots not to exceed sixteen spaces each.</p> <p>b. Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frame or other components.</p> <p>c. Bicycle parking facilities should be located in highly visible, well-lighted areas to minimize theft and vandalism.</p> <p>d. Bicycle parking facilities shall be securely anchored to the lot surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.</p> <p>e. Bicycle parking facilities shall not impede pedestrian or vehicular circulation, and should be harmonious with their environment both in color and design. Parking facilities should be incorporated whenever possible into building design or street furniture.</p> <p>f. Racks must not be placed close enough to a wall or other obstruction so as to make use difficult. There must be sufficient space (at least twenty-four inches) beside each parked bike that allows access. This access may be shared by adjacent bicycles. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least six feet to the front or rear of a bike parked in the facility.</p> <p>g. Paving is not required, but the outside ground surface shall be finished or planted in a way that avoids mud and dust.</p>	<p>Subsections D, F and H are applicable objective standards.</p> <p>Subsection A is partially objective. The requirement to not cluster bicycle parking in lots more than 16 spaces is objective.</p> <p>Subsections A (in part), B, C, D, E, and G are not objective:</p> <p>A: "close proximity" B: "stable position without damage" C: "highly visible, well-lighted areas" E: "harmonious with their environment" G: "avoid mud or dust"</p> <p>None of the listed standards are "uniformly verifiable by reference to an external and uniform benchmark" and are not "knowable by both the development applicant or proponent and the public official prior to submittal" as required by Gov. Code § 65913.4 (a)(5).</p>	<p>Compliant:</p> <p>A: the bicycle rooms will be designed so that bicycle racks are not clustered together. Each bicycle parking room within the garage has a maximum of 16 bicycle spaces in them.</p> <p>D: the racks in the bicycle rooms will be permanently secured.</p> <p>F: the racks will be at least 24" apart from each other.</p> <p>H: the bicycle rooms are in their own rooms and are not part of the parking area.</p>
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Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
h. Bike parking facilities within auto parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops, poles or other similar features.		
24.12.252 SHOWER FACILITY REQUIREMENTS.	Not applicable. The project proposes general commercial uses less than 25,000 sf feet and is therefore not required to provide showers.	N/A
24.12.270 MISCELLANEOUS REQUIREMENTS. 2. Compact Car Spaces. Up to fifty percent of a parking requirement may be designed for compact or small cars. Compact car spaces shall be sixteen feet long by seven and one-half feet and shall be labeled for compact cars only.	Not applicable. The City may not impose minimum vehicle parking requirements and so there are only voluntarily provided parking spaces.	N/A
24.12.280 DESIGN REQUIREMENTS.	Applicable objective standard.	Compliant. See plan set for details.
24.12.290 VARIATIONS TO REQUIREMENTS.	Not applicable. No modifications to parking requirement are requested through this section.	N/A
24.12.295 OFF-STREET LOADING FACILITIES.	Not applicable. The project proposes less than 10,000 sf of retail space and therefore is not required to provide any off-street loading spaces.	N/A

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
Part 4: ADVERTISING DEVICES, SIGNS AND BILLBOA	Not applicable. The project does not propose any signs at this time. Any proposed signs will be requested under a separate sign permit at a later date.	N/A
24.12.420 HISTORIC LANDMARK DESIGNATION/DELETION	Not applicable. No historic landmark proposed.	N/A
24.12.430 PROTECTION OF ARCHAEOLOGICAL RESOURCES. 2. Archaeological reconnaissance is required on sites proposed for development within areas identified as “highly sensitive” or “sensitive” on the general plan maps labeled “areas of archaeological sensitivity” and “historical archaeology sensitivity” prior to the issue of building or development permits. For development on sites that have “known resources” see subsection (12).	Applicable objective standard.	Compliant.  The project has engaged an archealogocial consultant to assist with the Tribal Consultation process. The project has entered into an agreement about monitoring and protection of potential archaeological resources in accordance with SB35’s tribal consultation requirement.

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
<p>24.12.430 PROTECTION OF ARCHAEOLOGICAL RESOURCES.</p> <p>3. An archaeological reconnaissance shall include archival research, site surveys and necessary supplemental testing as may be required and shall be conducted by a qualified archaeologist. The significance of identified resources shall be ascertained in accordance with CEQA definitions. If significant impacts are identified, impacts and mitigation measures outlined could include but are not limited to avoidance, project redesign, deposit capping, resource recovery options and/or on-site monitoring by an archaeologist during excavation activities. A written report describing the archaeological findings of the research or survey shall be provided to the city.</p>	Not applicable. The project is applying under SB35. Projects that comply with SB 35 and objective standards are not subject to CEQA and cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a).	N/A
24.12.430 PROTECTION OF ARCHAEOLOGICAL RESOURCES. 4-12	Not applicable. The project will follow the listed guidelines in the event of the discovery of archaeological resources or human remains.	N/A
24.12.431 PROTECTION OF PALEONTOLOGICAL RESOURCES.	Not applicable. The project will follow the listed guidelines in the event that paleontological resources are discovered.	N/A

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
24.12.700 GENERAL. All facilities and wires for the extension of facilities for the supplying and distribution of electrical energy and service, including communication service, shall be placed underground; and further, there exists a need for regulation of certain modifications of existing utility pole lines, all in order to promote and preserve the health, safety, and general welfare of the public, and to assure the orderly development of the city of Santa Cruz.	Applicable objective standard.	Compliant.  The project will underground all utilities as allowed by utility companies.
Chapter 24.14 Environmental Resource Management		
24.14.030 SLOPE REGULATIONS. 1a. Building permit applications for new structures on slopes of ten percent or greater shall include an accurate topographic map. The map shall contain contours of two-foot intervals for slopes of twenty percent grade.	Applicable objective standard.	Project will demonstrate compliance at the building permit stage.
24.14.030 SLOPE REGULATIONS. 1b. Slopes thirty percent or greater shall not be considered in the density determination of a property.	Applicable objective standard.	The project will exclude the small amount of slope over 30% in density calculations.



Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
24.14.030 SLOPE REGULATIONS. 1c. Parcels with a portion of the area in slopes of thirty percent or greater shall require the minimum lot area of the applicable zoning district in slopes of less than thirty percent. The area in slopes of less than thirty percent must be contiguous to the proposed building site.	Applicable objective standard.	Compliant.  The project has more than the minimum lot size in slope less than 30%.
24.14.030 SLOPE REGULATIONS. 1d. No building shall be located on a slope of thirty to fifty percent, or within twenty feet of a thirty to fifty percent slope, unless an exception is granted pursuant to Section 24.14.040 or a variance is granted pursuant to Section 24.08.810.	Applicable objective standard.	Compliant.  The project's west side abuts a slope that is greater than 30%. The project includes a fire lane the sets the building back away at least 20' from this slope.
24.14.030 SLOPE REGULATIONS 1e. No structure shall be located on a slope greater than fifty percent.	Applicable objective standard.	Compliant.  No part of the project structure is on a 50% slope.
24.14.030 SLOPE REGULATIONS 1f. Proposed buildings on parcels within or adjacent to fire hazard areas as designated in the Safety Element of the General Plan (Map S-11) shall maintain separation from combustible vegetation as required by the city fire department. Removal of combustible vegetation may also be required as part of project approval.	Not applicable. The project is not on or adjance to a fire hazard area.	N/A

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
24.14.030 SLOPE REGULATIONS 1g. No development except minor development on parcels of one-half acre or less, such as walkways, fences, retaining walls less than three feet high above existing grade, planter boxes and similar features, will be allowed to encroach on thirty-percent slopes without an exception listed in Section 24.14.040.	Applicable objective standard.	Compliant.  The project's west side abuts a slope that is greater than 30%. The project includes a fire lane the sets the building back away from this slope by more than 20'.
24.14.030 SLOPE REGULATIONS 1h. No new lot shall be created which will require the house to be sited within twenty feet of a thirty-percent slope.	Not applicable. No new lots are proposed.	N/A
24.14.030 SLOPE REGULATIONS 1i. For all development within one hundred feet of a coastal bluff, a site-specific geologic investigation prepared by a qualified professional consistent with the California Division of Mines and Geology guidelines shall be prepared.	Not applicable. Project is not within a hundred feet of a coastal bluff.	N/A

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
<p>24.14.030 SLOPE REGULATIONS 2</p> <p>a. Driveways shall be designed with existing contours to the maximum extent feasible.</p> <p>b. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight.</p> <p>c. Driveways shall have a maximum grade of twenty-five percent as illustrated in the following diagram:</p>	<p>Partially applicable objective standard.</p> <p>Part c is an applicable objective standard.</p> <p>Subsections a and b are not objective. “maximum extent possible” and “adequate line of sight” are not “uniformly verifiable by reference to an external and uniform benchmark” and are not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).</p>	<p>Compliant.</p> <p>The driveway accessed along Water Street has a grade of less than 25%. Please see Plan Set page C2.0.</p>

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
<p>24.14.050 DRAINAGE CONTROL</p> <p>1. General Provisions.</p> <p>a. Applicability....</p> <p>b. Roof Drainage. All roof drains shall be discharged so as to minimize erosion.</p> <p>c. Disposition of Stormwaters.</p> <p>d. Stormwater Runoff.</p> <p>e. Surface Water.</p>	<p>Partially objective standard.</p> <p>Subsection a, c, and e are applicable and objective standards.</p> <p>Subsection b is not objective. “Minimize erosion” is not “uniformly verifiable by reference to an external and uniform benchmark” and are not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).</p> <p>Subsection d is not objective. The direction to “minimize” storm drainage runoff is not “uniformly verifiable by reference to an external and uniform benchmark” and are not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).</p>	<p>Compliant.</p> <p>The project will provide a drainage plan.</p>

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
24.14.050 DRAINAGE CONTROL 3.	Applicable objective standard.	Compliant.  The project will provide a large project drainage plan.
24.14.060 EROSION HAZARD AREAS.	Not applicable. The project is not in an erosion hazard area.	N/A
24.14.070 SEISMIC HAZARDS.	Not applicable. Pursuant to Map S-6, the project is not in the liquefaction zone.	N/A
24.14.080 WILDLIFE HABITATS AND PLANT COMMUNITIES.	Not applicable. The project is not in a Wildlife Habitate Area.	N/A
24.14.090 GROUNDWATER RECHARGE AREAS.	Not applicable. The project is not in a groundwater recharge area.	N/A
Part 2: Environmental Review regulations 24.14.300 GENERAL APPLICATION.	Not applicable. The project is applying under SB35. Projects that comply with SB 35 and objective standards are not subject to CEQA and cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a).	N/A



Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
<b>Chapter 24.16 AFFORDABLE HOUSING PROVISIONS</b>		
24.16.020 BASIC ON-SITE INCLUSIONARY HOUSING REQUIREMENTS. 5. Rental Residential Developments with Five or More Dwelling Units. a. Rental residential developments that would create five or more new or additional dwelling units or live/work units at one location shall provide twenty percent of the dwelling units as inclusionary units, which shall be made available for rent to low income households at an affordable rent.	Applicable objective standard.	Compliant.  The project provides more than 20% of its units as affordable.
24.16.025 STANDARDS FOR INCLUSIONARY UNITS. 1. All inclusionary units shall remain affordable in perpetuity.	Applicable objective standard.	Compliant.  The project will enter into a regulatory agreement to this effect prior to building permit submittal.
24.16.025 2. Inclusionary units shall be dispersed throughout the residential development to prevent the creation of a concentration of affordable units within the residential development.	Applicable objective standard.	Compliant through a Density Bonus concession.  Please see the Density Bonus statement for more information.

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
24.16.025 3. Inclusionary units shall be compatible with the design of market rate units in terms of exterior appearance, materials, and finished quality. Interior finishes, features, and amenities may differ from those provided in the market rate units, so as long as the finishes, features, and amenities are durable, of good quality, compatible with the market rate units, and consistent with contemporary standards for new housing.	<p>The first section is an applicable objective standard.</p> <p>The second section is not an objective standard. “durable” and “good quality” are not “uniformly verifiable by reference to an external and uniform benchmark” and are not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).</p>	<p>Compliant.</p> <p>The two buildings utilize the same materials and exterior finishes. See elevations in the plan set.</p>

Table 1: Zoning Ordinance																			
Provision	Applicability	Compliance																	
24.16.025 4. The applicant may reduce square footage of inclusionary units as compared to the market rate units, provided all units conform to all requirements of Titles 18 and 19 and meet the minimum square footage requirement that affordable units are at least seventy-five percent of the average size of all market rate units in the development with the same bedroom count. For the purpose of this subsection, the “average size” of a unit with a certain bedroom count equals the total square footage of all market rate units with that bedroom count in the development divided by the total number of market rate units with the same bedroom count in the development	Applicable objective standard.	<p>Compliant.</p> <p>The unit sizes between the affordable and market rate units are substantially the same.</p> <table border="1"> <thead> <tr> <th></th><th>Affordable</th><th>Market</th><th>Affordable to Market % difference</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>377.9</td><td>399</td><td>-5%</td></tr> <tr> <td>1bed</td><td>459.857143</td><td>451.0196</td><td>2%</td></tr> <tr> <td>2bed</td><td>724</td><td>696.6364</td><td>4%</td></tr> </tbody> </table> <p>The affordable studios are on average 5% smaller than the market rate while the affordable one-bedroom and two-bedrooms are slightly larger than the market rate units.</p>			Affordable	Market	Affordable to Market % difference	Studio	377.9	399	-5%	1bed	459.857143	451.0196	2%	2bed	724	696.6364	4%
	Affordable	Market	Affordable to Market % difference																
Studio	377.9	399	-5%																
1bed	459.857143	451.0196	2%																
2bed	724	696.6364	4%																
24.16.025 5. For developments with multiple market rate unit types containing differing numbers of bedrooms, inclusionary units shall be representative of the market rate unit mix.	<p>Not an objective standard.</p> <p>“Representative of” is not “uniformly verifiable by reference to an external and uniform benchmark” and are not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).</p>	N/A.																	

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
24.16.025 6. All building permits for inclusionary units in a phase of a residential development shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the inclusionary units shall be constructed concurrently with, or prior to, construction of the market rate units.	Applicable objective standard.	Compliant.  The project will pursue building permits for the two buildings at the same time.
24.16.025 7. Rental to Tenant-Based Subsidy Holders.	Not applicable. Project does not propose an SRO.	N/A
PART 3: DENSITY BONUS PROVISIONS FOR RESIDENTIAL UNITS  24.16.200 through 24.16.258	Not applicable. The project is applying for a density bonus under the updated State Density Bonus Law.  Please see the Density Bonus Statement attachment for a list of waivers, concessions, and related justifications.	N/A

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
<p>24.16.260 STANDARDS FOR DENSITY BONUS HOUSING DEVELOPMENTS.</p> <p>1. Affordable units qualifying a housing development for a density bonus shall remain affordable as follows:</p> <p>a. Rental units affordable to very-low- and lower-income households shall remain affordable to the designated income group for a minimum of fifty-five years or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units, except that lower income units in a condominium conversion project shall remain affordable in perpetuity.</p>	Applicable objective standard.	<p>Compliant.</p> <p>Units that are not required to be affordable in perpetuity for inclusionary zoning purposes will be entered into a regulatory agreement with a 55 year affordability covenant.</p>
<p>24.16.260 STANDARDS FOR DENSITY BONUS HOUSING DEVELOPMENTS.</p> <p>2. Affordable units qualifying a housing development for a density bonus shall be reasonably dispersed throughout the housing development and compatible with the design of market rate units in terms of appearance, materials, and finished quality. The applicant may reduce the interior amenities and square footage of affordable units, provided all units conform to all requirements of Titles 18 and 19 and are at least seventy-five percent of the average square footage of all market rate units in the development with the same bedroom count.</p>	Applicable objective standard.	<p>Compliant through a Density Bonus Concession.</p> <p>This is the same requirement as for inclusionary zoning units and will be covered by the same concession.</p>



Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
<p>24.16.260 STANDARDS FOR DENSITY BONUS HOUSING DEVELOPMENTS.</p> <p>3. For developments with multiple market rate unit types containing differing numbers of bedrooms, affordable units qualifying a housing development for a density bonus shall be representative of the market rate unit mix.</p>	Applicable objective standard.	<p>Compliant.</p> <p>This is the same requirement as the Inclusionary Zoning Requirement and the project is compliant as discussed above.</p>
<p>24.16.260 STANDARDS FOR DENSITY BONUS HOUSING DEVELOPMENTS.</p> <p>4. All building permits for affordable units qualifying a housing development for a density bonus shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the affordable units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for affordable units qualifying a housing development for a density bonus shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.</p>	Applicable objective standard.	This is the same requirement as the Inclusionary Zoning Requirement and the project is compliant as discussed above.
24.16.262 LOCAL COASTAL PLAN CONSISTENCY.	Not applicable. The project is not in the Coastal zone.	N/A

Table 1: Zoning Ordinance		
Provision	Applicability	Compliance
<p>24.16.265 SUBMITTAL OF APPLICATION FOR AFFORDABLE HOUSING PLAN.</p> <p>1. An application for a density bonus, incentive, concession, waiver, modification, modified parking standard, or commercial development bonus pursuant to this Part 3 shall be submitted as part of the first approval of the housing development or commercial development in the form of an affordable housing plan which shall be processed concurrently with all other applications required for the housing development or commercial development.</p>		<p>Compliant.</p> <p>Please see the attached Density Bonus Statement.</p>
<p>24.16.265 SUBMITTAL OF APPLICATION FOR AFFORDABLE HOUSING PLAN.</p> <p>2. Upon submittal, the director of the planning and community development department shall determine if the affordable housing plan is complete and conforms to the provisions of this chapter. No application for a first approval for a housing development or commercial development requesting a density bonus, incentives, concessions, waivers, modified parking standard, or commercial development bonus may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this section. The applicant shall be informed whether the application is complete consistent with Government Code Section 65943.</p>	<p>Not applicable.</p> <p>SB35 projects are a 'ministerial project' (Gov Code § 65913.4(a)) and are therefore exempt from the Permit Streamlining Act's 30 day completeness reviews, see Gov Code § 65928.</p>	N/A
<p>24.16.265 SUBMITTAL OF APPLICATION FOR AFFORDABLE HOUSING PLAN.</p> <p>. The affordable housing plan shall include at least the following information:</p>	Applicable objective standard.	<p>Compliant.</p> <p>Please see the Density Bonus Statement for the required information.</p>

Table 2: Other Municipal Code Sections		
Provision	Applicability	Compliance
6.100.040 Prohibited Natural Gas Infrastructure in Newly Constructed Buildings. A. Except as set forth in Subsection A.1 and A.2 and Sections 6.100.50, 6.100.55, and	Applicable objective standard	Compliant.  The project does not propose natural gas.

Table 3: East Side Business Area Plan Architectural Guidelines – Water Street Entry Zone		
Provision	Applicability	Compliance
<b>Goal:</b> To create an entry to the Eastside Business District that preserves the natural attributes of the zone.	Not a standard.	N/A
<ul style="list-style-type: none"> <li>Appropriate uses would include high density residential, restaurants, and medical or garden office (office complexes characterized by landscaped terraces, common courtyards, etc.). Avoid uses with high parking requirements.</li> </ul>	Not a standard. The guideline says 'would include' rather than shall or must.	N/A
<ul style="list-style-type: none"> <li>Encourage uses which benefit and enhance the creek.</li> </ul>	Not a standard. The guideline says 'encourage' rather than shall or must.	N/A
<ul style="list-style-type: none"> <li>Encourage architectural styles that are harmonious with the residential and natural character of the setting.</li> </ul>	Not a standard. The guideline says 'encourage' rather than shall or must.	N/A
<ul style="list-style-type: none"> <li>Locate parking areas to the rear of parcels to retain the scale and character of the area.</li> </ul>	Applicable objective standard.	Compliant. Parking is provided at the rear of the site and inside the building.
<ul style="list-style-type: none"> <li>Protect the sense of existing natural vegetation, creek, and cliff.</li> </ul>	Not a standard. The guideline says 'protect' rather than shall or must.	N/A
Pages 6-3 through 6-5		
<ul style="list-style-type: none"> <li>Promote a continuous, zero setback, building facade line, which reinforces the overall pedestrian character of these areas;</li> </ul>	Not a standard. The guideline says 'promote' rather than shall or must.	N/A

Table 3: East Side Business Area Plan Architectural Guidelines – Water Street Entry Zone		
Provision	Applicability	Compliance
<ul style="list-style-type: none"> <li>Encourage mixed-use architecture with residential and artist studios above street level commercial/retail spaces;</li> </ul>	Not a standard. The guideline says ‘encourage’ rather than shall or must.	N/A
<ul style="list-style-type: none"> <li>Preserve, restore and maintain historic (fig. 6-2) and landmark buildings (Rio Theater) and facades;</li> </ul>	Not applicable. No historic building present on site.	N/A
<ul style="list-style-type: none"> <li>Design architectural elements that provide human scale and design interest at the pedestrian level</li> </ul>	Not an objective standard. “Human scale” and “design interest” are not “uniformly verifiable by reference to an external and uniform benchmark” and are not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).	N/A
<ul style="list-style-type: none"> <li>Locate parking at the rear of the site, combine individual parking areas, and create city parking lots;</li> </ul>	Applicable objective standard.	Compliant. Parking is provided at the rear of the site and inside the building.



Table 3: East Side Business Area Plan Architectural Guidelines – Water Street Entry Zone		
Provision	Applicability	Compliance
<ul style="list-style-type: none"> <li>Create walkways and private outdoor pedestrian spaces between building clusters, which promote a safe area for neighborhood life and identity.</li> </ul>	<p>Partially objective standard.</p> <p>The required for outdoor pedestrian spaces between buildings is an applicable objective standard.</p> <p>The second portion is not objective. “Safe area” and “identify” are not “uniformly verifiable by reference to an external and uniform benchmark” and are not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).</p>	<p>Compliant.</p> <p>The project provides a walkway between the two buildings.</p>
<ul style="list-style-type: none"> <li>Encourage recessed entries (figs. 6-3 A,B), interesting building bases or wainscots, attached planter boxes (fig. 6-4), awnings (fig. 6-5);</li> </ul>	<p>Not a standard. The guideline says ‘encourage’ rather than shall or must.</p>	<p>N/A</p>
<ul style="list-style-type: none"> <li>Foster diversity in building heights, character, roof lines and details, while encouraging a consistent horizontal edge at display windows, awnings and doorways; (fig. 6-6);</li> </ul>	<p>Not a standard. The guideline says ‘encourage’ and ‘foster’ rather than shall or must.</p>	<p>N/A</p>

Table 3: East Side Business Area Plan Architectural Guidelines – Water Street Entry Zone		
Provision	Applicability	Compliance
<ul style="list-style-type: none"> <li>Define a distinct rhythm of storefronts by breaking long continuous facades into smaller regular intervals, which can be achieved through the addition of a variety of elements (ie awnings, pilasters, reveal lines, paint color etc.);</li> </ul>	Applicable objective standard.	<p>Compliant.</p> <p>The project breaks up the façade along Water Street by using two separate buildings and including multiple signs.</p>

Table 3: East Side Business Area Plan Architectural Guidelines – Water Street Entry Zone		
Provision	Applicability	Compliance
<ul style="list-style-type: none"> <li>Integrate signage into the architectural building elements (ie. on awnings, projecting signs or banner signs (figs. 6-7, 6-8), or part of a building architectural detail and make them of an appropriate scale for the building facade (fig. 6-9);</li> <li>Discourage multiple signs on a single business which are repetitive in nature (fig 6-10 ), confusing signs which are difficult to read and/or too small in scale for auto traffic (fig. 6-11), and limit temporary signs indicating sales and promotions (fig. 6-12), in particular large temporary signs which are used to attract motorists (fig. 6-13);</li> <li>Promote signage on both facades of corner buildings which face the street when it does not negatively impact the adjacent residence. (fig. 6-14);</li> <li>Fabricate and install signs of appropriate scaled letters and signage cabinets, also all street addresses should be easily seen by motorists (fig. 6-15);</li> <li>Encourage removal of abandoned or non-conforming signage, especially upon change of occupancy;</li> <li>Discourage pole signs, roof signs, animated or moving signs (including flashing, rotating etc.), billboards or oversized signs, inflated signage or balloons, signs with lumminescent paint, freestanding sandwich boards (particularly in public right of way (fig. 6-16), and plastic flags;</li> </ul>	Not applicable. The project does not propose signage at this time.	N/A

Table 3: East Side Business Area Plan Architectural Guidelines – Water Street Entry Zone		
Provision	Applicability	Compliance
<ul style="list-style-type: none"> <li>Encourage expansive and attractive display windows which will remain lit in the evening to create interest, warmth, safety and night time window shopping (<i>Fig. 6-17</i>);</li> </ul>	Not a standard. The guideline says ‘encourage’ rather than shall or must.	N/A
<ul style="list-style-type: none"> <li>Use construction materials at the building base, which are consistent with the facade design, and adjacent facades and which do not detract from the existing details of the building (tile is particularly encouraged);</li> </ul>	Not an objective standard. “Consistent with the façade design, and adjacent facades” is not “uniformly verifiable by reference to an external and uniform benchmark” and is not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).	N/A
<ul style="list-style-type: none"> <li>Promote facade downlight and/or sconce light which will add texture and detail to facades at night (<i>fig. 6-18</i>);</li> <li>Encourage a variety of colors for individual facades and to accentuate building details when appropriate to the architectural style of the facade;</li> <li>Encourage the use of high quality, graffiti-resistant paints;</li> </ul>	These three guidelines are not standards as they use promote and encourage rather than must or shall.	N/A

Table 3: East Side Business Area Plan Architectural Guidelines – Water Street Entry Zone		
Provision	Applicability	Compliance
<ul style="list-style-type: none"> <li>Design and create specific areas for trash and service which are hidden from public view wherever possible, and avoid location in view of adjacent residential properties;</li> </ul>	Applicable objective standard.	<p>Compliant.</p> <p>The project provides interior trash rooms.</p>
<ul style="list-style-type: none"> <li>Follow appropriate laws, codes and ordinances when improving any building and include the necessary elements and details to insure barrier-free design (call the City of Santa Cruz Building Department for information).</li> </ul>	Applicable objective standard.	<p>Compliant.</p> <p>The project will follow all applicable laws.</p>



Table 4: General Plan		
Provision	Applicability	Compliance
HA1.2.2 Require preparation of archaeological investigations on sites proposed for development within areas identified as “Highly Sensitive” or “Sensitive” on the “Areas of Archaeological Sensitivity” and “Historical Archaeology Sensitivity” maps, except for exempt uses within “Sensitive” areas as described below, prior to approval of development permits. The investigation shall include archival research, site surveys and necessary supplemental testing as may be required, conducted by a qualified archaeologist. The significance of identified resources shall be ascertained in accordance with CEQA definitions, and impacts and mitigation measures outlined if significant impacts are identified, including, but not limited to recovery options and onsite monitoring by an archaeologist during excavation activities. A written report describing the archeological findings of the research or survey shall be provided to the City. Allow minor projects with little excavation to be exempt from this requirement for preparation of an archaeological assessment within the “High Sensitivity” areas. Minor projects generally involve spot excavation to a depth of 12 inches or less below existing grade, or uses that have virtually no potential of resulting in significant impacts to archeological deposits. Exempt projects may include: building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.	<p>Partially applicable standard.</p> <p>Identifying the thresholds of significance is not applicable. The project is applying under SB35. Projects that comply with SB 35 and objective standards are not subject to CEQA and cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a).</p>	<p>Compliant.</p> <p>The project has engaged an archealogocial consultant to assist with the Tribal Consultation process. The project has entered into an agreement about monitoring and protection of potential archaeological resources in accordance with SB35’s tribal consultation requirement.</p>

Table 4: General Plan		
Provision	Applicability	Compliance
CD5.2 Require new development to include elements that relate to the pedestrian scale.	Not an objective standard. "Pedestrian scale" is not "uniformly verifiable by reference to an external and uniform benchmark" and is not "knowable by both the development applicant or proponent and the public official prior to submittal" as required by Gov. Code § 65913.4 (a)(5).	N/A
CD5.2.3 Design parking strategies at a district or neighborhood-wide level to foster a pedestrian-oriented environment	Not an objective standard. "Pedestrian oriented environment" is not "uniformly verifiable by reference to an external and uniform benchmark" and is not "knowable by both the development applicant or proponent and the public official prior to submittal" as required by Gov. Code § 65913.4 (a)(5).	N/A
Mixed-Use High Density (MXHD), 1.0 to 2.75 FAR, 10 to 55 du/ac. This designation may be applied to sites along Water Street, and Soquel Avenue corridors. The typical commercial uses are similar to those in the Community Commercial (CM) designation, and pedestrian-oriented commercial uses are encouraged on the ground floor. The MXHD designation allows a maximum FAR of 1.75 as of right, including a maximum of 30 dwelling units per acre. However, a project that meets a number of specific criteria, as determined by the Planning Commission, may have an FAR of up to 2.75, including up to 55 dwelling units per acre. Details are contained in the Zoning Ordinance.	Applicable objective standard.  Per LU3.8, studios, one bedroom units, and density bonus units do not count towards density calculations.	Compliant through the Density Bonus.  Please see the Density Bonus Statement for an explanation of the allowable density.

Table 4: General Plan		
Provision	Applicability	Compliance
LU1.4 Ensure that new development pays its proportional share of the costs of expanded infrastructure needed to serve new development.	Applicable objective standard.	Compliant.  The project will pay its required impact fees.
LU3.8 Allow the following residential uses to exceed the maximum densities in this chapter: Cf. LU1.3 and 3.7.1. • Single-room occupancy (SRO) units; • Small ownership units (SOU); • Small studio and one-bedroom units; • Accessory dwelling units (ADU); • Density bonus units; and Residential uses within areas designated High-Density Overlay District (HD-O).	See above.	N/A
M3.3.5 Require new development to be designed to discourage through traffic in adjacent neighborhoods and to encourage bicycle or pedestrian connections.	Not an objective standard. The standard does not provide a method for compliance. Standards must be “uniformly verifiable by reference to an external and uniform benchmark” and “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).	N/A
M4.1.7 Require that site and building design facilitate pedestrian activity.	Not an objective standard. “Pedestrian activity” is not “uniformly verifiable by reference to an external and uniform benchmark” and is not “knowable by both the development applicant or proponent and the public official prior to submittal” as required by Gov. Code § 65913.4 (a)(5).	N/A

Table 4: General Plan		
Provision	Applicability	Compliance
M4.1.9 Require landscaping in the development, replacement, and repair of sidewalks, including the placement of trees on private property and/or in tree wells on sidewalks.	Applicable objective standard.	Compliant.  The project provides landscaping. See the landscaping plan set sheets.
HZ1.5.4 Require new development in areas susceptible to wildfires to be responsible for fire prevention activities (e.g., visible house numbering and use of fireresistant and fire-retardant building and landscape materials) and to also provide a defensible zone to inhibit the spread of wildfires.	Not applicable. The project is not in a high severity fire area.	N/A
HZ2.2.1 Require future development projects to implement applicable Monterey Bay Unified Air Pollution Control District (MBUAPCD) control measure and/ or air quality mitigations in the design of new projects as set forth in the District's "CEQA Guidelines." Cf. M3.3.4.	Not applicable. The project is applying under SB35. Projects that comply with SB 35 and objective standards are not subject to CEQA and cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a).	N/A
HZ3.2.2 Establish Ldn noise level targets of 65 dBA for outdoor activity areas in new multifamily residential developments.	Applicable objective standard.	The project will demonstrate compliance at the building permit stage.
HZ3.2.3 Require that interior noise in all new multifamily housing not exceed an Ldn of 45 dBA with the windows and doors closed (State of California Noise Insulation Standards) and extend the requirement to single-family homes.	Applicable objective standard.	The project will demonstrate compliance at the building permit stage.

Table 4: General Plan		
Provision	Applicability	Compliance
HZ4.4.1 Regulate the siting and permitting of businesses that handle hazardous materials, and assure that safe handling and use information from those businesses is provided to fire protection and other safety agencies.	Not applicable. No business is proposed that would handle hazardous material.	N/A
HZ6.1.2 For development adjacent to cliffs, require setbacks for buildings equal to 50 years of anticipated cliff retreat.	Not applicable. The project is not adjacent to a cliff.	N/A
HZ6.2.1 Require engineering geology reports when, in the opinion of the City's planning director, excavation and grading have the potential for exposure to slope instability or the potential to create unstable slope or soil conditions	Not an objective standard. Under SB35, standards must be "knowable by both the development applicant or proponent and the public official prior to submittal" as required by Gov. Code § 65913.4 (a)(5).	N/A
HZ6.3.6 Require site specific geologic investigation(s) by qualified professionals for proposed development in potential liquefaction areas shown on the Liquefaction Hazard Map to assess potential liquefaction hazards, and require developments to incorporate the design and other mitigation measures recommended by the investigation(s).	Not applicable. The project is not in a liquefaction zone.	N/A
PR1.7.1 Require park land dedications of suitable recreational land at a ratio of 4.5 acres/1,000 population generated by a development project, or payment of a corresponding in-lieu fee.	Applicable objective standard.	The project will pay the corresponding in-lieu fee as applicable.



Table 4: General Plan		
Provision	Applicability	Compliance
PR1.7.2 Require that new park facilities generated by a development project be designed to serve the recreational needs of the anticipated population.	Not applicable. The project does not propose any new park facilities.	N/A
PR4.2.3 Require development projects located along planned trail routes to dedicate trails or trail easements.	Not applicable. The project is not along a planned trail.	N/A
NRC1.1.1 Require setbacks and implementation of standards and guidelines for development and improvements within the city and adjacent to creeks and wetlands as set forth in the City-wide Creeks and Wetlands Management Plan.	Not applicable. The project is not adjacent to a creek or wetland.	N/A
NRC2.2.1 As part of the CEQA review process for development projects, evaluate and mitigate potential impacts to sensitive habitat (including special-status species) for sites located within or adjacent to these areas.	Not applicable. The project is applying under SB35. Projects that comply with SB 35 and objective standards are not subject to CEQA and cannot be required to obtain a discretionary use permit. See Gov. Code § 65913.4(a).	N/A
NRC4.1.1 By 2030, require that all new development be carbon neutral.	Not applicable. The project is applying prior to 2030.	N/A



831 WATER ST.

SANTA CRUZ, CA

9/9/21





# 831 WATER STREET DEVELOPMENT

SANTA CRUZ, CA 95060

ABBREVIATIONS		
(D) DEMOLISH (E) EXISTING (N) NEW	GA GAUGE GALV "GALVANIZED, GALVANIZING" GL "GLASS, GLAZING" GLAM GLUE LAMINATED BEAM GSM GALVANIZED SHEET METAL GYP GYPSUM BOARD	RAD RADIUS RECPT RECEPTACLE REF REFERENCE REIN REINFORCEMENT REQREQUIRED REVREVISION RH RIGHT HAND RHRRIGHT HAND REVERSE RM ROOM RO ROUGH OPENING
ADI ADJUSTABLE/ADJACENT AFF ABOVE FINISHED FLOOR AL ALUMINUM ALT ALTERNATE ARCH ARCHITECTURAL AUTO AUTOMATIC	H HEIGHT HD HOLD DOWN HORIZ HORIZONTAL HSRHIGH STRENGTH BOLTS HSRHIGH STRENGTH RODS HVAC HEATING VENTILATION & AIR CONDITIONING	SS SANITARY SEWER SCHED SCHEDULE SECT SECTION SI SEISMIC JOINT SHTSHEET SM SHEET METAL SIMSIMILAR SJ SEISMIC JOINT SPEC SPECIFICATION SF SQUARE FOOT/FEET SST STAINLESS STEEL STL STEEL STOR STORAGE STRUCT STRUCTURAL SYM SYMMETRICAL SYS SYSTEM SQ SQUARE
BLDG BUILDING BO BOTTOM OF	L "LONG, LENGTH" LAM LAMINATE LB POUND LH LEFT HAND LHRLEFT HAND REVERSE LT LIGHT LTW LIGHT WEIGHT	TEMP TEMPORARY T&G TONGUE AND GROOVE TO TOP OF TOPTOP OF FINISH TOSTOP OF STEEL/STRUCTURE TOW TOP OF WALL TYP TYPICAL
CBC CALIFORNIA BUILDING CODE CL CENTER LINE CLR CLEAR CJ CONSTRUCTION JOINT CMU CONCRETE MASONRY UNIT COL COLUMN CONC CONCRETE CONT CONTINUOUS CTR CENTER	MFR MANUFACTURER MAINT MAINTENANCE MAX MAXIMUM MECH MECHANICAL MEZZ MEZZANINE MIN MINIMUM MISC MISCELLANEOUS	UL UNDER WRITERS LABORATORY UON UNLESS OTHERWISE NOTED UTIL "UTILITY, UTILITIES"
DEPT DEPARTMENT DET DETAIL DIA DIAMETER DN DOWN DR DOOR DRWR DRAWER DWG DRAWING	NIC NOT IN CONTRACT NO NUMBER NTS NOT TO SCALE	VER VERIFY VERT VERTICAL VEST VESTIBULE VIF VERIFY IN FIELD
EA EACH EL ELEVATION ELEC ELECTRICAL ELEV ELEVATOR ENG ENGINEER EQ EQUAL EQUIP EQUIPMENT EXHX EXHAUST EXT EXTERIOR	OC ON CENTER OD OUTSIDE DIAMETER OP OPENING OPPOSITE	W/ WITH W/O WITHOUT WC WATER CLOSET WD WOOD WH WATER HEATER
FA FIRE ALARM FAB FABRICATE FE FIRE EXTINGUISHER FF FINISHED FLOOR FIN FINISH FLR FLOOR FO FACE OF FOF FACE OF FINISH FOS FACE OF STUD FOW FACE OF WALL FP FIRE PROTECTION FRT FIRE RETARDANT TREATED	PL PROPERTY LINE PLAM PLASTIC LAMINATE PLY PLYWOOD PT PRESSURE TREATED	

PARCEL MAP		

PROJECT DIRECTORY		
<b>OWNER:</b> NOVIN DEVELOPMENT CORP. 1990 N CALIFORNIA BLVD STE 800 WALNUT CREEK, CA 94596 ATTN: IMAN NOVIN inovin@novindevelopment.com (925) 344-6244	<b>ARCHITECT:</b> LOWNEY ARCHITECTURE 360 17TH STREET, STE 100 OAKLAND, CA 94612 ATTN: MARK DONAHUE mark@lowneyarch.com (510)269-1123	
<b>LANDSCAPE ARCHITECT:</b> HMH 1570 OAKLAND ROAD SAN JOSE, CA 95131 ATTN: BRIAN GLICK bglick@HMHca.com (408)487-2200	<b>CIVIL ENGINEER:</b> IFLAND ENGINEERS 5300 SOQUEL AVE. STE 101 SANTA CRUZ, CA 95062 ATTN: JON IFLAND jonifland@iflandengineers.com (831)426-5313	

VICINITY MAP		

PROJECT DATA		
<b>PROJECT INFORMATION</b> <b>Site Location:</b> 831 Water St Santa Cruz, CA 95060 <b>ZONING DISTRICT:</b> C-C COMMUNITY COMMERCIAL <b>GENERAL PLAN LAND USE:</b> MXHD MIXED USE HIGH DENSITY <b>APN:</b> 00921230; 00921231; 00921238 <b>LOT AREA:</b> Total Area: 39,659 sf <b>FAR:</b> Base Max Far: 1.75 with Density Bonus: 2.625 Allowable sf with Density Bonus: 2.625 x 39,659 = 104,105 sf Provided FAR: 2.28 <b>SETBACKS:</b> Front Yard: 0 ft Streetside: 0 ft Interior Side Yard: 20 ft* Rear Yard: 0 ft * Site abuts an R-District - setbacks should not be less than the minimum yard required for the adjacent yard in the said R-District <b>RETAIL</b> <b>BUILDING A:</b> Commercial Ground Level: 5,012 sf <b>SERVICES</b> <b>BUILDING B:</b> Resident Amenity Space: 1,400 sf <b>PARKING</b> Below grade: 27,747 sf	<b>GROSS SF CALCULATION</b> <b>BUILDING A:</b> Ground level: 9,749 sf Level 2-4: 10,574 sf Level 5: 9,519 sf <b>Total: 50,990 sf</b> <b>BUILDING B:</b> Ground level: 10,200 sf Level 2-4: 9,782 sf <b>Total: 39,546 sf</b> <b>Total gross sf: 90,536 sf</b> <b>UNIT COUNT</b> <b>BUILDING A:</b> <b>Ground Level:</b> 1-Bedroom: 6 Live work: 5 <b>Level 2:</b> Studio: 1 1-Bedroom: 10 2-Bedroom: 2 <b>Level 3-4:</b> Studio: 2 1-Bedroom: 30 2-Bedroom: 4 <b>Level 5:</b> Studio: 1 2-Bedroom: 5 3-Bedroom: 3 <b>TOTAL: 69</b> <b>BUILDING B:</b> <b>Ground Level:</b> Studio: 12 1-Bedroom: 1 2-Bedroom: 1 <b>Level 2-4:</b> Studio: 48 1-Bedroom: 6 2-Bedroom: 3 <b>TOTAL: 71</b> <b>TOTAL UNITS: 140</b>	

SHEET LIST		
GENERAL G00.0 G00.1 G01.0 G02.0 G02.1 G02.2 G02.3 G02.4 G03.0	COVER SHEET PROJECT INFORMATION STORMWATER WORKSHEET DENSITY BONUS CALCULATIONS DENSITY BONUS CALCULATIONS - BASE DENSITY BONUS CALCULATIONS - BASE DENSITY BONUS CALCULATIONS - PROPOSED DENSITY BONUS CALCULATIONS - PROPOSED SITE CONTEXT	
CIVIL C1.0 C2.0 C3.0	DEMOLITION PLAN GRADING, DRAINAGE & UTILITY PLAN STORMWATER CONTROL PLAN	
ARCHITECTURAL A00.1 A00.2 A00.3 A01.0 A01.1 A01.2 A01.3 A01.4 A01.5 A01.6 A02.0 A02.1 A02.2 A02.3 A03.1 A03.2 A03.3 A03.4 A03.5 A04.1 A04.2 A04.3 A04.4 A05.1 A05.2 A06.1 A07.1 A07.2 A08.1 A08.2	SITE PLAN PARKING & BIKE CALCULATIONS DEMO PLAN BASEMENT FLOOR PLAN GROUND FLOOR PLAN LEVEL 2 PLAN LEVEL 3 PLAN LEVEL 4 PLAN LEVEL 5 PLAN ROOF PLAN MATERIAL BOARD SOUTH & NORTH ELEVATIONS EAST ELEVATIONS WEST ELEVATIONS BUILDING A SECTION BUILDING A SECTION BUILDING B SECTION BUILDING B SECTION SITE SECTION VIEW FROM N BRANCIFORTE AVE AND WATER ST SIDE VIEW FROM WATER ST REAR VIEW FROM N BRANCIFORTE AVE STREETSCAPE ELEVATION FROM WATER STREET SHADOW STUDY SIGN PLANS ENLARGED UNIT PLANS WALL SECTIONS EXTERIOR ARCHITECTURAL ELEMENTS LIGHTING PLAN - GROUND FLOOR LIGHTING PLAN - ROOF LEVEL	
LANDSCAPE L-1 L-2 L-3 L-4 L-5 L-6 L-7 L-8 L-9 L-10 L-11 L-12 L-13	LANDSCAPE CONCEPT STATEMENTS AFFORDABLE ROOF DECK LANDSCAPE PLAN AFFORDABLE ROOF DECK PERSPECTIVE VIEWS AFFORDABLE ROOF DECK PERSPECTIVE VIEWS AFFORDABLE ROOF DECK PLANTING PLAN MARKET RATE ROOF DECK LANDSCAPE PLAN MARKET RATE ROOF DECK PERSPECTIVE VIEWS MARKET RATE ROOF DECK PERSPECTIVE VIEWS MARKET RATE ROOF DECK PLANTING PLAN GROUND FLOOR LANDSCAPE AND PLANTING PLAN GROUND FLOOR PERPECTIVE VIEWS BREEZYWAY LANDSCAPE AND PLANTING PLAN WITH PERSPECTIVE VIEWS PLANT PALETTE AND DETAILS	Total sheets: 55



APPENDIX A  
STORM WATER AND LOW-IMPACT DEVELOPMENT BMP REQUIREMENT WORKSHEET

How to Use This Worksheet

The City's Storm Water BMP requirements are based on project type, proposed impervious area, and location within the watershed. This worksheet was developed to help permit applicants determine and meet storm water BMP requirements applicable to a proposed development or redevelopment

1 - Download this fillable form online at [www.cityofsantacruz.com/LID](http://www.cityofsantacruz.com/LID)

2 - Fill out the Worksheet to determine what stormwater BMP requirements apply to a proposed project.

3 - Attach Worksheet and additional documentation required as listed in the City Storm Water Best Management Practices for Private and Public Development Projects to plans for review by the Department of Public Works

4 - Please contact the Public Works Environmental Project Analyst at 420-5160 if you have any questions on completing the worksheet.

Project Address:831 Water Street, Santa CruzBldg Permit #:TBD

A - Project Type

Check project type that applies:

☐ Single Family Home

☐ Multi-family, Commercial, Industrial, Public facilities

Check development type that applies:

☐ New Development

☐ Redevelopment / Remodel

B - Proposed Development Area and Impervious Area:

Pre-project impervious surface area:

39,659sq ft

Post-project impervious surface area:

37,258sq ft

Amount of impervious surface area that will be replaced:

37,258sq ft

Amount of new impervious surface area that will be created:

0sq ft

Reduced Impervious Area Credit:

2401sq ft

New and Replaced Impervious Area =37258sq ft

Net Impervious Area =34857sq ft

(Net Impervious Area = Impervious Area created + Impervious Area replaced - Reduced Impervious Area Credit)

C - Post-Construction BMP Tier requirement:

Check Project Type and Impervious Area (from calculations above) that applies.

BMP requirements are cumulative (e.g. a project subject to BMP Tier 3 is also subject to Tiers 1 and 2), permit review fees are not cumulative.

Projects requiring a Stormwater Control Plan will need to involve a civil engineer.

SINGLE-FAMILY HOMES	BMP TIER	Permit Review Fee	Stormwater Control Plan required?
<input type="checkbox"/> Single-family Home with Net Impervious Area < 15,000 sf, please consult Chapter 6A, BMPs for Single-Family Homes on Small Lots	N/A	\$0	No
<input type="checkbox"/> Net Impervious Area ≥ 15,000 sf; New and replaced impervious area < 22,500 sf	3	\$330	Yes
<input type="checkbox"/> New and replaced impervious area ≥ 22,500 sf	4	\$550	Yes

MULTI-FAMILY, COMMERCIAL, INDUSTRIAL, PUBLIC FACILITIES	BMP TIER	Permit Review Fee	Stormwater Control Plan Required?
<input type="checkbox"/> New and Replaced Impervious Area ≥ 2,500 sf; Net Impervious Area < 5,000 sf	1	\$0	No
<input type="checkbox"/> Net Impervious Area ≥ 5,000 sf; New and Replaced Impervious Area < 15,000 sf	2	\$330	Yes
<input type="checkbox"/> New and Replaced Impervious Area ≥ 15,000 sf but < 22,500 sf	3	\$550	Yes
<input checked="" type="checkbox"/> New and replaced impervious area ≥ 22,500 sf	4	\$550	Yes

- 1 -

If the proposed project is only subject to BMP Tiers 1 or 2, skip to Step F.

D - Watershed Management Zones - For projects subject to Tiers 3 Post-Construction BMP requirements only.

Watershed Management Zones are viewable online on the City of Santa Cruz GIS website at: <http://gis.cityofsantacruz.com/gis/index.html>

Watershed Management Zones and associated Tier 3 (Runoff Retention) Post-Construction BMP requirements

If Tier 3 BMP requirements are applicable to the project, check the watershed management zone area where the project is located.

☒ WMZ 1, and portions of 4, and 10 overlying groundwater basin

☐ WMZ 2

☐ WMZ 5 and 8

☐ WMZ 6 and 9

☐ WMZ 3, 4 and 10

City of Santa Cruz  
Runoff Retention Requirements

Legend

☐ City limit

☐ State Highway

☐ Major Roads

☐ Creeks

☐ San Lorenzo River Corridor

WMZ 1, 4\*, and 10\*: 95th Perc., Optimize Infiltration

WMZ 2: 95th Perc.

WMZs 5 and 8: 85th Perc., Optimize Infiltration

WMZ 6 and 9: 85th Perc.

WMZs 3,4,10: No Retention Requirement

- 2 -

E - Special Circumstances - For projects subject to Tiers 3 and 4 Post-Construction BMP requirements only.

Check if special circumstance applies to the project

☐ Highly Altered Channel and Intermediate Flow Control Facility

☐ Urban Sustainability Area

F - Additional Stormwater BMP Requirements for Multi-family, Commercial and Industrial projects

Check if additional BMP requirements apply to the project

a) State Construction Activities Storm Water General Permit

☐ Construction activity resulting in land disturbance of one acre or more, or part of a larger common plan of development

b) Additional Source Control BMP requirements for specific facilities

☐ Commercial or industrial facility

☐ Material Storage Areas

☐ Vehicle fueling, maintenance and wash areas

☐ Equipment and accessory wash areas

☒ Interior and parking garage floor drains

☒ Parking areas

☐ Pools, spas and other water features

☒ Trash Storage Areas

☐ Restaurants and food processing or manufacturing facilities

☐ Miscellaneous drain or wash water

G - Complete if your project is only subject to Tier 1 Requirements - Site planning and LID design measures.

LID design measures shall be clearly marked on site plans

Check applicable boxes and provide short description of measure and location

☐ Conserve natural areas, riparian areas and wetlands

Description: N/A, no natural areas exist on site.

☒ Concentrate improvements on the least-sensitive portions of the site and minimize grading

Description: Improvements are concentrated to the extent feasible, new landscaped areas are being created by this project.

☐ Direct roof runoff into cisterns or rain barrels

Description: N/A

☒ Direct roof downspouts to landscaped areas or rain gardens

Description: Roof downspouts area directed to a biotreatment pond and flow-through planters.

☐ Use pervious pavement (pervious concrete or asphalt, turf block, crushed aggregate, etc.)

Description: N/A, not feasible due to low infiltration and underground parking garage.

☒ Disperse runoff from paved areas to adjacent pervious areas

Description: Runoff from paved areas is directed to a biotreatment pond were feasible.

- 3 -



C-C Community Commercial (Part 8 - 24.10.700)

Standard	Reference	Requirement		
Height	24.10.750.1.a		3	stories
			40	feet
Setbacks	24.10.750.1.c	Front	0	feet
		Streetside	0	feet
		Interior Side	20	feet*
		Rear	0	feet
		*20 feet required where C-C abuts any residential district		
Open Space	24.10.750.1.d	Private	100	sf per unit
		Common	150	sf per unit

MXHD Mixed-Use High Density (2030 General Plan Chapter 4)

Standard	Reference	Requirement		
FAR		1.75	max.	as of right
DU/AC		55 du/ac	max.	
Max density exception	LU 3.8	SRO	units	
		SOU		

Lot Size	39,659	SF	0.91	acres
Base FAR	1.75			
Max Base GSF	69,403	SF		
Proposed Total GSF	90,536	SF		
Proposed Residential GSF	85,434	SF		
Proposed # of Units	140	units		
GSF / Building Area	611	SF		
Base Unit Count	109	units		
50% DB (Max # of Units)	164	units	(24)	unused density bonus units
50% DB (Max GSF)	104,105	SF	(18,671)	unused density bonus sf
50% DB (Max FAR)	2.625			

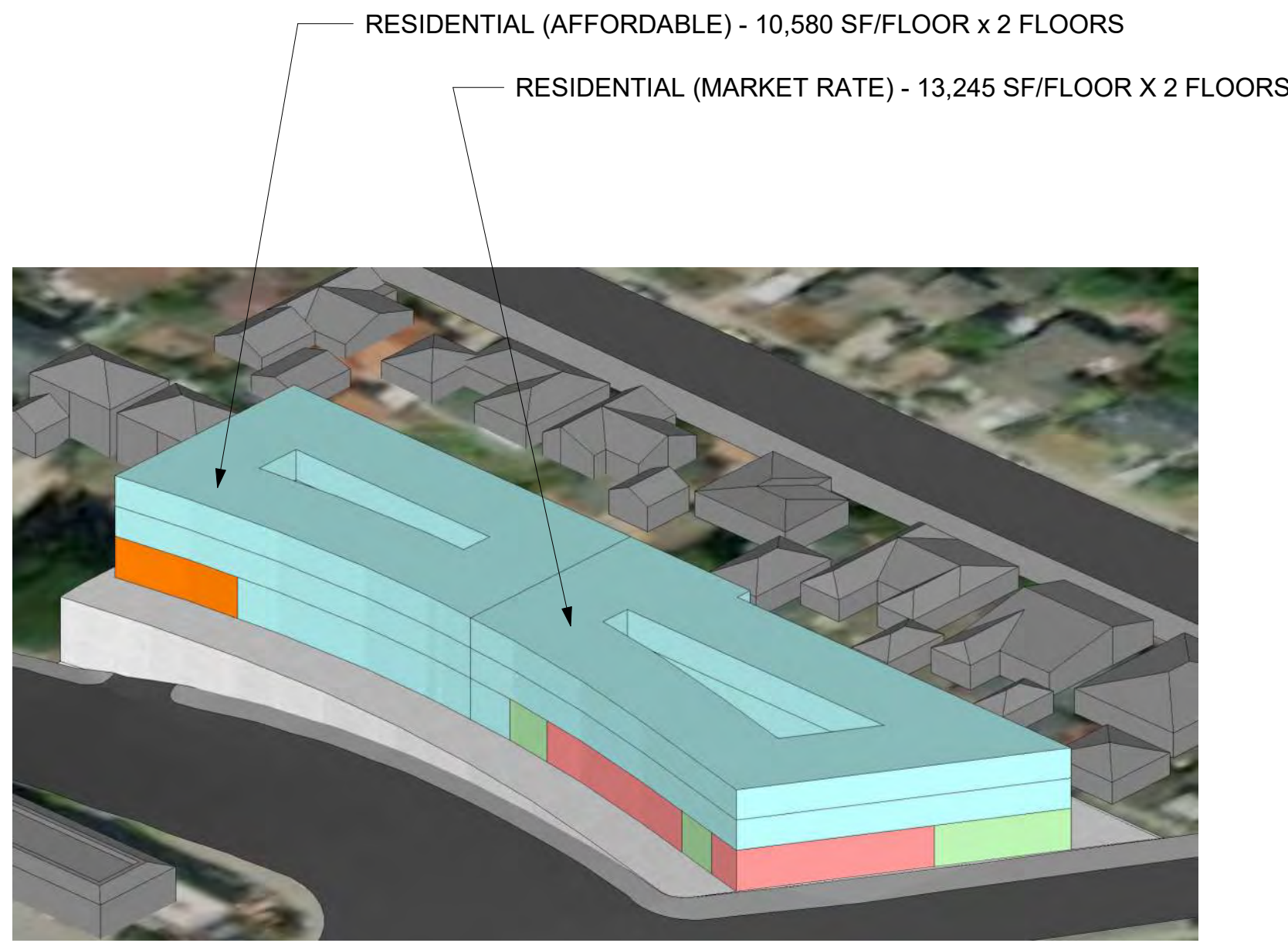
OPEN SPACE (Part 8 - 24.10.750)

BASE CASE		Required		Provided	
Common Open Space	150 SF/unit	16,350	SF	17,000	SF
Private Open Space	100 SF/unit	10,900	SF	11,000	SF
Total		27,250	SF	28,000	SF

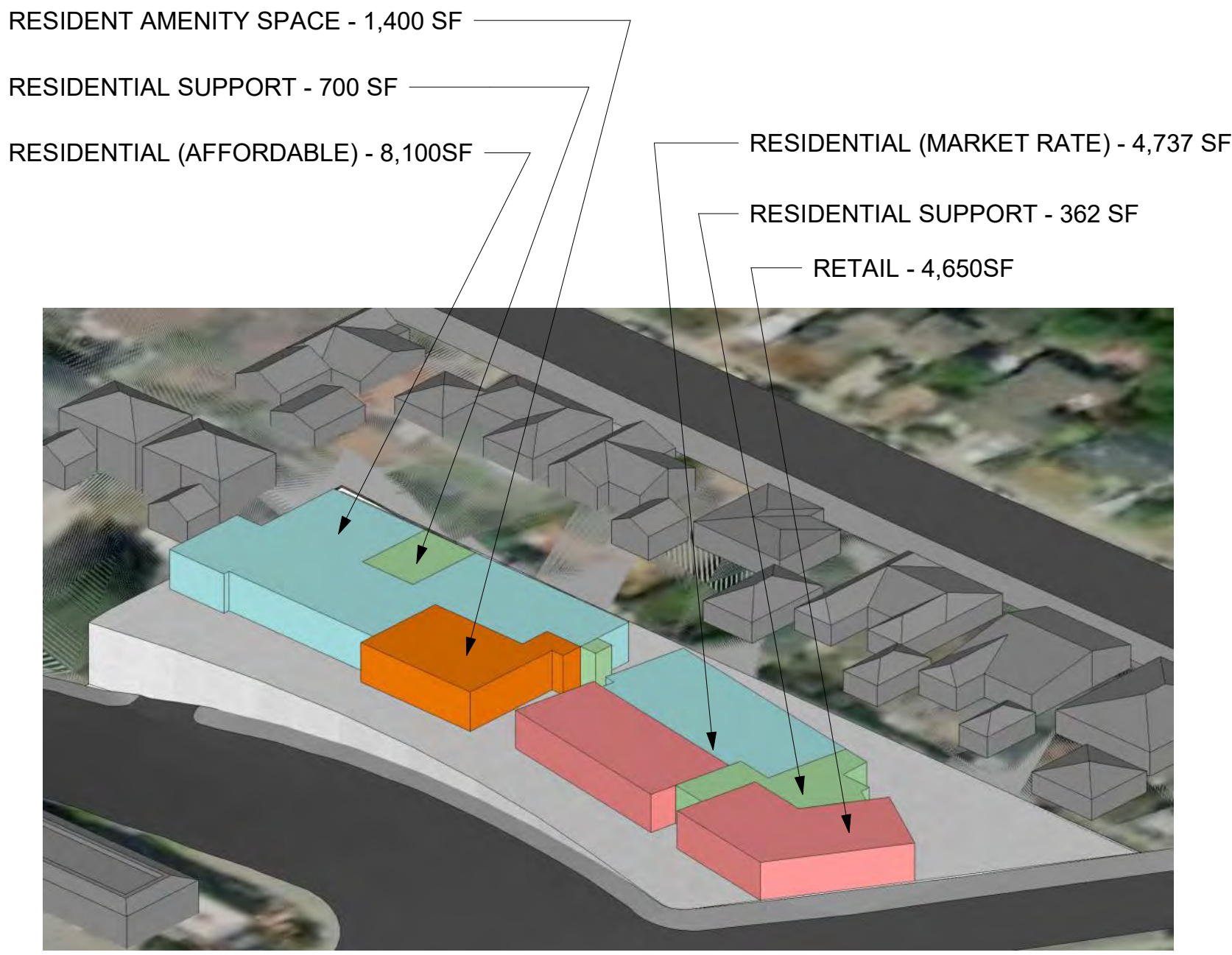
PROPOSED					
Common Open Space	150 SF/unit	21,000	SF	19,830	SF
Private Open Space	100 SF/unit	14,000	SF	6,510	SF
Total		35,000	SF	26,340	SF



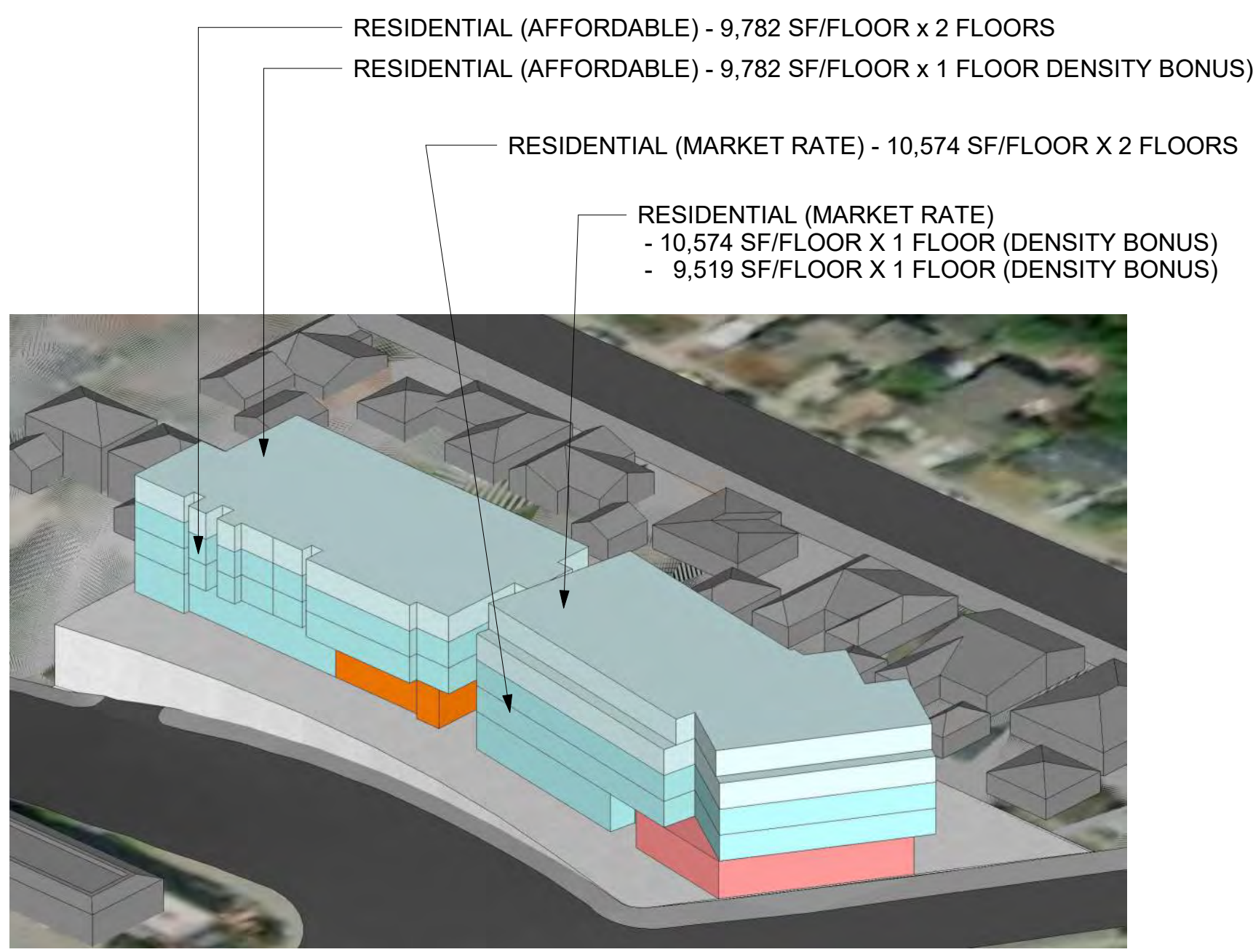
BASE PROJECT Ground Floor Program



BASE PROJECT Residential Program



PROPOSED PROJECT Ground Floor Program



PROPOSED PROJECT Residential Program



REQUIRED AUTO PARKING FOR BASE PROJECT:

CODE REQ'D PARKING CALCULATION (24.12.240):	
1 space/Studio x 53 studios	53 spaces
1 space/1BR x 41 1BRs	41 spaces
2 spaces/2BR x 12 2BRs	24 spaces
2 spaces/3BR x 3 3BRs	6 spaces
TOTAL CODE REQ'D PARKING	124 spaces

PARKING REDUCTIONS	
Improve Proximate Transit Stops	3%
Safe and Well-lit Access to Transit	2%
Unbundled Parking	10%
On-site bicycle repair	1%
TOTAL REDUCTIONS	16%
REDUCED CODE REQ'D PARKING	105 spaces

Guest = 10% x 105 spaces	11 spaces
TOTAL REQ'D w/GUEST PARKING	116 spaces

COMMERCIAL PARKING CALCULATION	
Required: 1 space/250 gsf	
5,012 gsf * / 250 sf	21 spaces
*commercial gsf including 2,482 gsf of live/work and 2,530 gsf of retail	

PROVIDED AUTO PARKING:	
Residential (2 level stacker)	105 spaces
Residential ADA:	6 spaces
Residential EVSE:	7 spaces
Total auto spaces provided:	118 spaces

Commercial Ground lvl.:	20 spaces
Commercial ADA:	1 space
Total auto spaces provided:	21 spaces

TOTAL AUTO PARKING PROVIDED:	139 spaces
------------------------------	------------

CODE REQ'D BICYCLE PARKING CALCULATION (24.12.250) :	
Residential: 1 space / unit	109 spaces
TOTAL BICYCLE PARKING REQ'D	109 spaces

TOTAL BICYCLE PARKING PROVIDED:	150 spaces
---------------------------------	------------

BASE	
LOT SIZE	39,659

Market Rate

	Ground		Lev 2		Lev 3		
	NSF	GSF	NSF	GSF	NSF	GSF	
Studio			399	499	399	499	
			399	499	399	499	
1BR	467	613	461	576	461	576	
	457	600	457	571	457	571	
	448	588	448	560	448	560	
	457	600	457	571	457	571	
	456	599	457	571	457	571	
			457	571	457	571	
			497	621	497	621	
			408	510	408	510	
			450	563	450	563	
			450	563	450	563	
2BR	748	982	650	813	650	813	
	748	982	647	809	647	809	
	748	982	647	809	647	809	
3BR	748	982	1169	1,461	1169	1,461	
UNIT COUNT	9		21		21		TOTAL 51
TOTAL RES. GSF		6,930 gsf		13,245 gsf		13,245 gsf	
FLOOR PLATE GSF		11,942 gsf		13,245 gsf		13,245 gsf	
OVERALL RESIDENTIAL GSF						33,420 gsf	
NON-RESIDENTIAL GSF						2,482 gsf	
						Live/work Retail	2,530
GRAND TOTAL GSF						38,432 gsf	

Affordable

	Ground		Lev 2		Lev 3		
	NSF	GSF	NSF	GSF	NSF	GSF	
Studio	345	454	345	431	345	431	
	342	450	386	483	386	483	
	386	508	386	483	386	483	
	342	450	386	483	386	483	
	386	508	386	483	386	483	
	383	504	386	483	386	483	
	386	508	386	483	386	483	
	342	450	386	483	386	483	
	386	508	386	483	386	483	
	342	450	386	483	386	483	
	386	508	386	483	386	483	
	386	508	386	483	386	483	
	386	508	386	483	386	483	
	386	508	386	483	386	483	
			383	479	383	479	
			386	483	386	483	
			342	428	342	428	
1BR	423	557	438	548	438	548	
	423	557	494	618	494	618	
2BR	748	984	716	895	716	895	
UNIT COUNT	16		21		21		TOTAL UNITS 58
TOTAL RES. GSF		8,411 gsf		10,580 gsf		10,580 gsf	
FLOOR PLATE GSF		9,811		10,580 gsf		10,580 gsf	
OVERALL RESIDENTIAL GSF						29,571 gsf	
NON-RESIDENTIAL GSF						1,400 gsf	
GRAND TOTAL GSF						30,971 gsf	
PROJECT GRAND TOTAL GSF						69,402 gsf	109 units
						1.75 FAR	

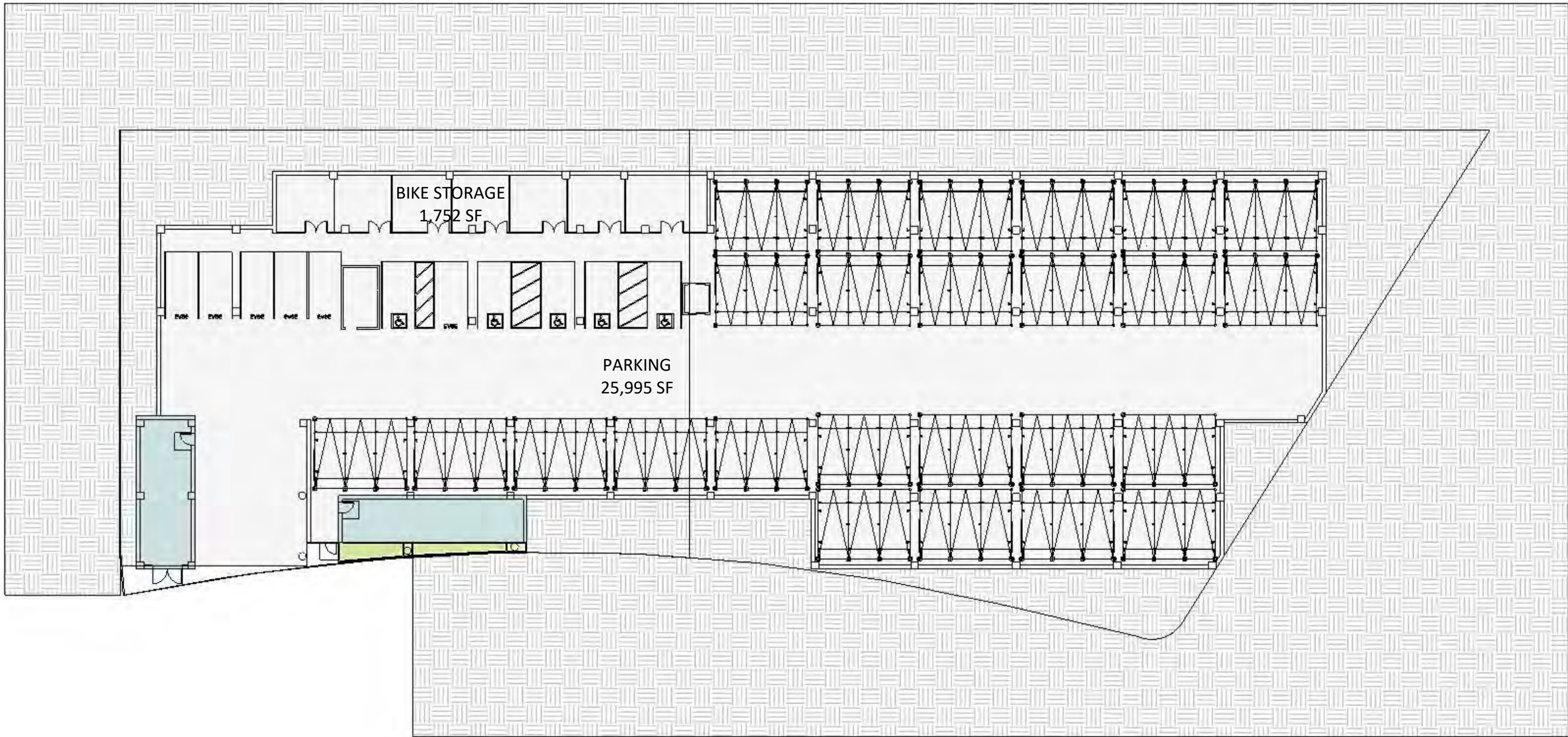


DENSITY BONUS CALCULATIONS - BASE

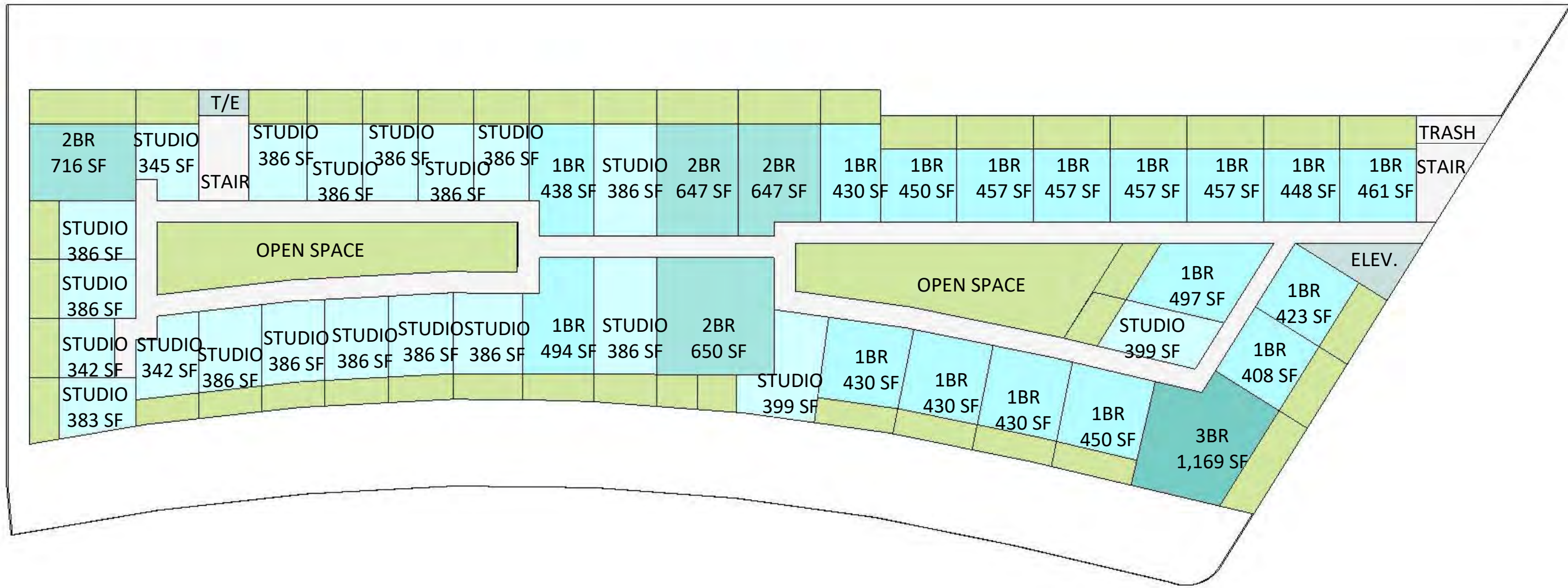
831 WATER ST. - 9/9/21

G02.1

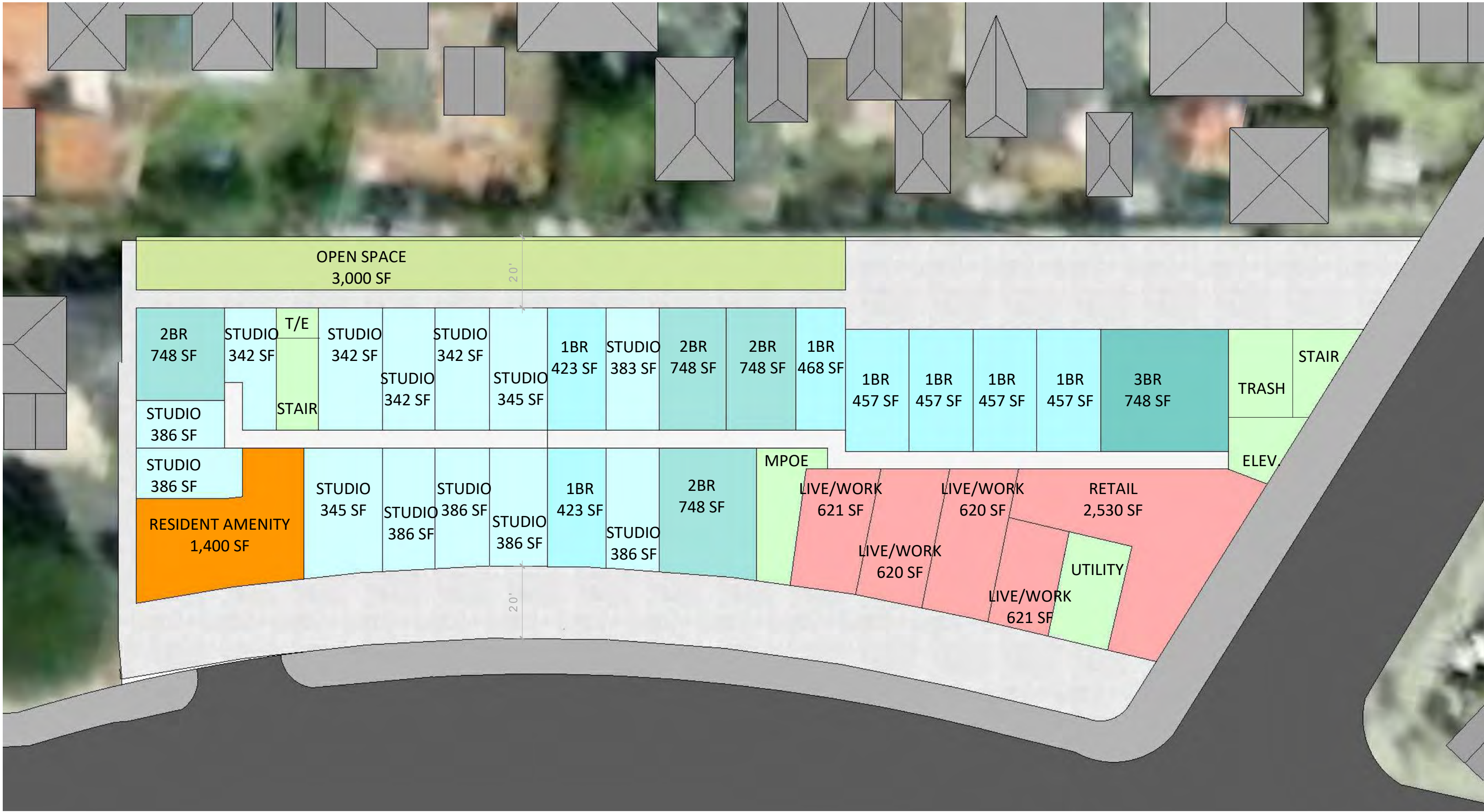




BASE PROJECT Parking Level Program

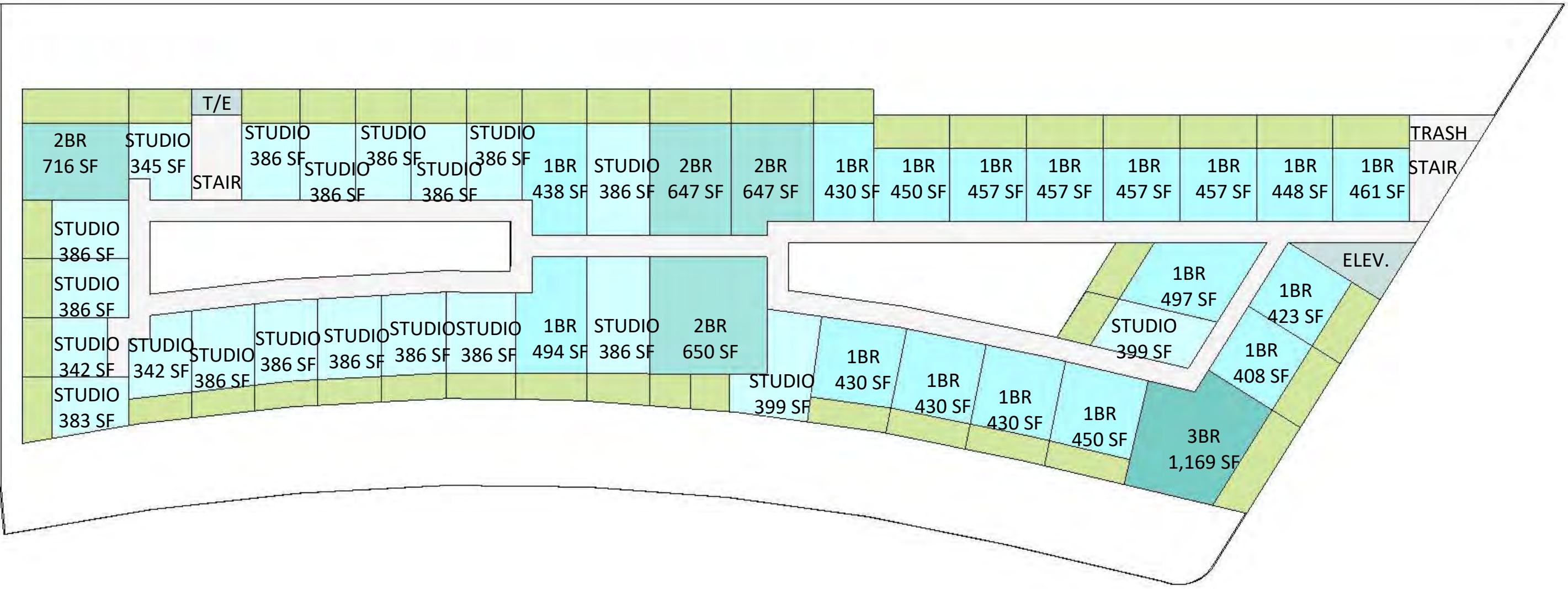


BASE PROJECT Level 2 Program



BASE PROJECT Ground Floor Program

\* Residential support programs are included as part of efficiency ratio



BASE PROJECT Level 3 Program



PROPOSED

LOT SIZE 39,659

Building A: Market Rate

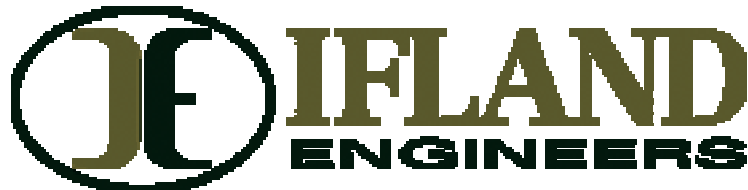
	Ground			Lev 2		Lev 3		Lev 4		Lev 5		
	NSF	EFF.	GSF	NSF	GSF	NSF	GSF	NSF	GSF	NSF	GSF	
Studio				399	503	399	497	399	497	399	494	
1BR	469	60%	788	461	582	461	575	461	575			
	469	60%	788	457	577	457	570	457	570			
	470	60%	791	448	565	448	558	448	558			
	470	60%	790	457	577	457	570	457	570			
	470	60%	790	457	577	457	570	457	570			
	470	60%	790	457	577	458	571	458	571			
				497	627	444	553	444	553			
				408	515	450	561	450	561			
				450	568	450	561	450	561			
				450	568	450	561	450	561			
				430	543	450	561	450	561			
				430	543	450	561	450	561			
				430	543	450	561	450	561			
				430	543	408	509	408	509			
				423	534	497	620	497	620			
2BR				650	820	650	810	650	810	770	953	
				647	816	647	806	647	806	776	961	
										929	1,150	
										647	801	
										650	805	
3BR										1169	1,447	
										1175	1,454	
										1175	1,454	
UNIT COUNT	6			18		18		18		9		TOTAL 69
TOTAL RES. GSF			4,737 gsf		10,574 gsf		10,574 gsf		10,574 gsf		9,519 gsf	
FLOOR PLATE GSF			9,749 gsf		10,574 gsf		10,574 gsf		10,574 gsf		9,519 gsf	
OVERALL RESIDENTIAL GSF											45,978 gsf	
NON-RESIDENTIAL GSF											Live/work 2,482 gsf	
											Retail 2,530 gsf	
GRAND TOTAL GSF											50,990 gsf	

Building B: Affordable

	Ground			Lev 2		Lev 3		Lev 4			
	NSF	EFF.	GSF	NSF	GSF	NSF	GSF	NSF	GSF		
Studio	345	63%	544	345	436	345	436	345	436		
	386	63%	608	386	488	386	488	386	488		
	386	63%	608	386	488	386	488	386	488		
	386	63%	608	386	488	386	488	386	488		
	386	63%	608	386	488	386	488	386	488		
	386	63%	608	386	488	386	488	386	488		
	386	63%	608	386	488	386	488	386	488		
	342	63%	539	386	488	386	488	386	488		
	342	63%	539	386	488	386	488	386	488		
	383	63%	604	386	488	386	488	386	488		
	342	63%	539	386	488	386	488	386	488		
	342	63%	539	386	488	386	488	386	488		
				386	488	386	488	386	488		
				383	484	383	484	383	484		
				386	488	386	488	386	488		
				342	432	342	432	342	432		
1BR	423	63%	667	438	554	438	554	438	554		
				494	625	494	625	494	625		
2BR	748	63%	1,179	716	905	716	905	716	905		
UNIT COUNT	14			19		19		19		TOTAL UNITS 71	
TOTAL RES. GSF			8,800 gsf		9,782 gsf		9,782 gsf		9,782 gsf		
FLOOR PLATE GSF			10,200 gsf		9,782 gsf		9,782 gsf		9,782 gsf		
OVERALL RESIDENTIAL GSF										38,146 gsf	37,538
NON-RESIDENTIAL GSF										Community Center	1,400 gsf
GRAND TOTAL GSF										39,546 gsf	

PROJECT GRAND TOTAL GSF

90,536 gsf 140 units  
2.28 FAR

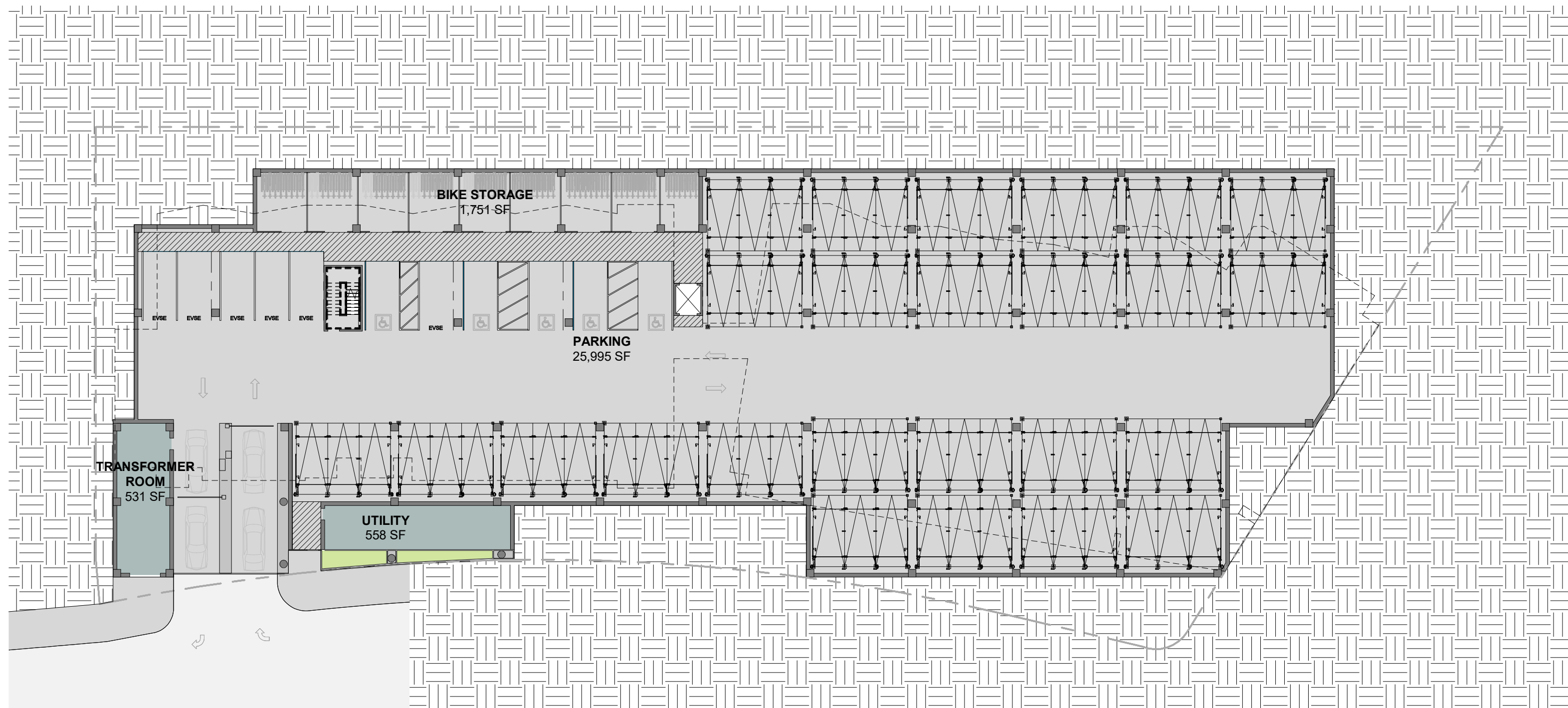


DENSITY BONUS CALCULATIONS - PROPOSED

831 WATER ST. - 9/9/21

G02.3

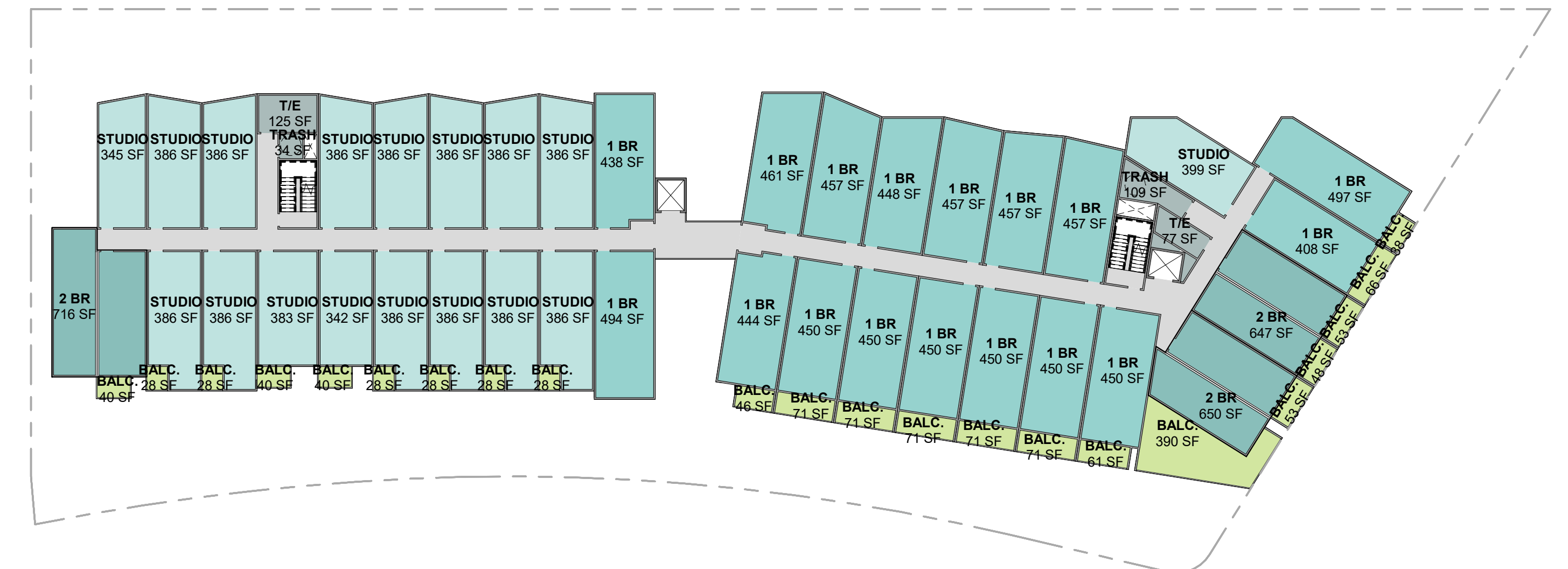




PROPOSED PROJECT Basement Level Parking



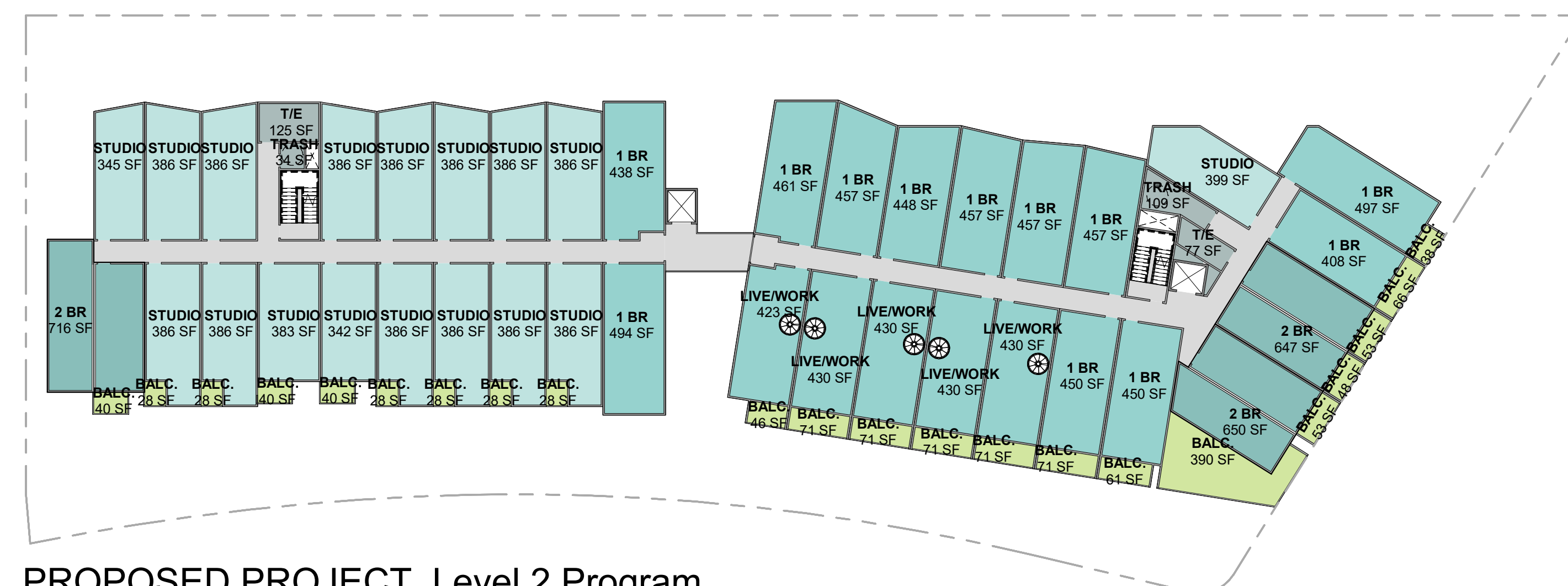
PROPOSED PROJECT Ground Floor Program



PROPOSED PROJECT Levels 3 & 4 Program



PROPOSED PROJECT Level 5 Program



PROPOSED PROJECT Level 2 Program

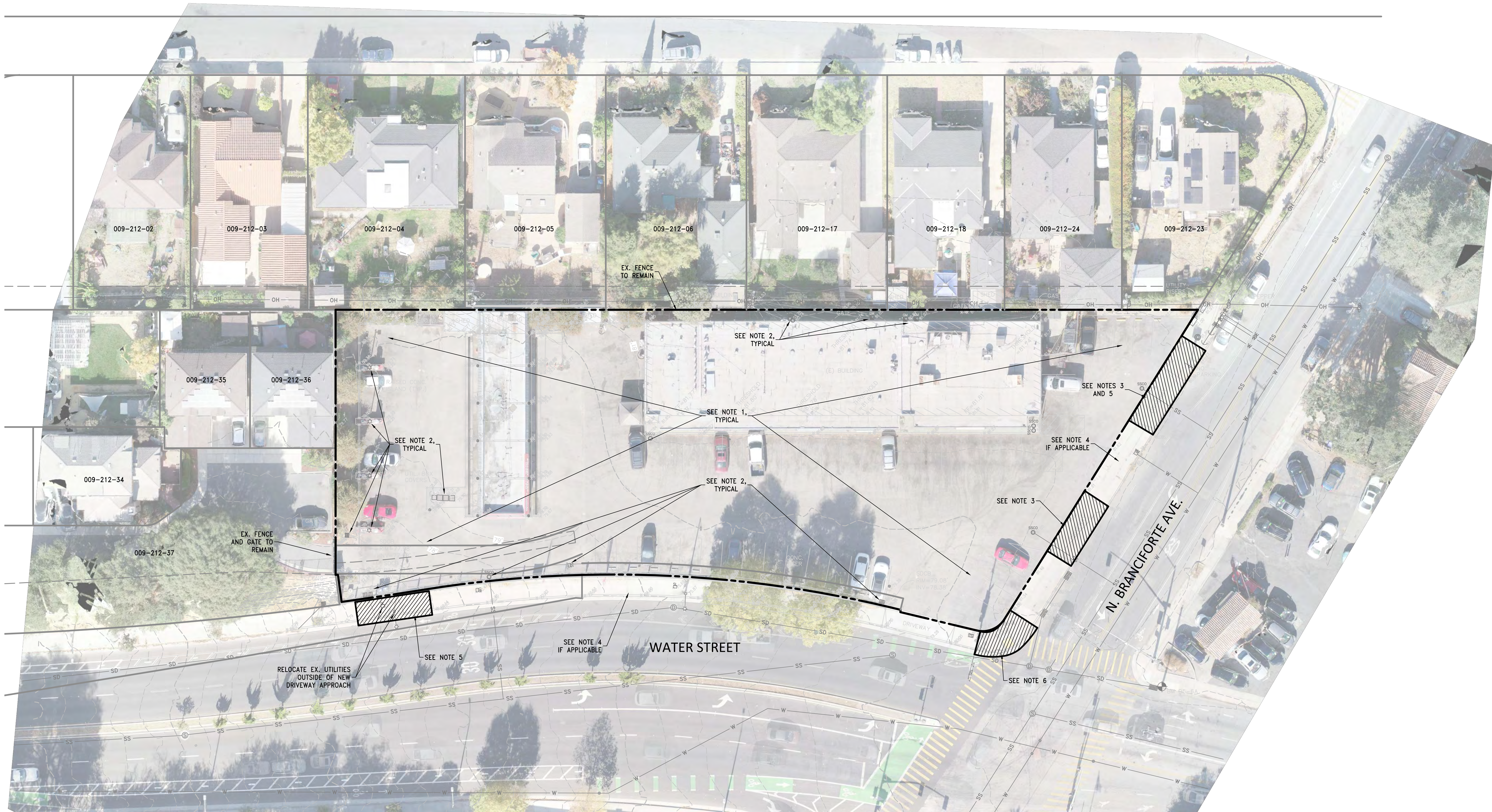






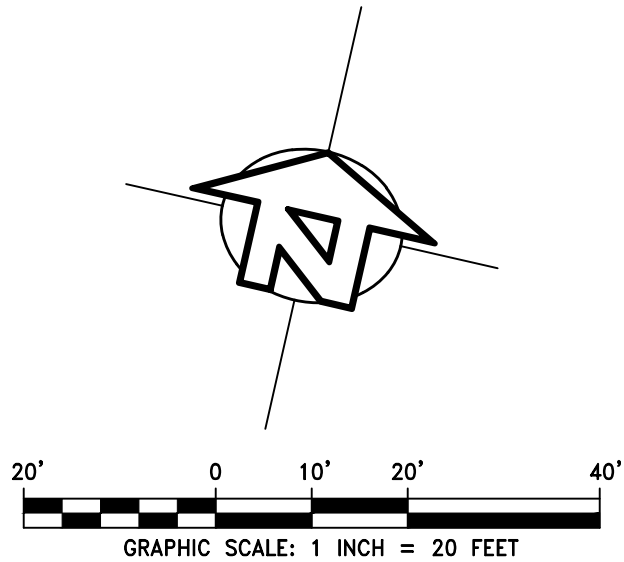
I:\PROJECTS\2020\20035 NIVID Water\DWGS\1 - SD PHASE\SD PHASE\CI-D-DEMO.dwg 09Sep21 04:16:50 PM mrgm © IFLAND ENGINEERS, INC.

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NOTES:

1. ALL SITE IMPROVEMENTS AND STRUCTURES WITHIN THE PROPERTY BOUNDARIES ARE TO BE DEMOLISHED.
2. ON-SITE UTILITIES NOT SERVING ADJACENT PARCELS ARE TO BE REMOVED.
3. EXISTING DRIVEWAY APPROACH ON N. BRANCIFORTE AVE TO BE REMOVED AND REPLACED WITH STANDARD CURB, GUTTER, AND SIDEWALK PER CITY STANDARDS.
4. EXISTING CURB, GUTTER, AND SIDEWALK IN POOR CONDITION IS TO BE REMOVED AND REPLACED PER CITY STANDARDS.
5. NEW DRIVEWAY APPROACHES WITH WRAPAROUND SIDEWALKS SHALL BE CONSTRUCTED PER CITY STANDARDS.
6. EXISTING CURB RAMP TO BE REMOVED AND REPLACED WITH NEW CODE COMPLIANT ACCESSIBLE CURB RAMP.



SCHEMATIC

DEMOLITION PLAN

831 WATER STREET DEVELOPMENT

SANTA CRUZ, CALIFORNIA

APN 009-212-30, 31, & 38

SCHEMATIC DESIGN

DATE  
9/9/2021

DESIGN  
MJR

DRAWN  
STAFF

SHEET

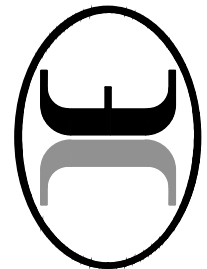
C1.0

JOB NO. 20035

NOT FOR CONSTRUCTION

5300 SOQUEL AVE SUITE 301  
SANTA CRUZ, CA 95062  
TEL (831) 426-5335  
FAX (831) 426-1763  
www.iflandengineers.com

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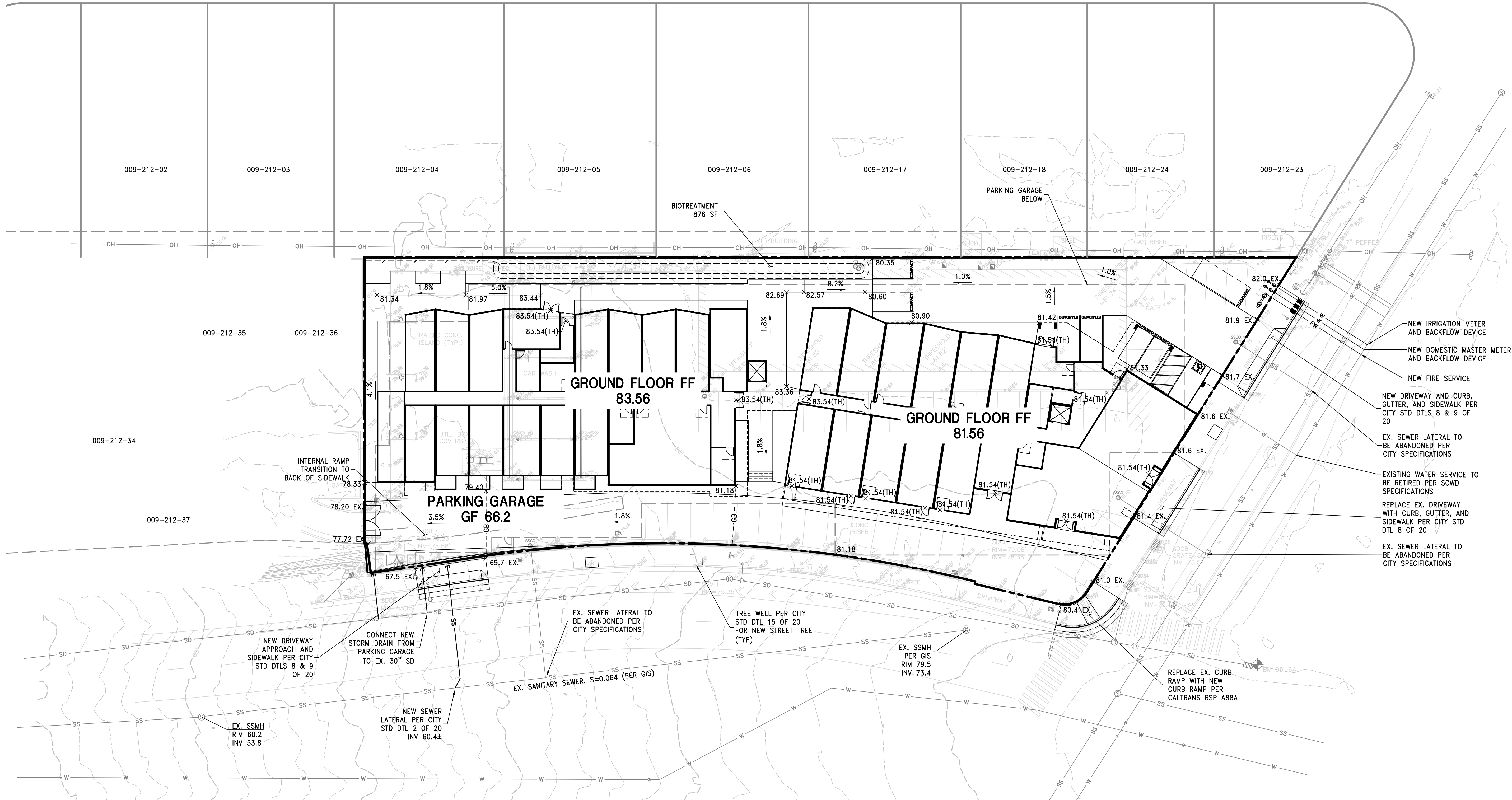


REVISION	BY	DATE



I:\\_PROJECTS\2020\20035 NIVID Water\DWGS\1 - SD PHASE\SD PHASE\2.0-GRADING\1.dwg 05/26/21 04:02:04 PM mdragon © IFLAND ENGINEERS, INC.

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#### ESTIMATED EARTHWORK QUANTITIES

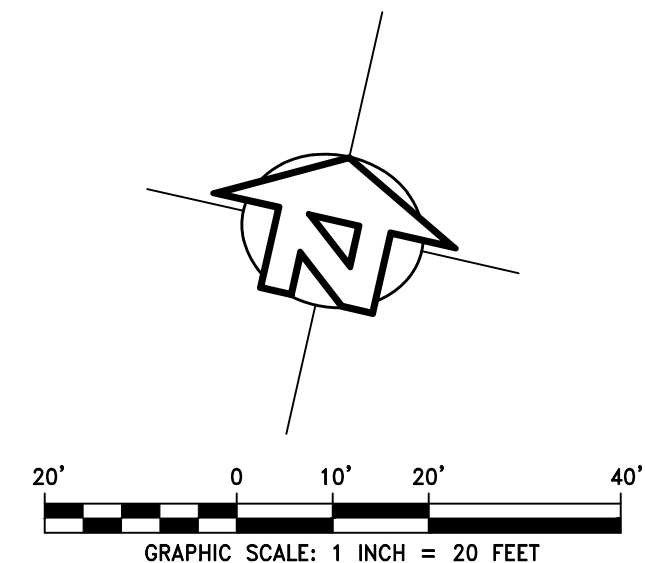
17,800 CUBIC YARDS CUT  
0 CUBIC YARDS FILL  
17,800 CUBIC YARDS EXPORT

#### NOTES:

- ESTIMATE DOES NOT INCLUDE BUILDING OR RETAINING WALL FOUNDATIONS, UTILITY TRENCH VOLUMES OR ANY OVEREXCAVATION, IF REQUIRED BY SITE CONDITIONS.
- ESTIMATE ASSUMES A 15% COMPACTION FACTOR ON ALL FILL MATERIAL AND A 0% EXPANSION FACTOR ON ALL CUT MATERIAL.

#### NOTES:

- SCHEMATIC SITE PLAN PROVIDED BY LOWNEY ARCHITECTS.
- SEE SHEET C3.0 FOR DESCRIPTION OF ON-SITE DRAINAGE IMPROVEMENTS.
- SIZING OF NEW UTILITIES SERVICES WILL BE DETERMINED DURING THE DEVELOPMENT OF CONSTRUCTION DOCUMENTS. INFORMATION SHOWN HEREON IS FOR CONCEPTUAL PURPOSES ONLY AND SUBJECT TO CHANGE.
- GRADING INFORMATION SHOWN HEREON IS SCHEMATIC, INTENDED TO COMMUNICATE GENERAL DESIGN INTENT ONLY, AND IS SUBJECT TO CHANGE.
- BUILDING SHALL HAVE INTERNAL RAMPS AS NEEDED TO PROVIDE EXITING AT BACKS OF SIDEWALKS THAT MAY VARY IN ELEVATION.



SCHEMATIC

GRADING, DRAINAGE & UTILITY PLAN  
831 WATER STREET DEVELOPMENT

SANTA CRUZ, CALIFORNIA

APN 009-212-30, 31, & 38  
SCHEMATIC DESIGN

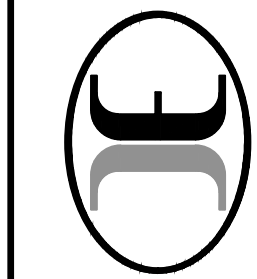
DATE 9/9/2021  
DESIGN MUR  
DRAWN STAFF

SHEET  
C2.0

JOB NO. 20035

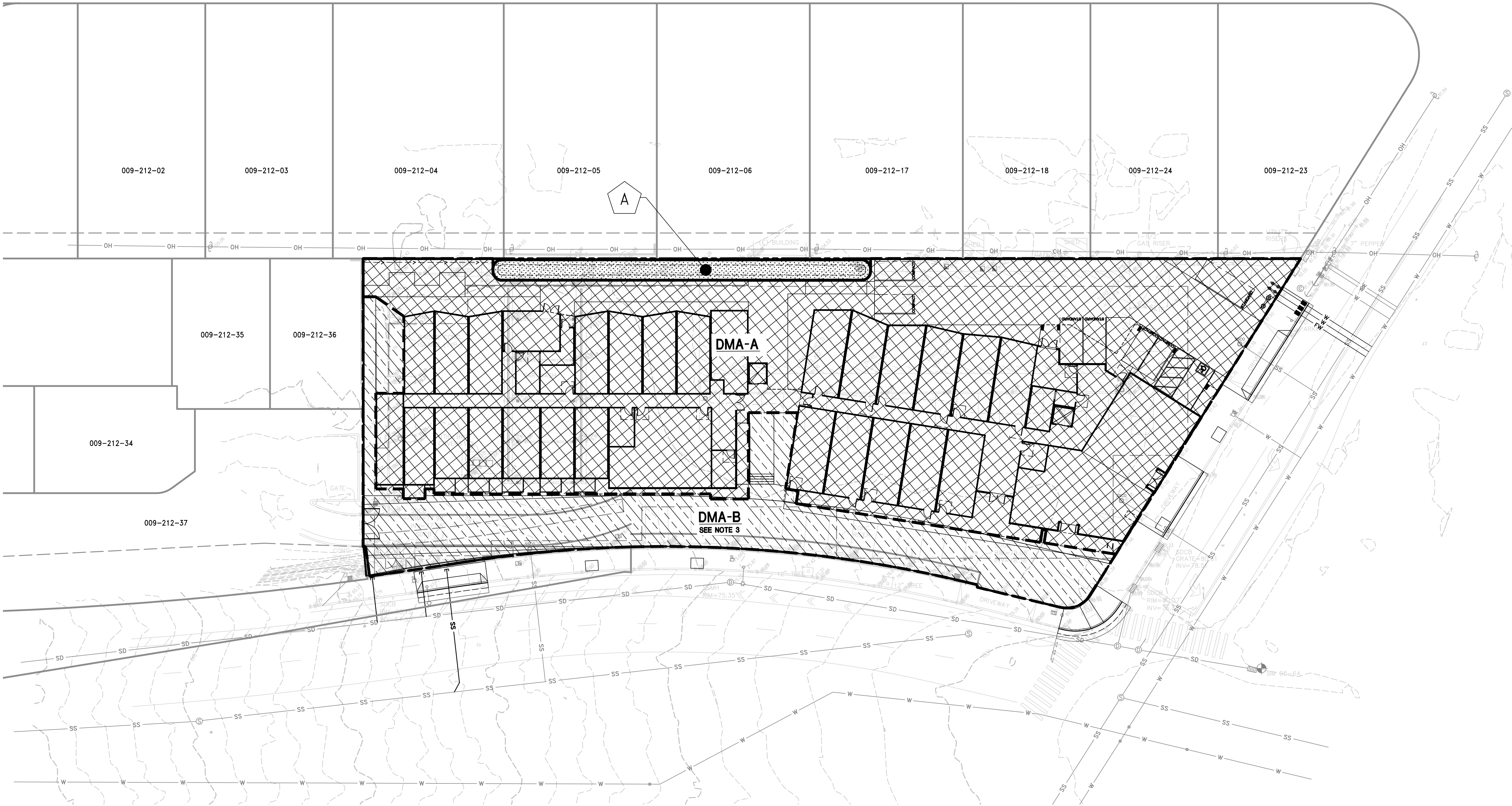
NOT FOR CONSTRUCTION

5300 SOQUEL AVE SUITE 301  
SANTA CRUZ, CA 95062  
TEL (831) 426-5333  
FAX (831) 426-1763  
www.iflandengineers.com  
IFLAND ENGINEERS  
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REVISION	BY	DATE

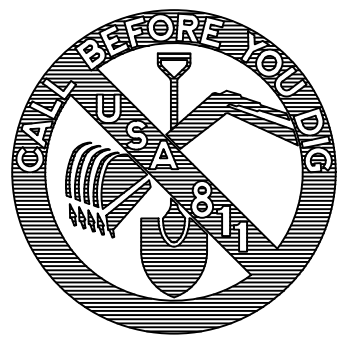
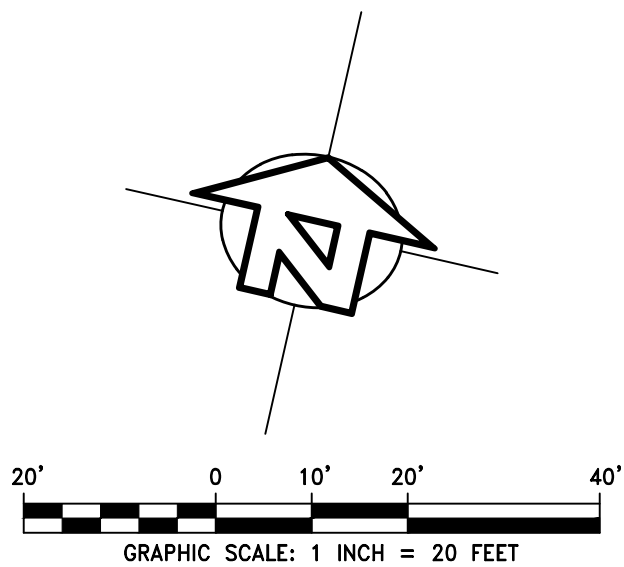
I:\PROJECTS\2020\20035 NIVID Water\DWGS\1 - SD\_PHASE\SD\_PHASE\C3.0-SWCP.dwg 09Sep21 04:02:12 PM morgan © IFLAND ENGINEERS, INC.



TREATMENT CONTROL MEASURE SUMMARY TABLE								
DMA	DRAINAGE AREA (SF)	IMPERVIOUS SURFACE (SF)	TYPE OF IMPERVIOUS SURFACE	REQUIRED TREATMENT AREA (SF)	PROVIDED TREATMENT AREA (SF)	REQUIRED FLOW CAPACITY (CFS)	PROVIDED FLOW CAPACITY (CFS)	PROPOSED TREATMENT CONTROL
DMA-A	30,613	29,205	ROOF/CONC/AC PVT	1,169	1,171	-	-	SCM-A BIOTREATMENT POND
DMA-B	7,630	7,420	CONC	-	-	0.03	0.042	SCM-B MECH. FILTRATION UNIT

NOTES:

- THE PROJECT HAS MORE THAN 22,500 SF OF NEW OR REPLACED IMPERVIOUS SURFACES AND THEREFORE QUALIFIES AS A TIER 4 PROJECT PER CHAPTER 6B OF THE CITY'S STORMWATER BMP MANUAL.
- RUNOFF REDUCTION IS PROVIDED BY LIMITING SURFACE PARKING AND IMPERVIOUS SURFACES TO WITHIN THE BOUNDARIES OF EXISTING IMPERVIOUS COVERAGE.
- TREATMENT FOR ALL IMPERVIOUS SURFACES IN DMA-B WILL BE PROVIDED VIA A MECHANICAL FILTRATION UNIT LOCATED IN THE PARKING GARAGE PRIOR TO DISCHARGE TO THE PUBLIC STORM DRAIN IN WATER STREET.
- THE SITE IS LOCATED WITHIN AN URBAN SUSTAINABILITY AREA (USA) AND THEREFORE QUALIFIES FOR CERTAIN REDUCTIONS AND EXEMPTIONS FROM ON-SITE RETENTION AND DETENTION REQUIREMENTS.
- ON-SITE RETENTION REQUIREMENTS ARE LIMITED TO THE LEVEL OF EXISTING RETENTION PROVIDED AT THE EXISTING SITE, WHICH IS ZERO. THEREFORE, NO ON-SITE RETENTION UPON REDEVELOPMENT OF THE SITE IS REQUIRED PER "DEVELOPMENT REQUIREMENT SPECIAL CIRCUMSTANCES", SECTION I., OF THE CITY'S STORMWATER BMP MANUAL.
- AS ALL RUNOFF FROM THE SITE WILL BE HARD-PIPED TO THE CONCRETE-LINED CHANNEL THAT IS BRANCIFORTE CREEK, WHICH DISCHARGES TO THE SAN LORENZO RIVER, THE PROJECT QUALIFIES FOR AN EXEMPTION FROM ON-SITE DETENTION PER "DEVELOPMENT REQUIREMENT SPECIAL CIRCUMSTANCES", SECTION II., OF THE CITY'S STORMWATER BMP MANUAL.
- PARKING GARAGE INLETS WILL BE CONNECTED TO THE SANITARY SEWER SYSTEM.



SCHEMATIC

STORMWATER CONTROL PLAN

831 WATER STREET DEVELOPMENT

SANTA CRUZ, CALIFORNIA

APN 009-212-30, 31, & 38

SCHEMATIC DESIGN

DATE 9/9/2021  
DESIGN MUR  
DRAWN STAFF

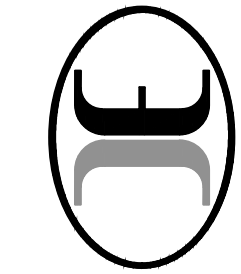
SHEET

C3.0

JOB NO. 20035

NOT FOR CONSTRUCTION

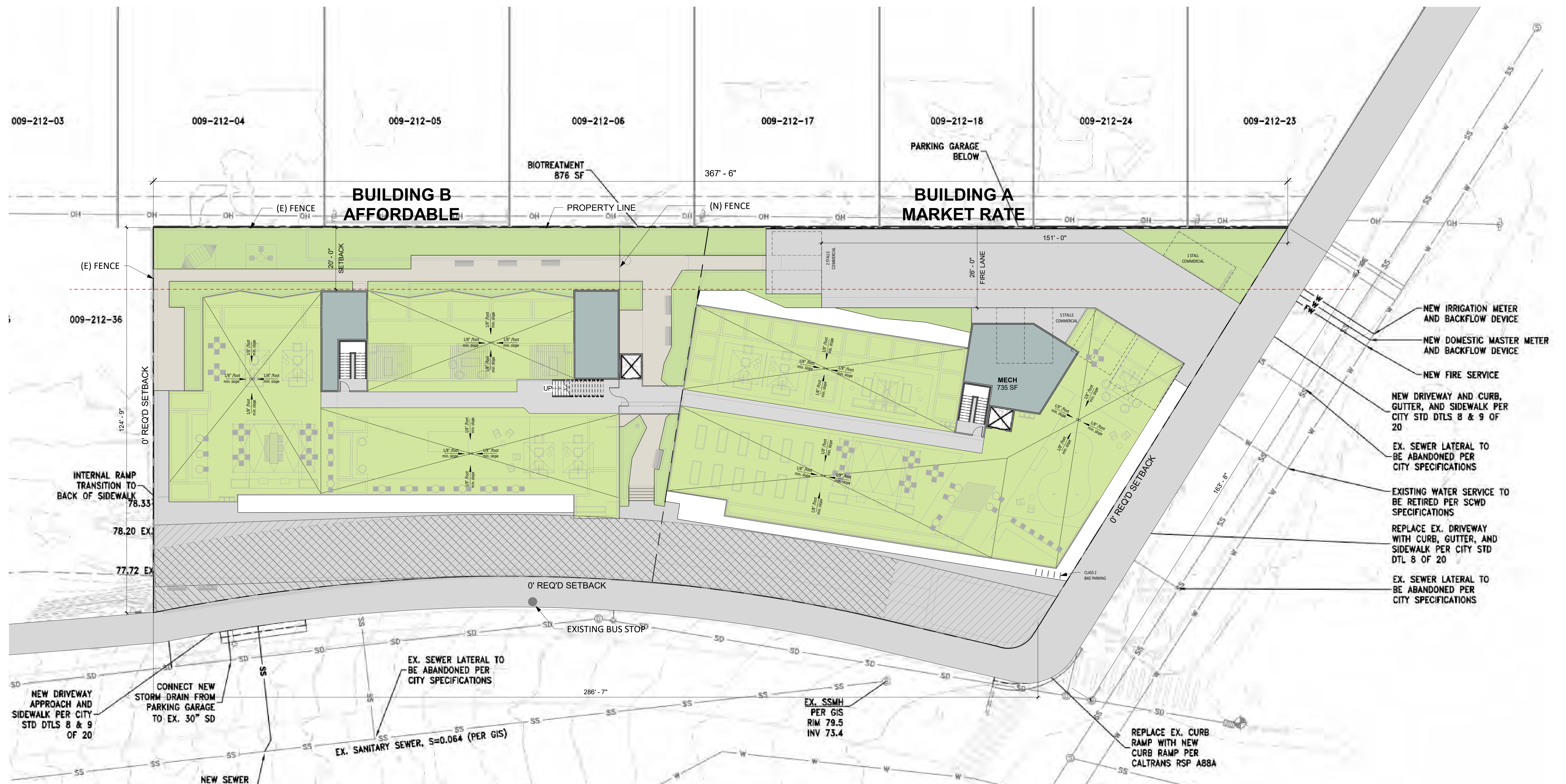
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REVISION  
BY  
DATE





Natural Gas-Free Design as required by SCMC 6.100

**REQUIRED AUTO PARKING:****CODE REQ'D PARKING CALCULATION (24.12.240):**

1 space/Studio x 64 studios	64 spaces
1 space/1BR x 58 1BRs	58 spaces
2 spaces/2BR x 15 2BRs	30 spaces
2 spaces/3BR x 3 3BRs	6 spaces
<b>TOTAL CODE REQ'D PARKING</b>	<b>158 spaces</b>

**PARKING REDUCTIONS**

Improve Proximate Transit Stops	3%
Safe and Well-lit Access to Transit	2%
Unbundled Parking	10%
On-site bicycle repair	1%
<b>TOTAL REDUCTIONS</b>	<b>16%</b>
<b>REDUCED CODE REQ'D PARKING</b>	<b>133 spaces</b>

Guest = 10% x 133 spaces	14 spaces
<b>TOTAL REQ'D w/GUEST PARKING</b>	<b>147 spaces</b>

**DENSITY BONUS PARKING CALCULATION (24.16.256):**

0.5 spaces/Studio x 64 studios	32 spaces
0.5 spaces/1BR x 58 1BRs	29 spaces
1 space/2BR x 15 2BRs	15 spaces
1 space/3BR x 3 3BRs	3 spaces
<b>TOTAL w/DB</b>	<b>79 spaces</b>

**PARKING REDUCTIONS**

Improve Proximate Transit Stops	3%
Safe and Well-lit Access to Transit	2%
Unbundled Parking	10%
On-site bicycle repair	1%
<b>TOTAL REDUCTIONS</b>	<b>16%</b>
<b>REDUCED CODE REQ'D PARKING</b>	<b>66 spaces</b>

Guest = 10% x 66 spaces	7 spaces
<b>DB TOTAL w/GUEST PARKING</b>	<b>73 spaces</b>

**COMMERCIAL PARKING CALCULATION**

Required: 1 space/250 gsf  
 5,012 gsf \*/ 250 sf 21 spaces  
 \*commercial gsf including 2,482 gsf of live/work and 2,530 gsf of retail

**PROVIDED AUTO PARKING:**

Residential (2 level stacker)	125 spaces
Residential ADA:	5 spaces
Residential EVSE:	6 spaces
<b>Total auto spaces provided:</b>	<b>136 spaces</b>

Commercial Ground lvl.:	7 spaces
Commercial ADA:	1 space
<b>Total auto spaces provided:</b>	<b>8 spaces</b>

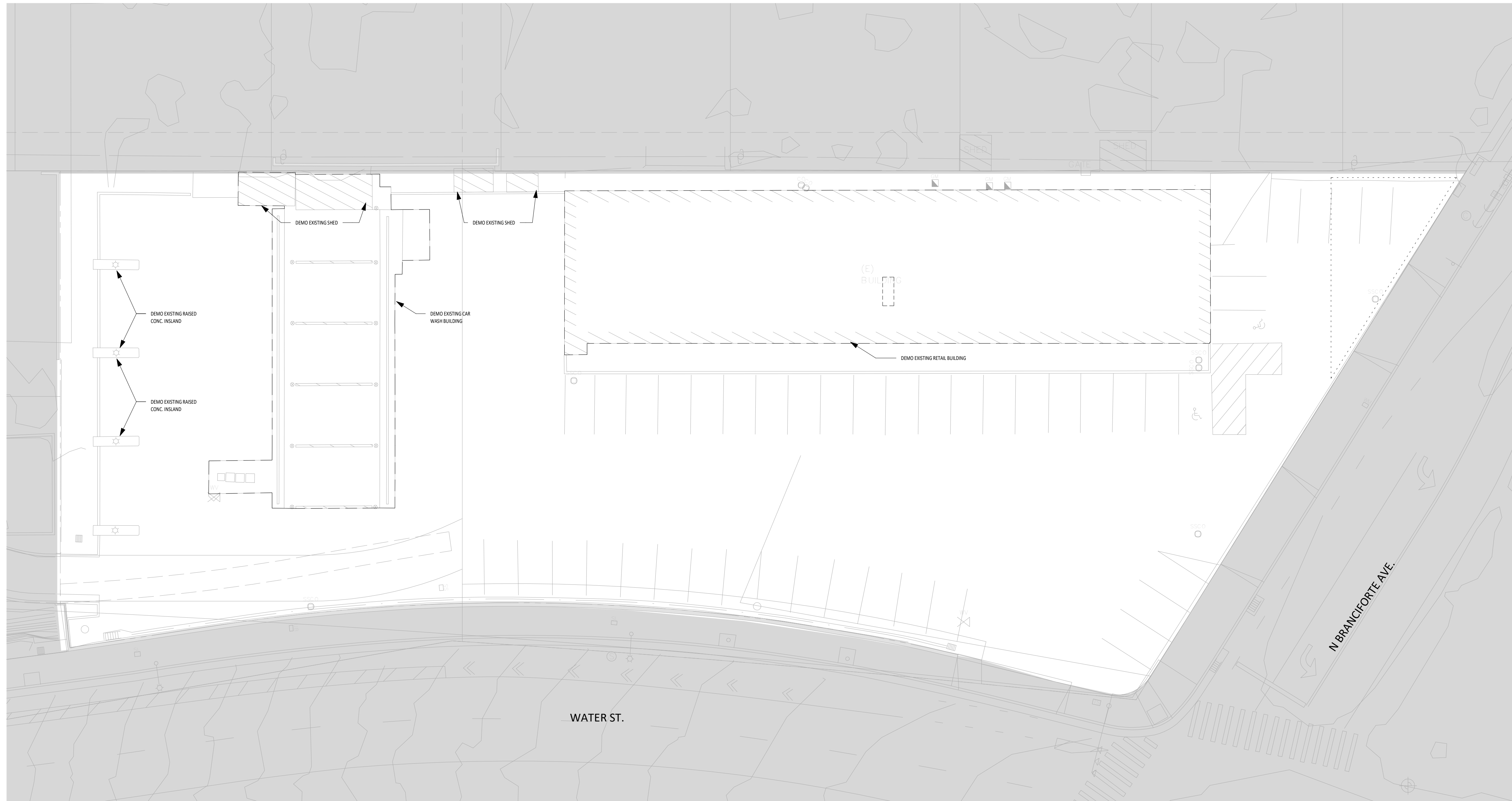
**TOTAL AUTO PARKING PROVIDED: 144 spaces**

**CODE REQ'D BICYCLE PARKING CALCULATION (24.12.250) :**

Residential: 1 space / unit	140 spaces
<b>TOTAL BICYCLE PARKING REQ'D</b>	<b>140 spaces</b>

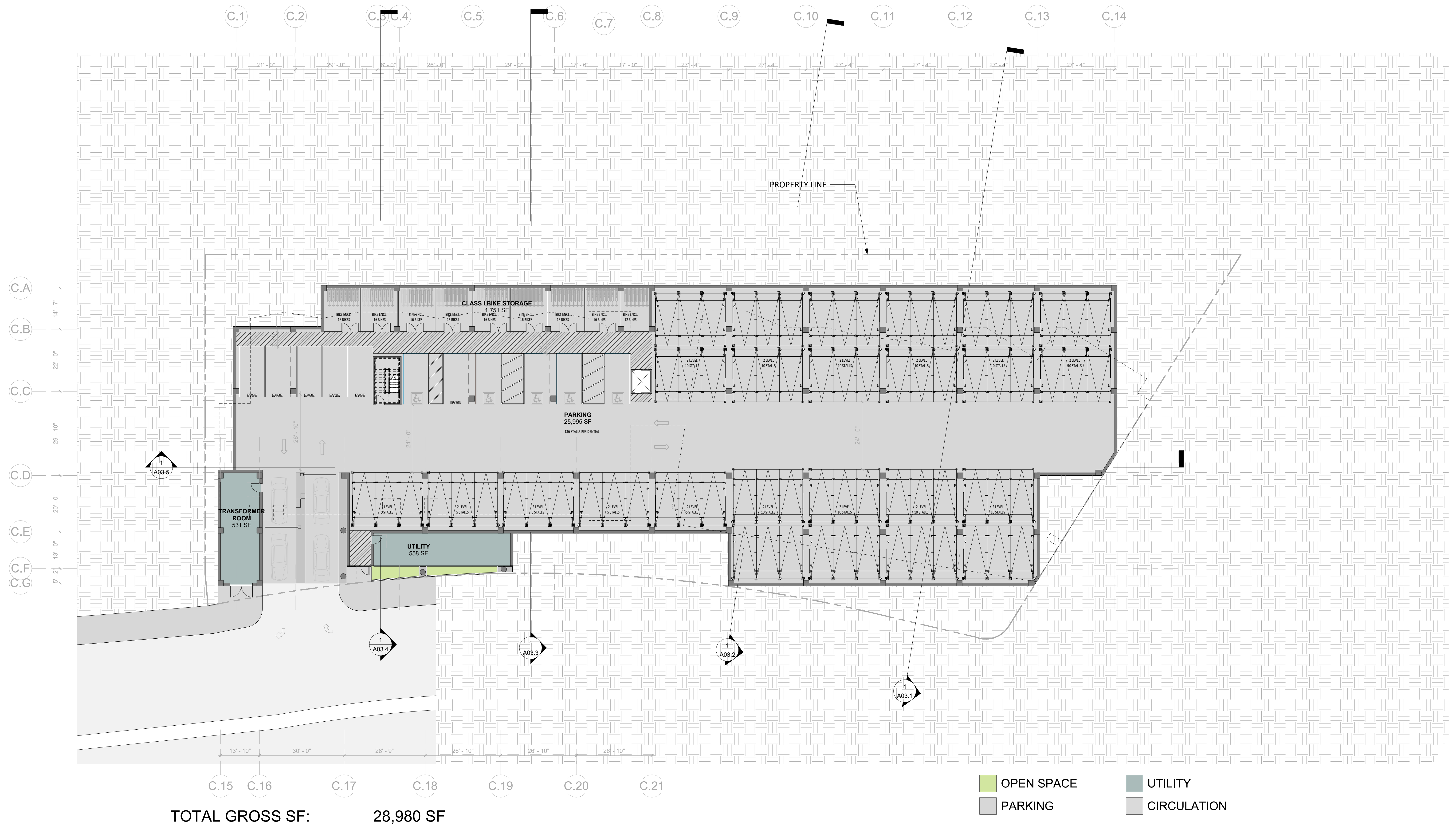
**TOTAL BICYCLE PARKING PROVIDED: 150 spaces**





**LEGEND**

- EXISTING WALL TO BE DEMOLISHED
- EXISTING ITEM TO BE DEMOLISHED, REFER TO KEY NOTES ABOVE
- EXISTING WALL TO REMAIN
- AREA NOT IN CONTRACT







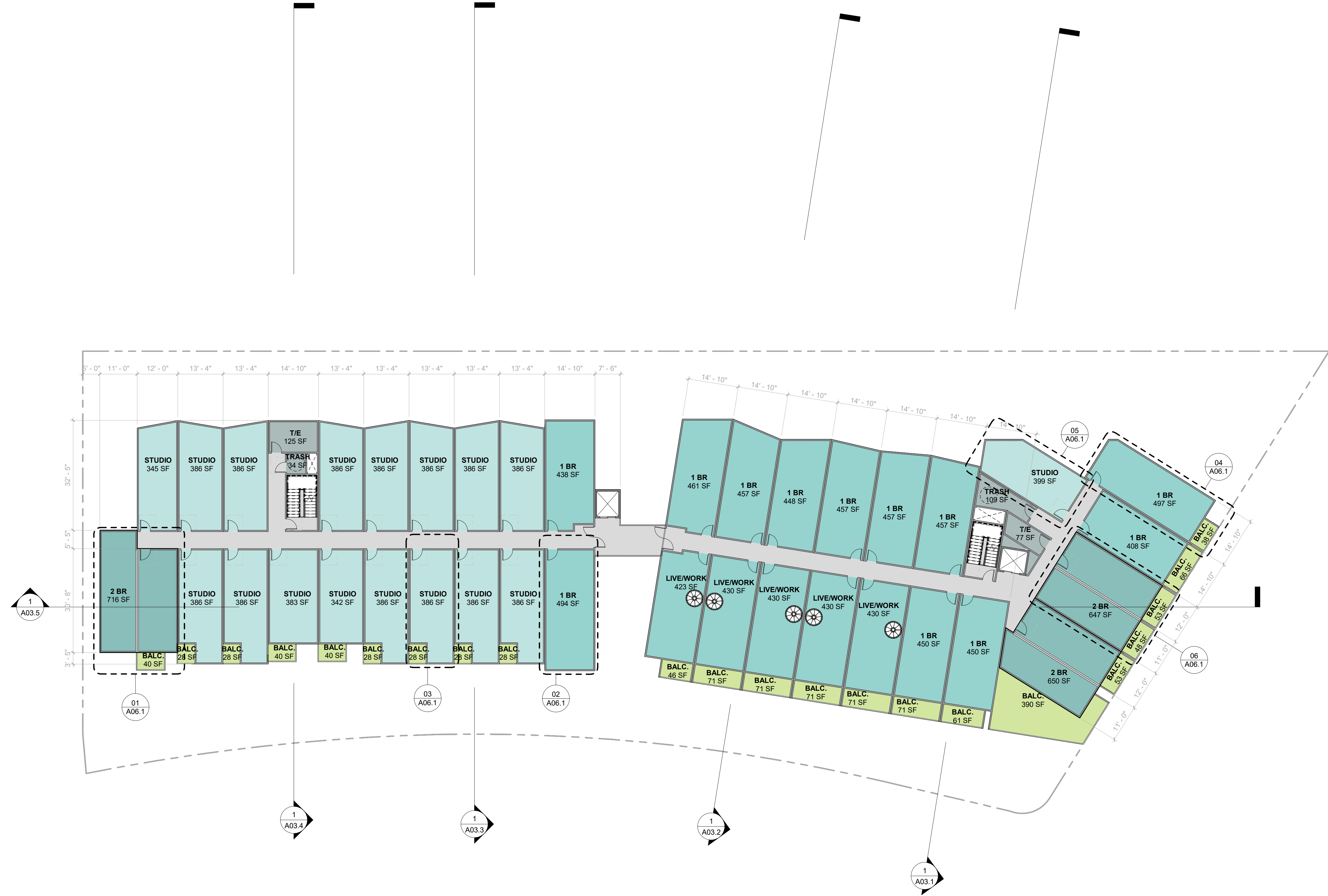
TOTAL GROSS SF: 9,749 SF  
TOTAL LEASABLE SF: 3,491 SF

BUILDING A  
9,749 SF  
3,491 SF

BUILDING B  
10,200 SF  
5,197 SF

- |                   |           |             |
|-------------------|-----------|-------------|
| STUDIO            | AMENITY   | OPEN SPACE  |
| 1 BEDROOM         | COMMUNITY | UTILITY     |
| 2 BEDROOM         | OFFICE    | CIRCULATION |
| RESIDENTIAL LOBBY | RETAIL    |             |





TOTAL GROSS SF: 10,574 SF  
TOTAL LEASABLE SF: 8,084 SF

BUILDING A  
10,574 SF  
8,084 SF

BUILDING B  
9,782 SF  
7,736 SF





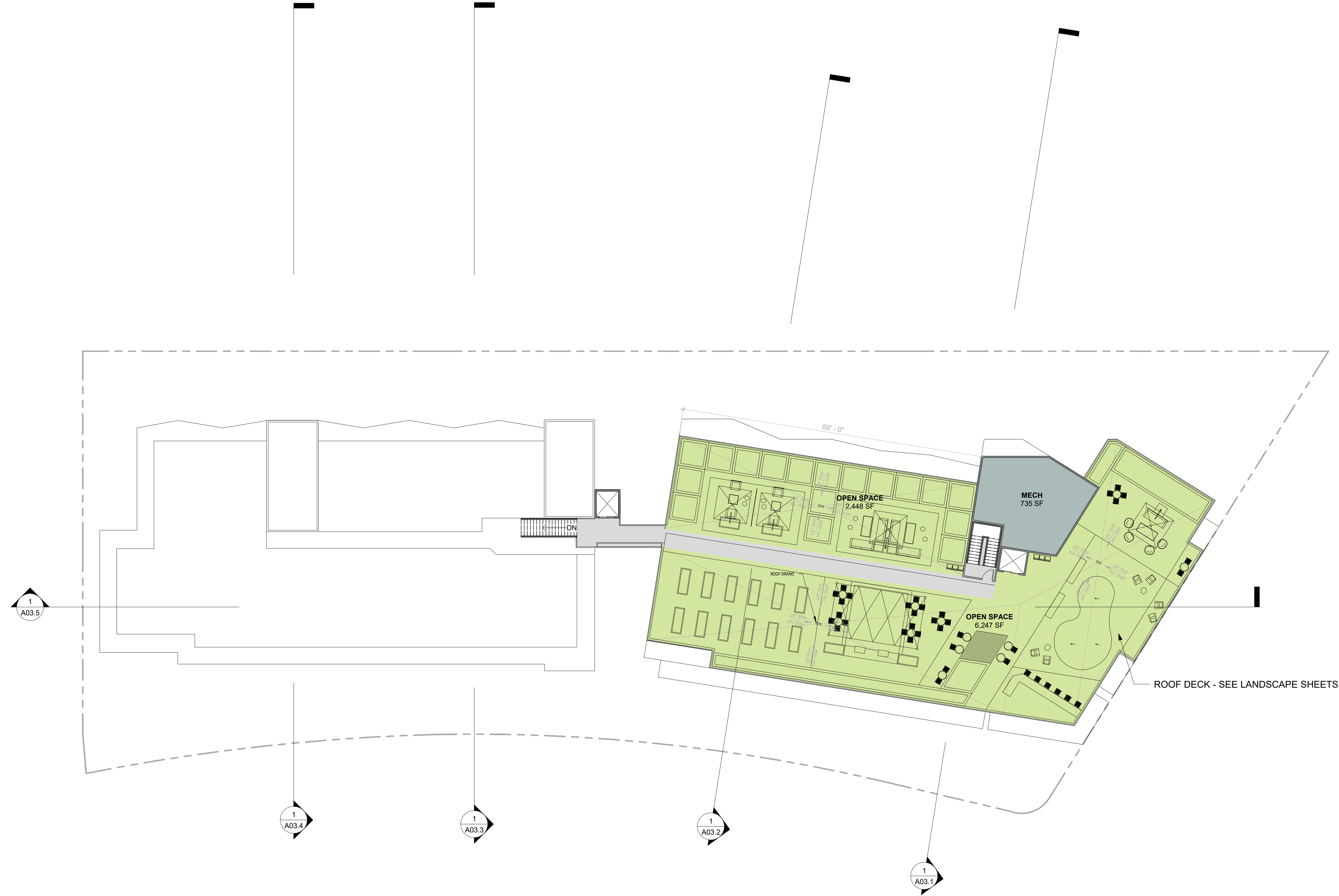


- |  |  |
|--|--|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #e0f2f1; border: 1px solid black; margin-right: 5px;"></span> STUDIO    | <span style="display: inline-block; width: 15px; height: 15px; background-color: #c8e6c9; border: 1px solid black; margin-right: 5px;"></span> OPEN SPACE  |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #bbdefb; border: 1px solid black; margin-right: 5px;"></span> 1 BEDROOM | <span style="display: inline-block; width: 15px; height: 15px; background-color: #bdbdbd; border: 1px solid black; margin-right: 5px;"></span> UTILITY     |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #b2dfdb; border: 1px solid black; margin-right: 5px;"></span> 2 BEDROOM | <span style="display: inline-block; width: 15px; height: 15px; background-color: #f5f5f5; border: 1px solid black; margin-right: 5px;"></span> CIRCULATION |

TOTAL GROSS SF: BUILDING A 10,574 SF  
 TOTAL LEASABLE SF: 8,084 SF

BUILDING B 9,782 SF  
 7,736 SF









W1

NICHIHA VINTAGEWOOD  
Bruce



S1

STUCCO  
Extra White - SW 7006



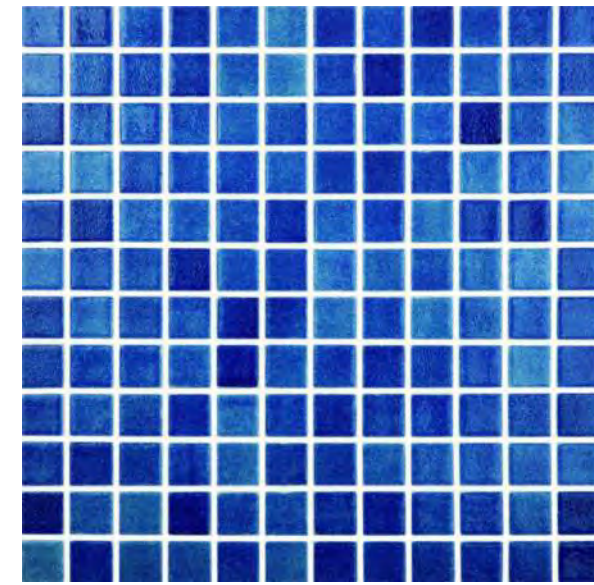
M1

CENTRIA METAL PANEL  
Light Blue



F1

WINDOW FRAME  
Black Vinyl Clad



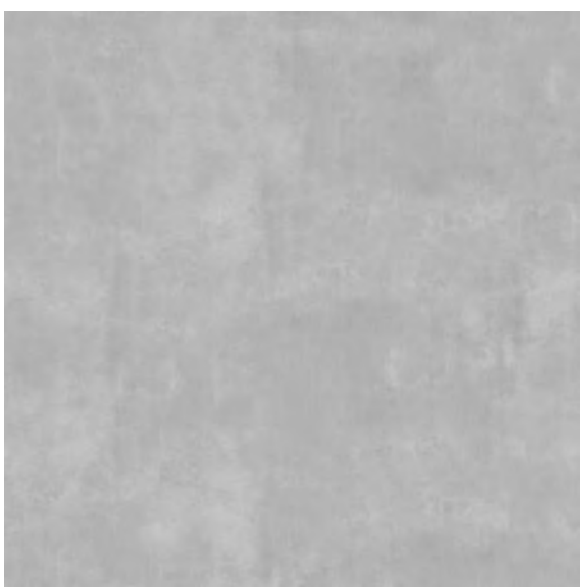
T1

CUSTOM GLASS TILE  
Fog Navy Blue



W2

NICHIHA VINTAGEWOOD  
Ash



S2

STUCCO  
Gris - SW 7659



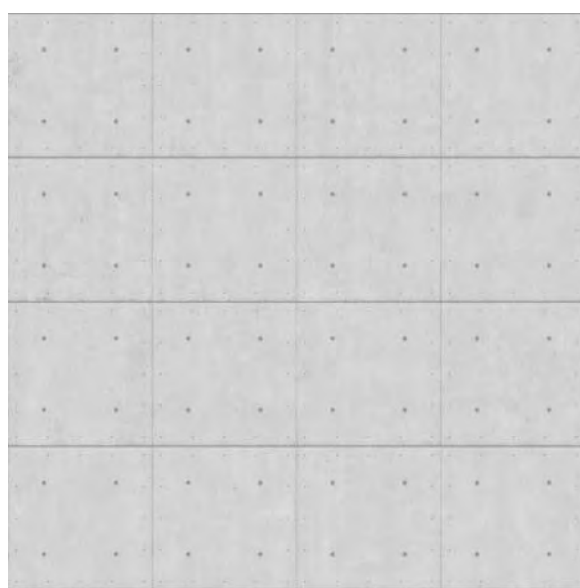
M2

CENTRIA METAL PANEL  
Yellow



F2

WINDOW FRAME  
Black Anodized Aluminum



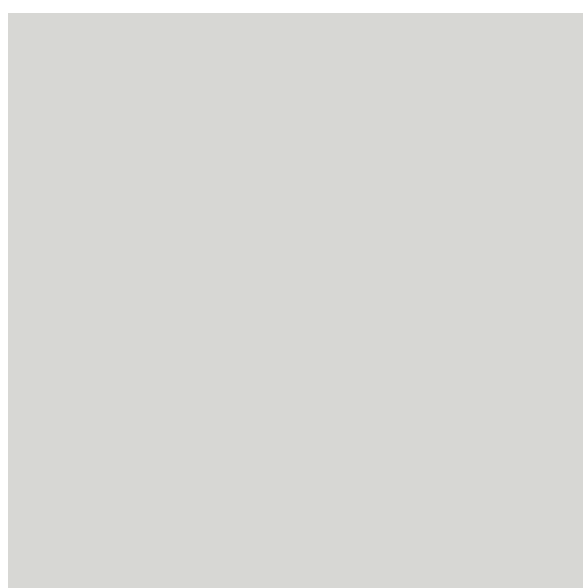
C1

CONCRETE



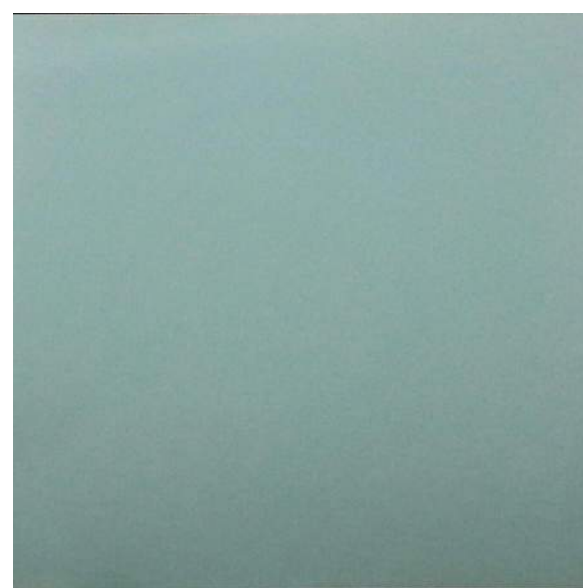
S3

PAINTED STUCCO  
Salty Dog - SW 9177  
Inky Blue - SW 9149  
Whirpool - SW9135  
Stardew - SW9138  
Lullaby - SW9136  
Pure White - SW7005



P1

TRESPA PANEL  
Winter Gray



G1

GLASS  
Vitro Solarban 60





① BUILDING ELEVATION - SOUTH  
1" = 10'-0"



② BUILDING ELEVATION - NORTH  
1" = 10'-0"





① BUILDING A ELEVATION - EAST  
1" = 10'-0"



② BUILDING B ELEVATION - EAST  
1" = 10'-0"



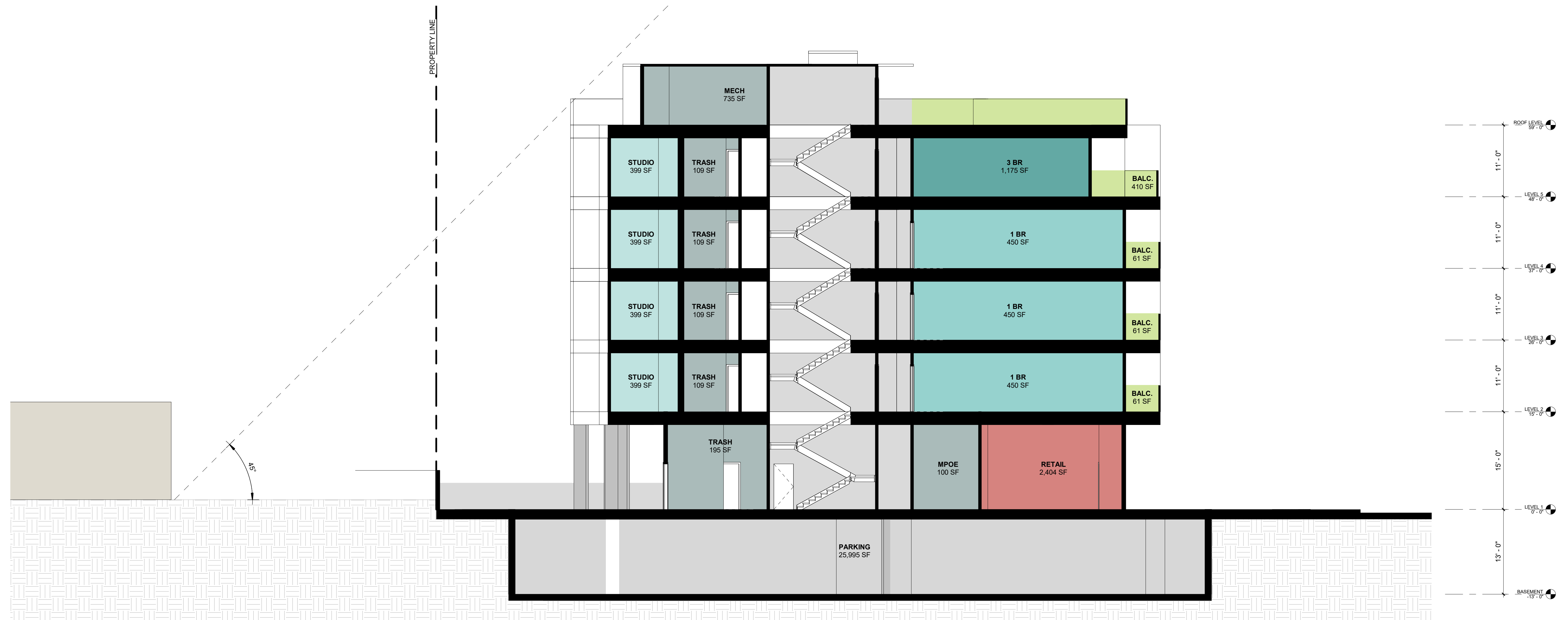


② BUILDING A ELEVATION - WEST  
1" = 10'-0"

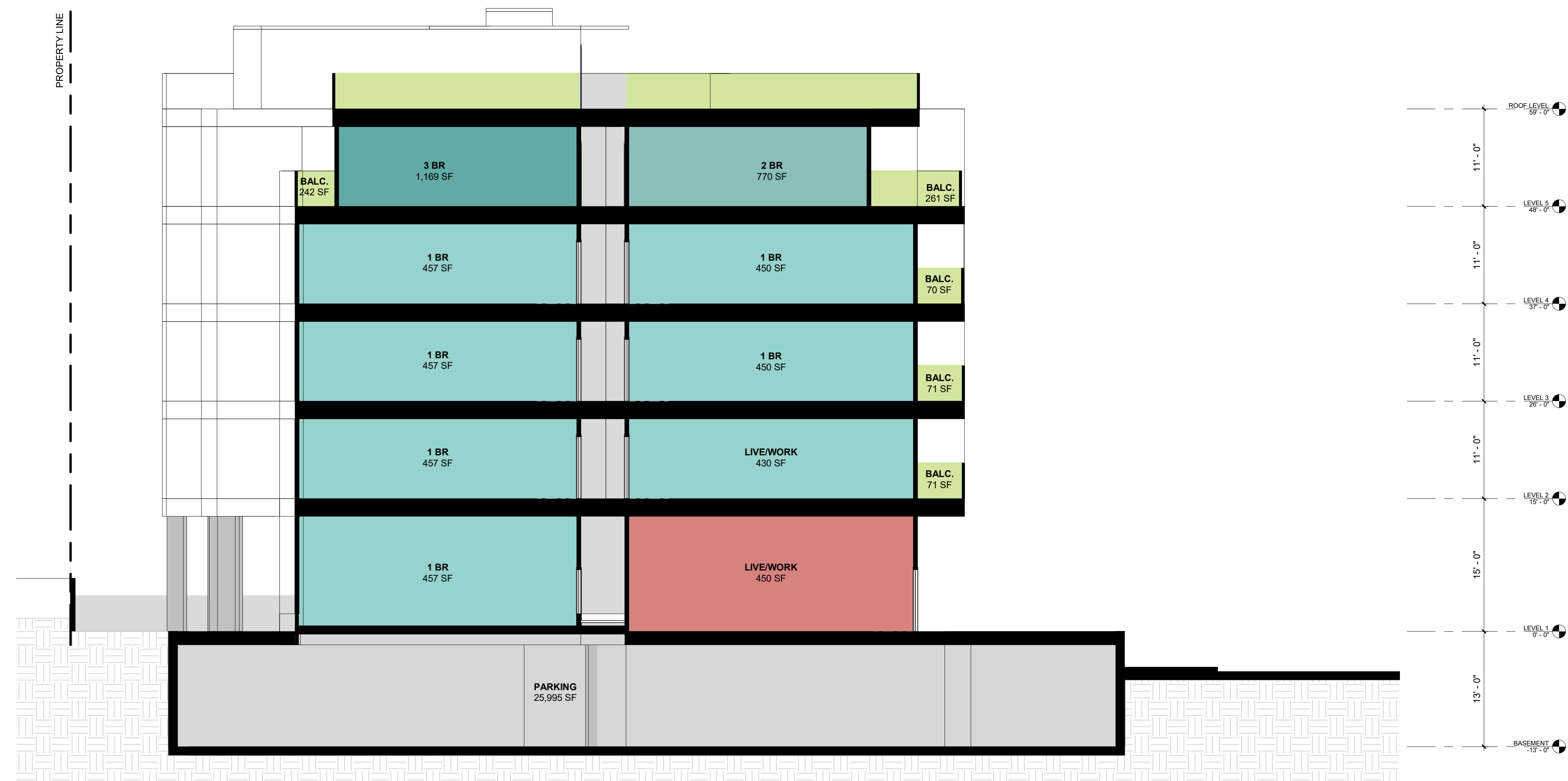


① BUILDING B ELEVATION - WEST  
1" = 10'-0"



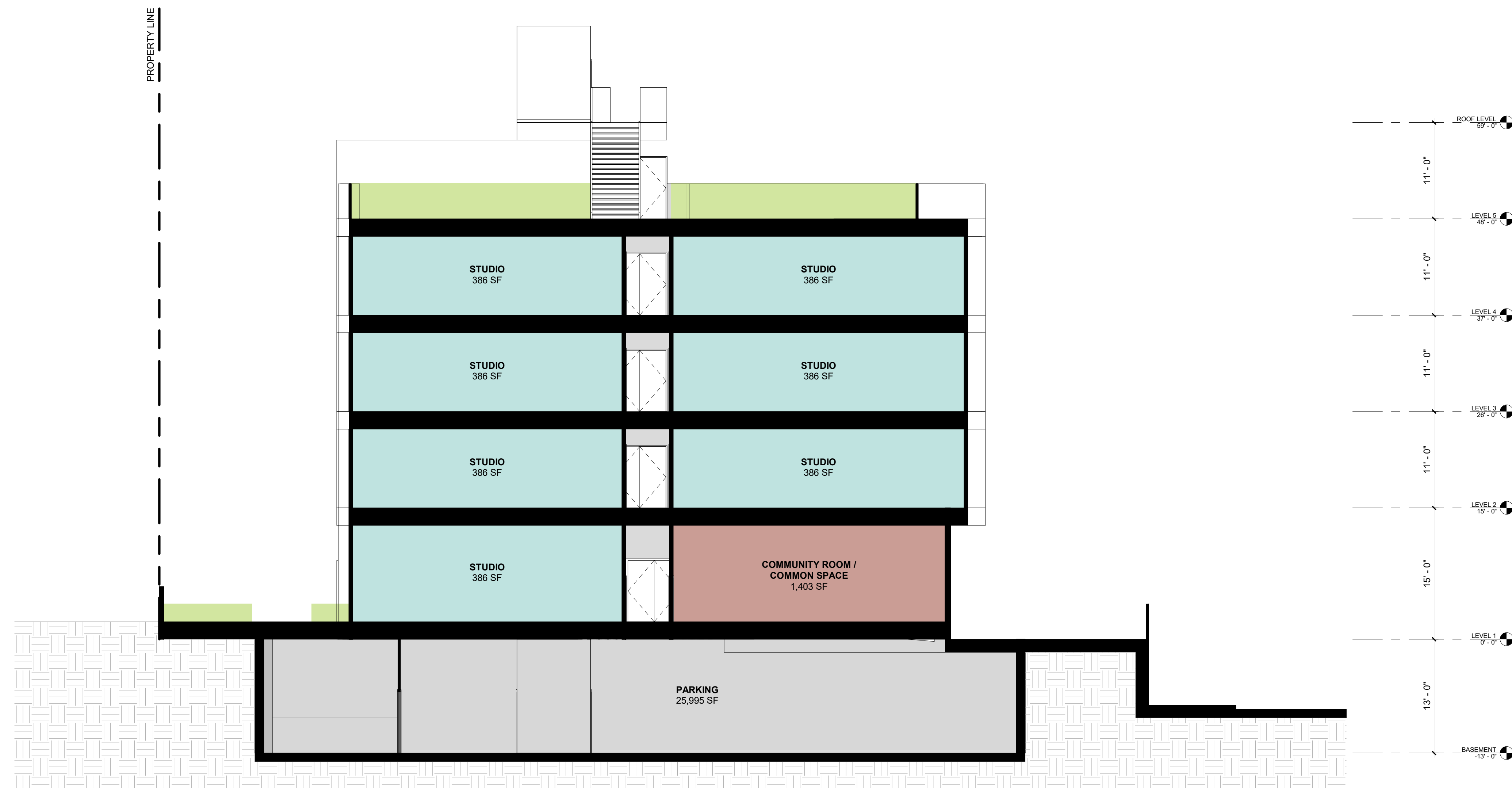


① BUILDING A SECTION - 2  
1/8" = 1'-0"



① BUILDING A SECTION  
1/8" = 1'-0"

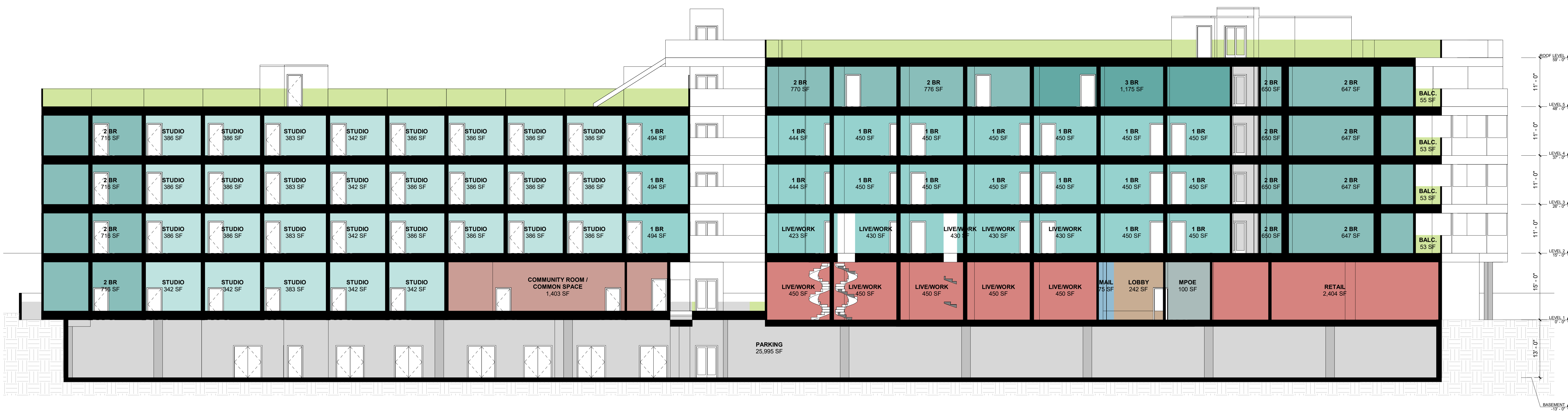




① BUILDING B SECTION - 2  
1/8" = 1'-0"



① BUILDING B SECTION  
1/8" = 1'-0"



① Section 9  
1" = 10'-0"

















① STREET ELEVATION  
1/16" = 1'-0"





JUN 21 9AM



JUN 21 12PM



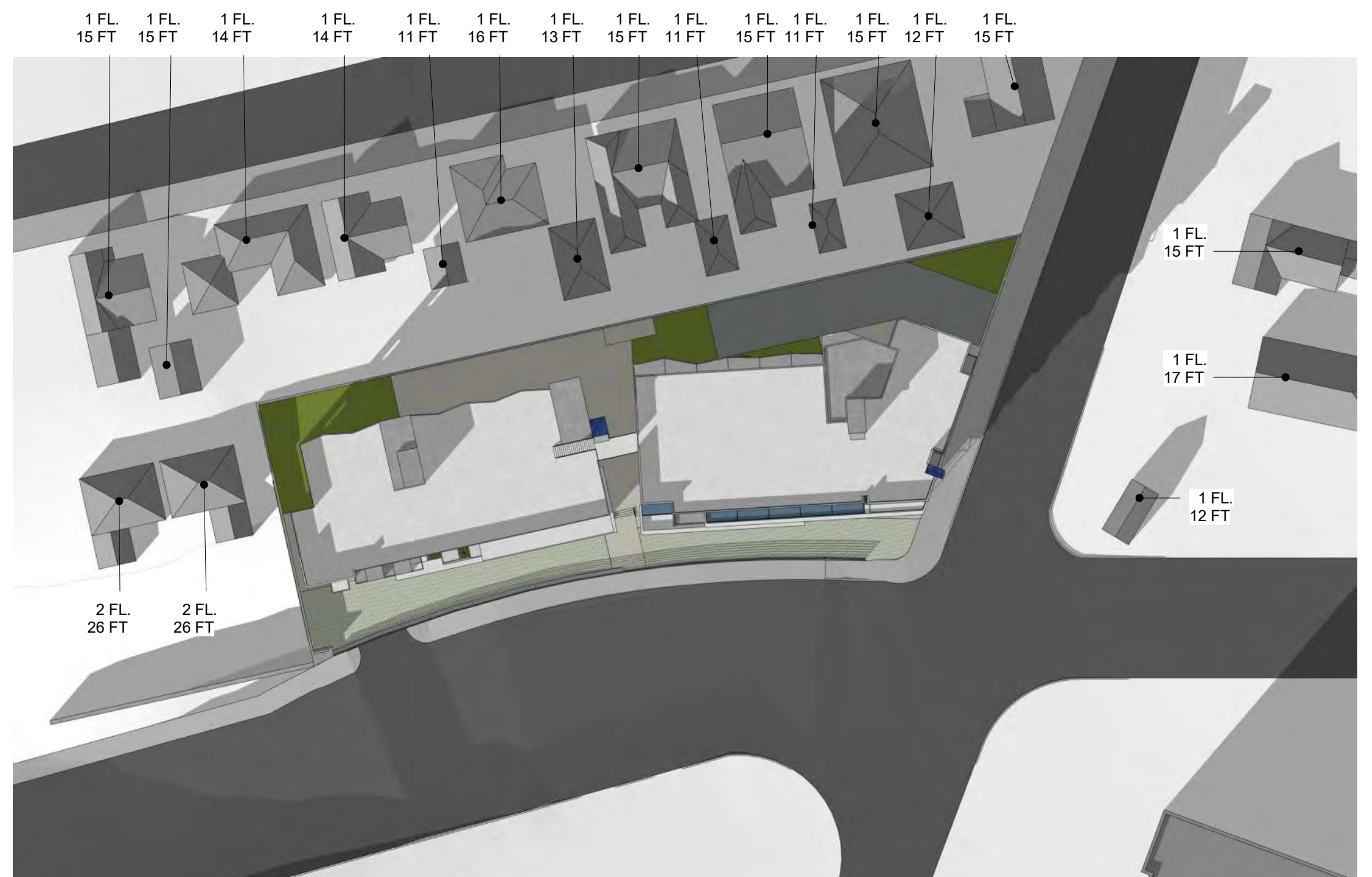
JUN 21 3PM



DEC 21 9AM

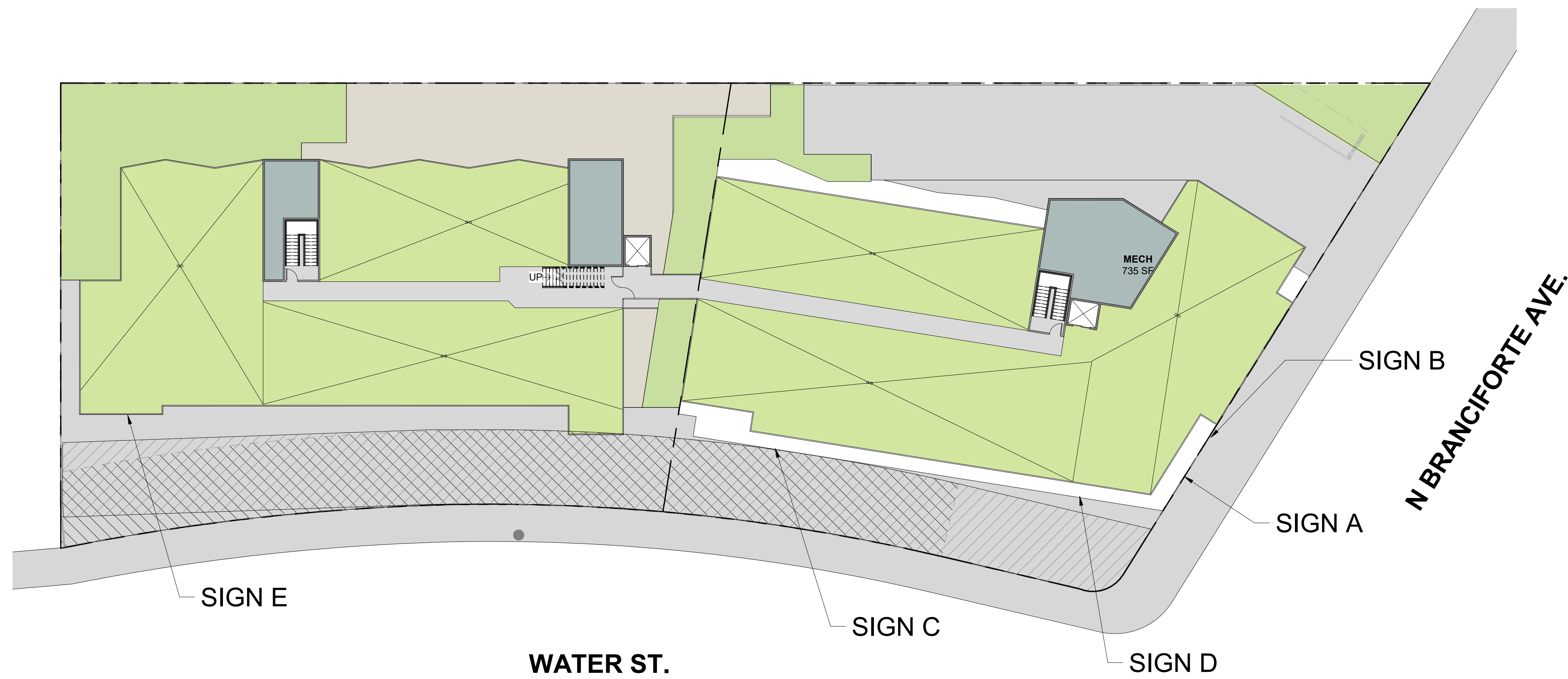


DEC 21 12PM

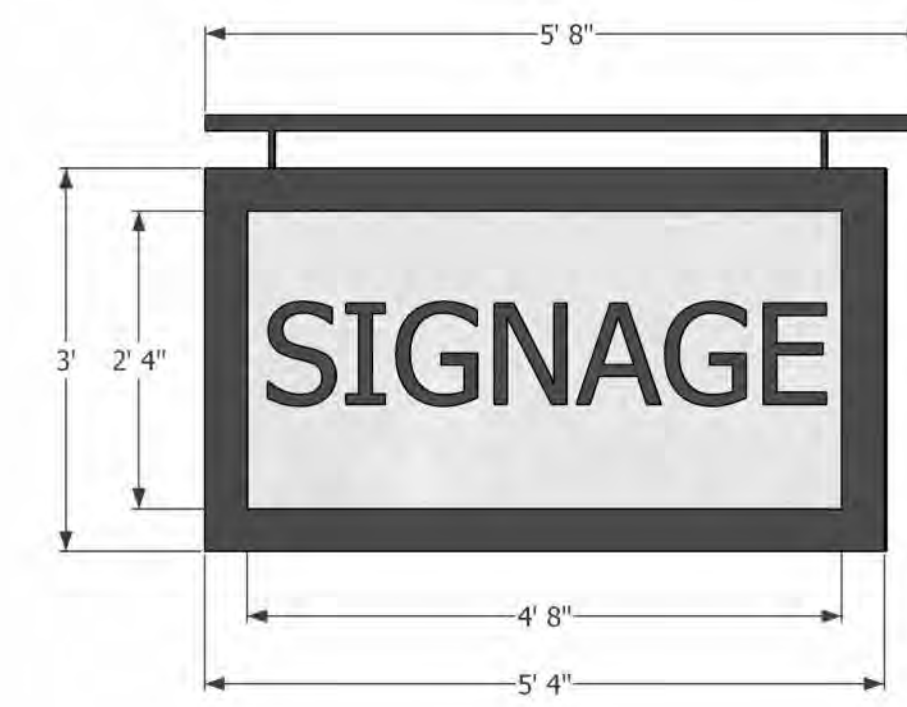


DEC 21 3PM

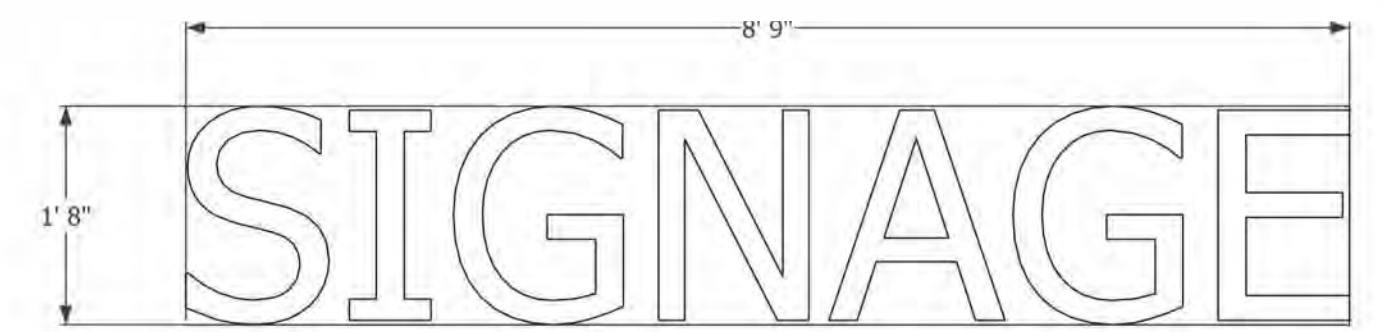




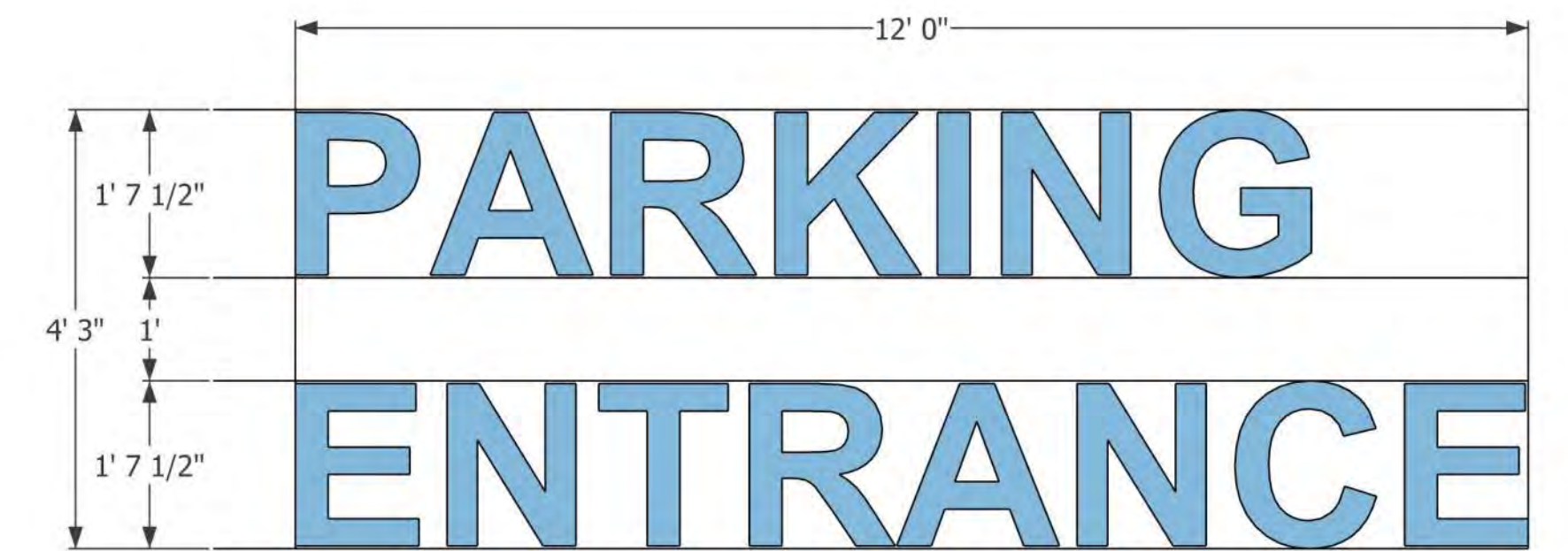
① sign plan 2  
1" = 20'-0"



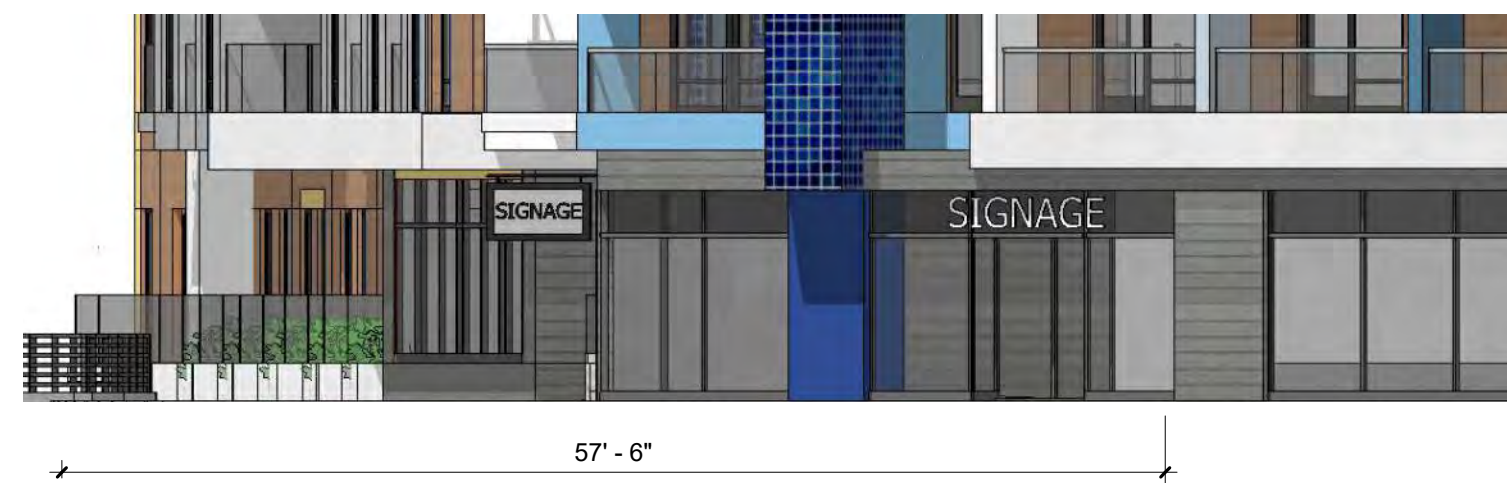
SIGN C  
BLADE SIGN WITH BLACK FRAME



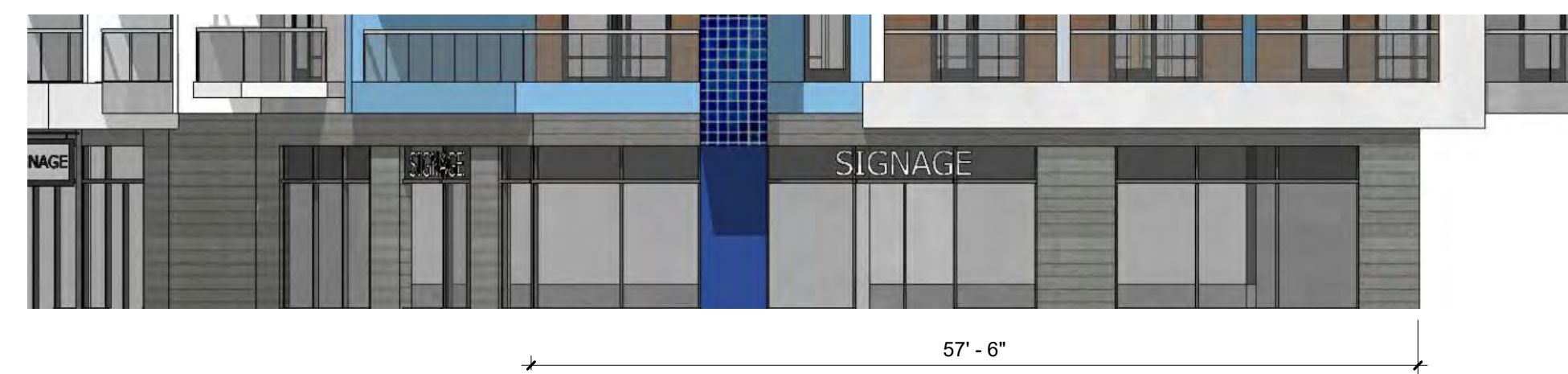
SIGN B, D  
WHITE PAINTED ALUMINUM LETTERS



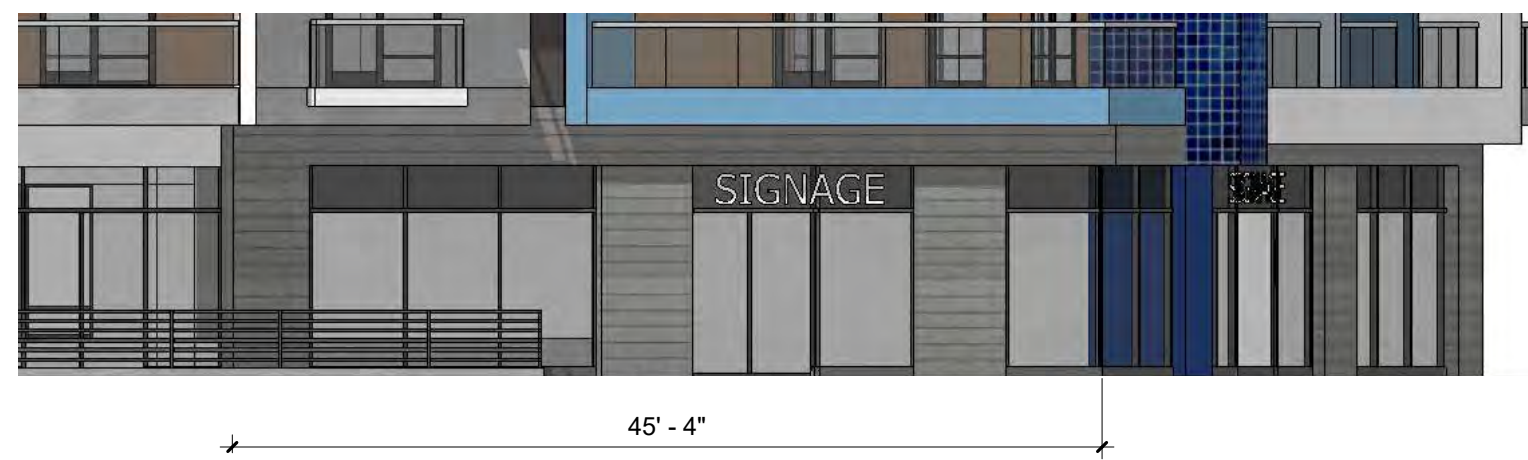
SIGN E  
BLUE PAINTED ALUMINUM LETTERS



⑥ SIGN C - BLADE SIGN  
1" = 10'-0"



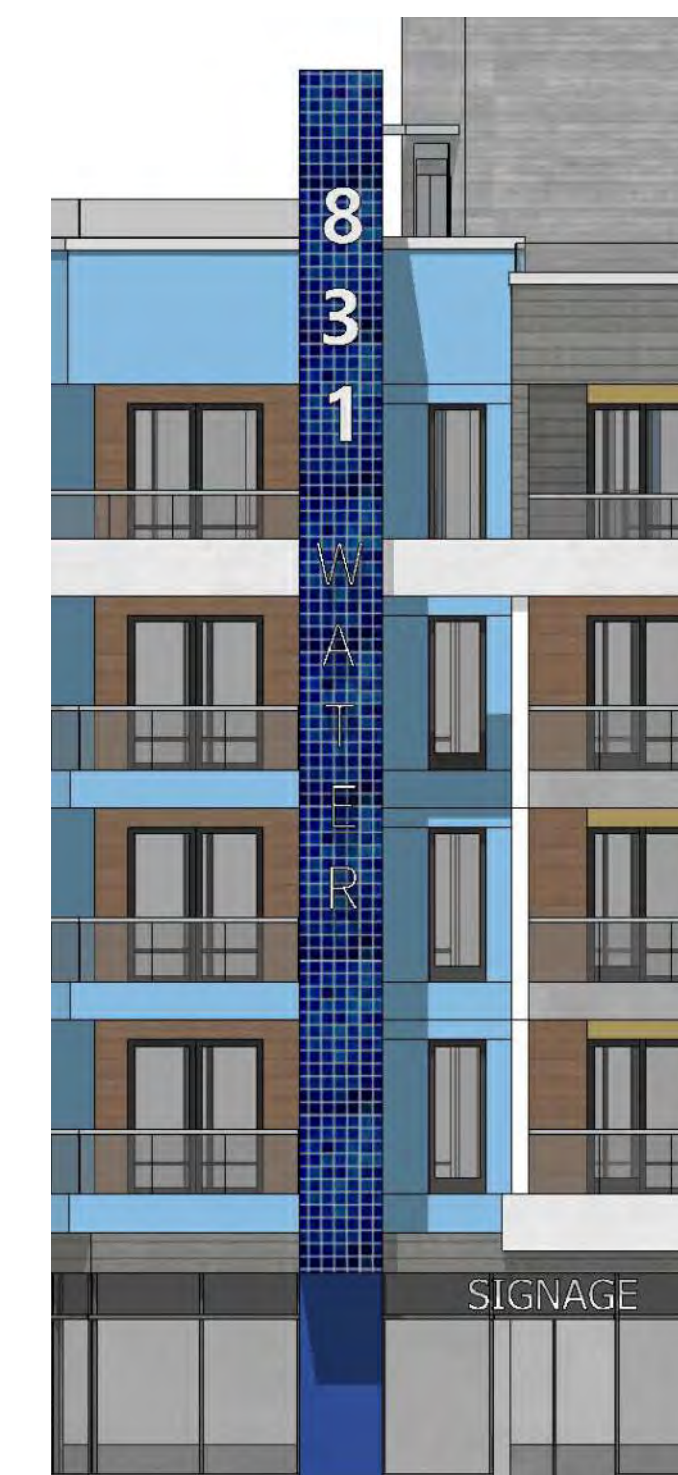
② SIGN B - RETAIL  
1" = 10'-0"



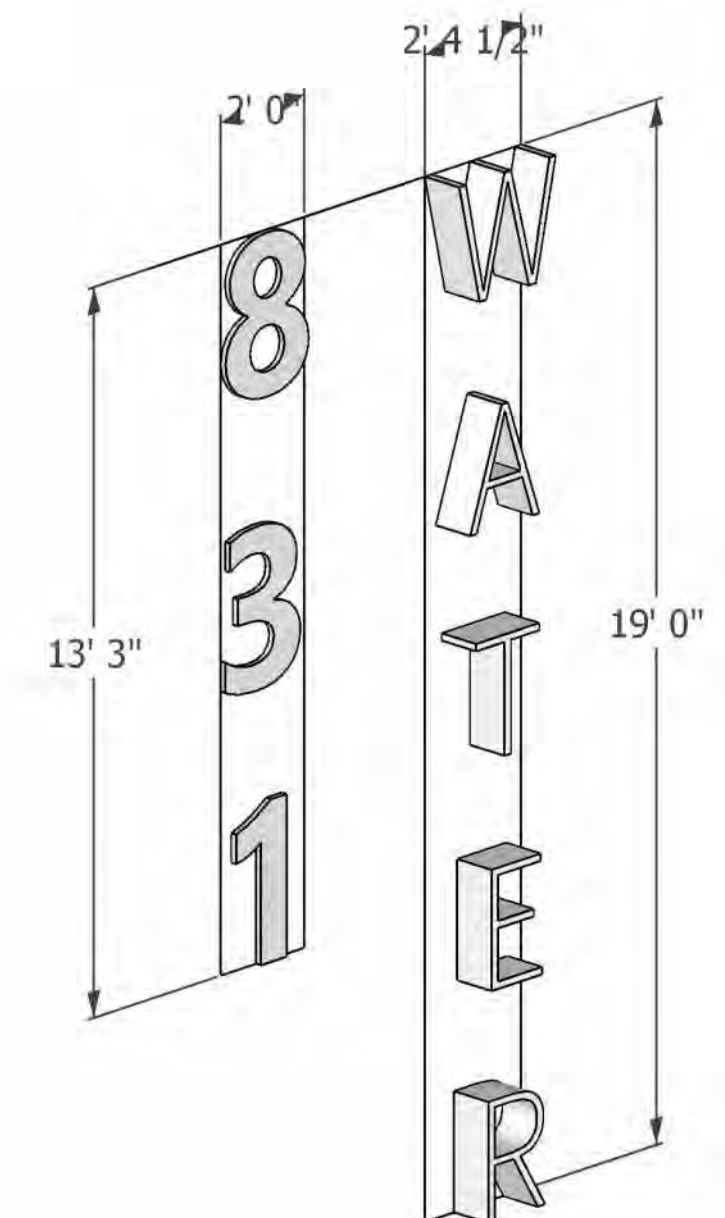
③ SIGN D - RETAIL  
1" = 10'-0"



⑤ SIGN E - PARKING ENTRANCE  
1" = 10'-0"

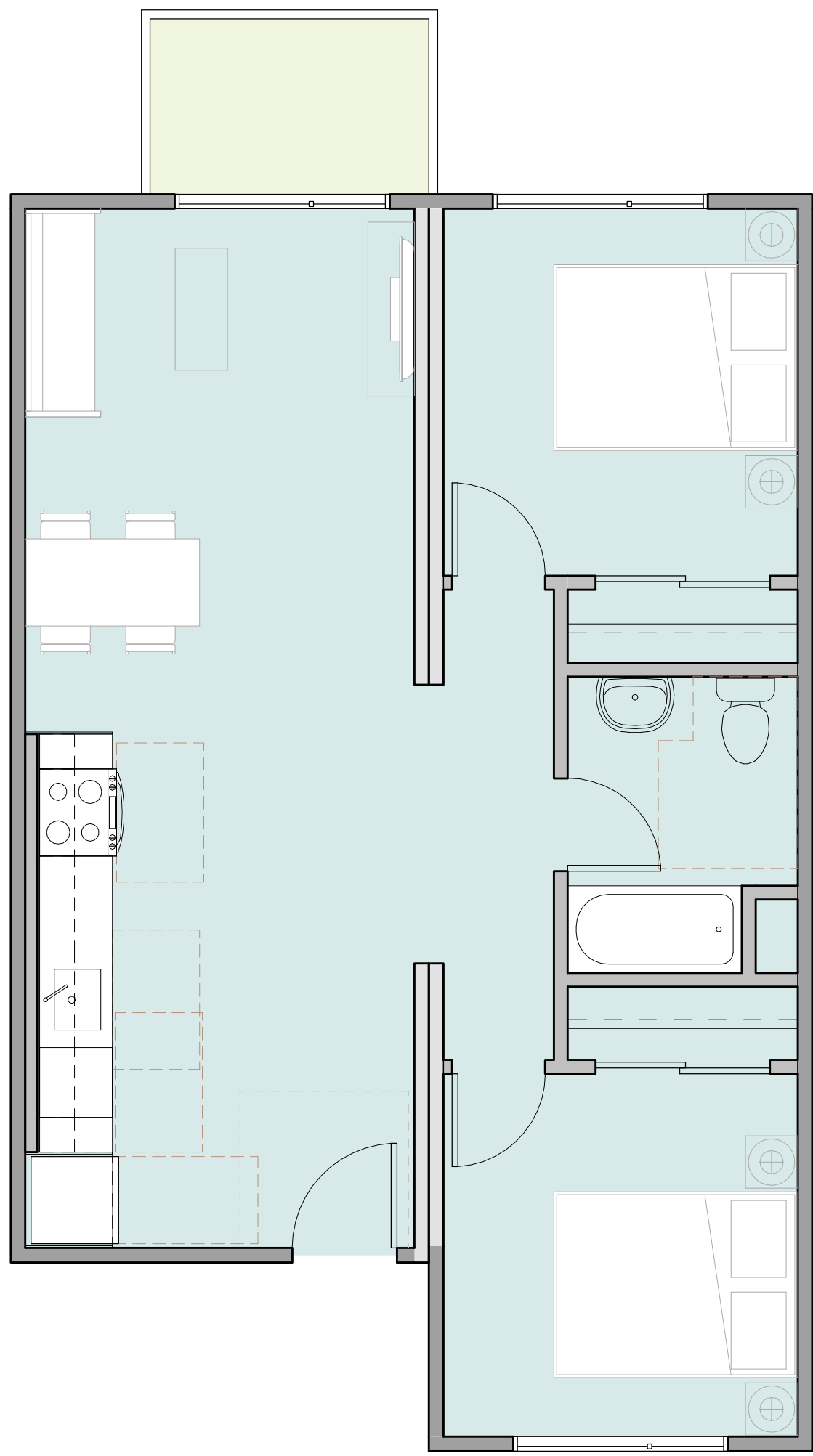


④ SIGN A - 831 WATER  
1" = 10'-0"

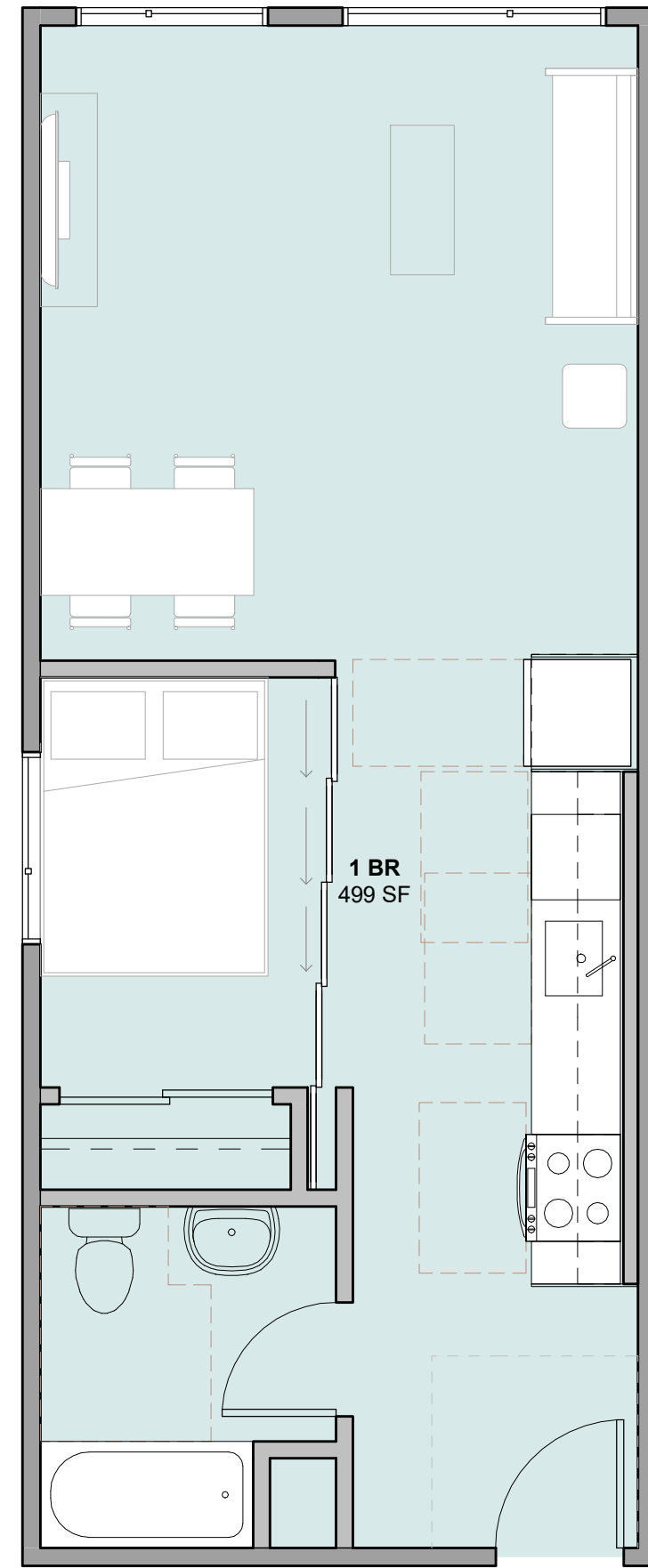


SIGN A  
WHITE PAINTED ALUMINUM LETTERS  
WITH HALO ILLUMINATION

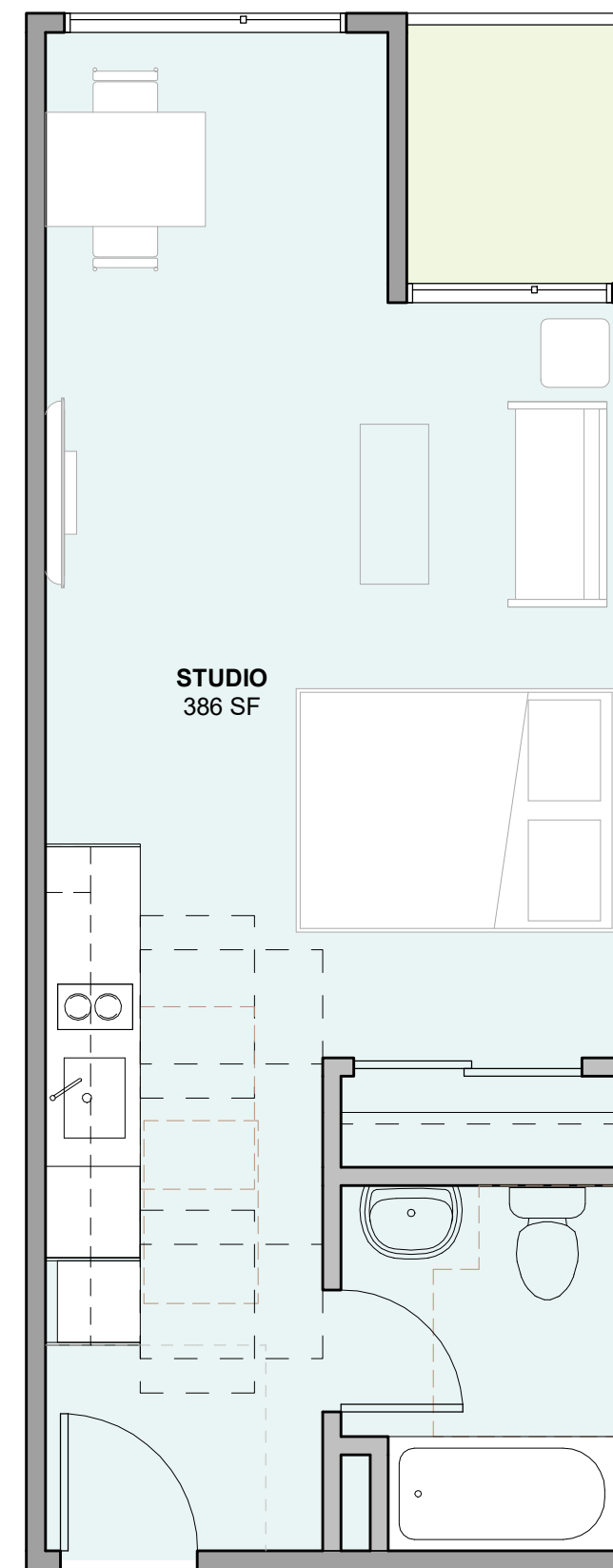




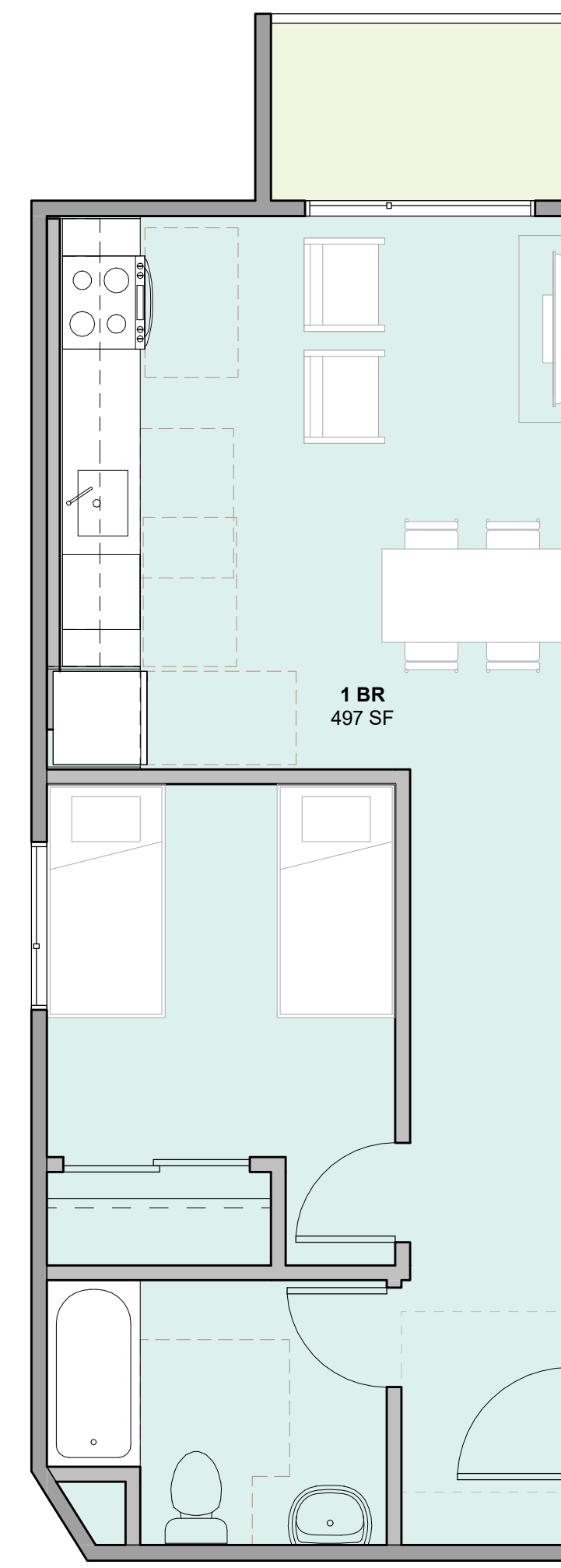
01 ENLARGED UNIT PLAN - 2 BEDROOM (BUILDING B)  
1/4" = 1'-0"



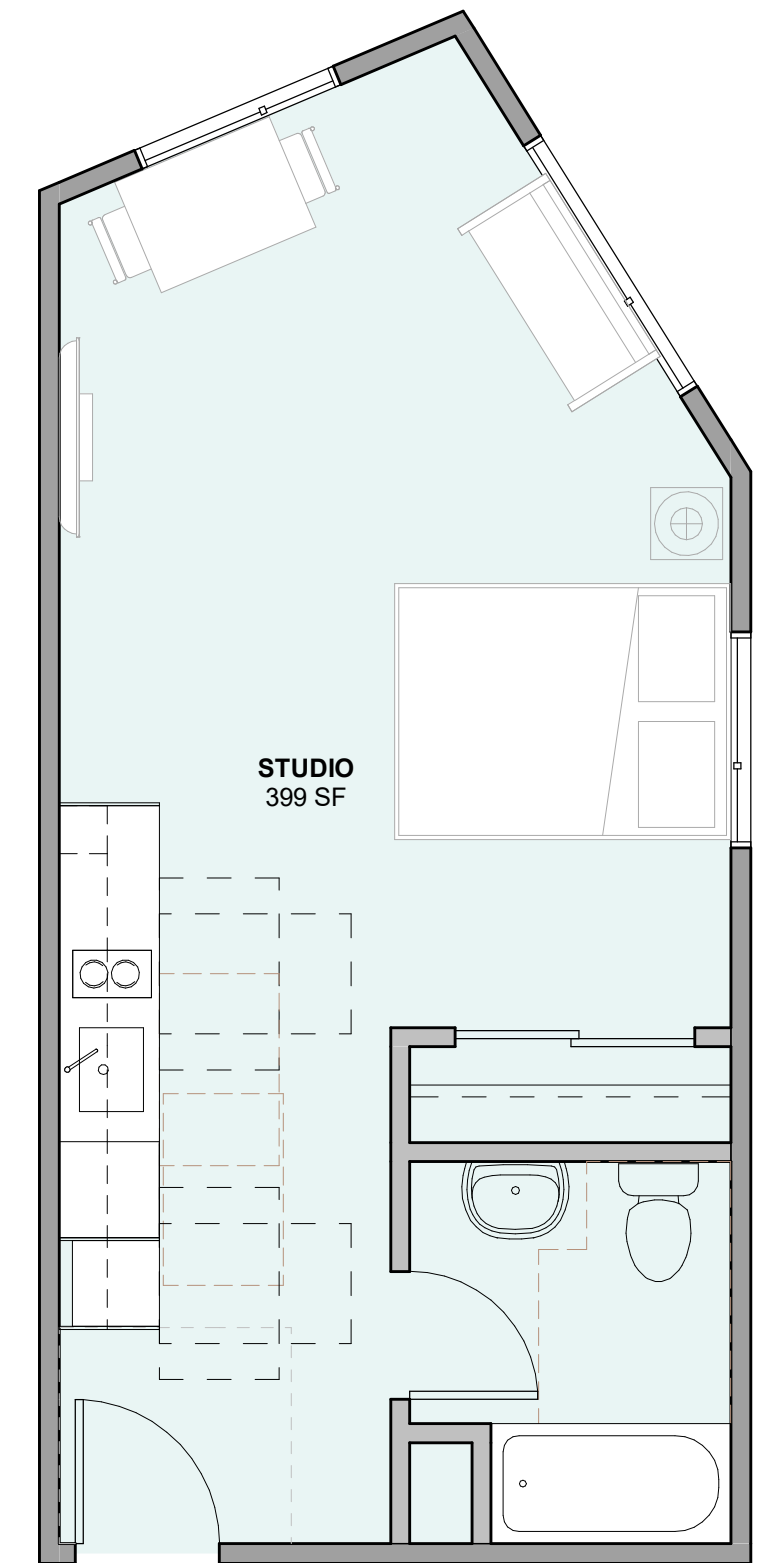
02 ENLARGED UNIT PLAN - 1 BEDROOM (BUILDING B)  
1/4" = 1'-0"



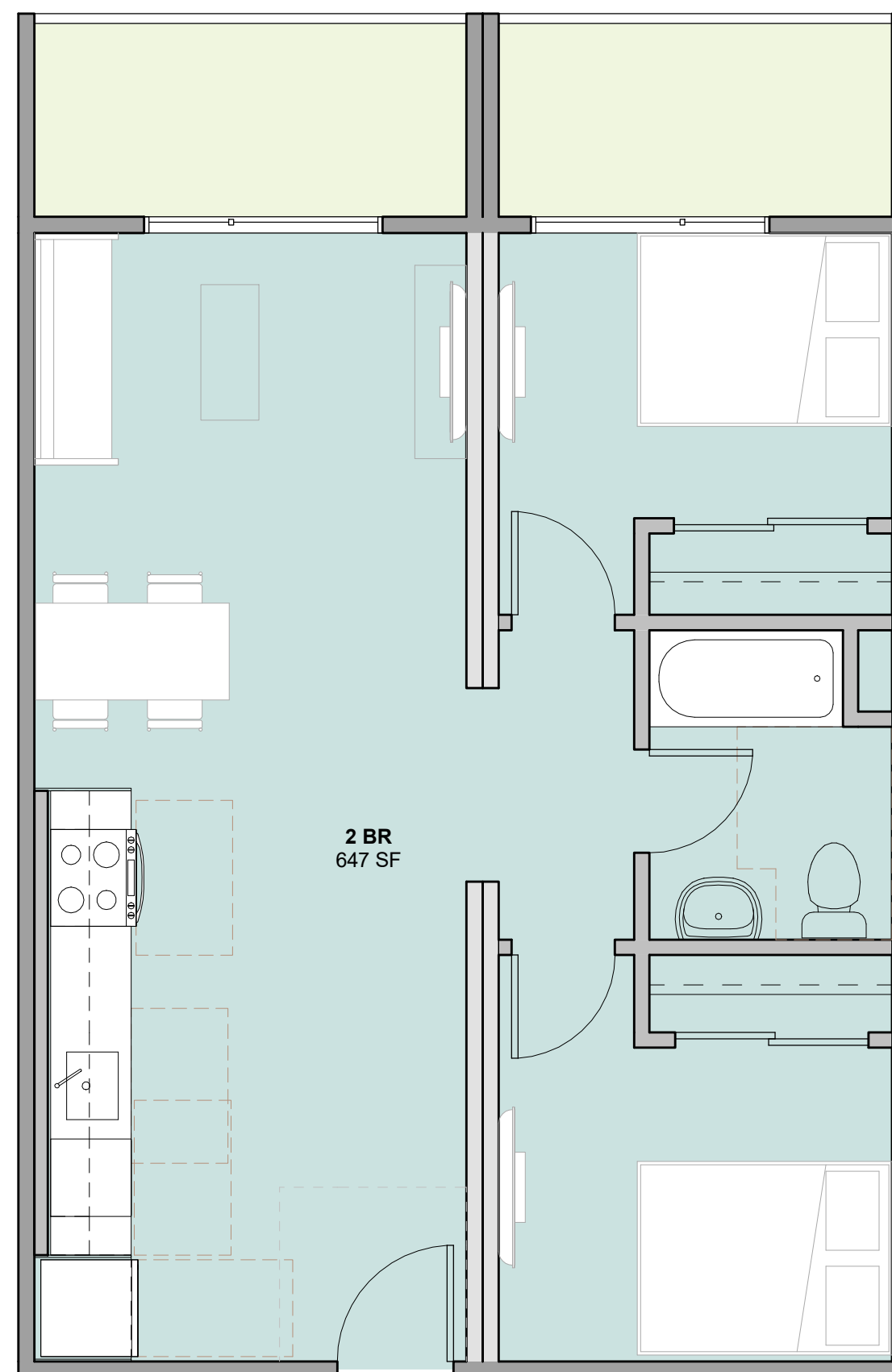
03 ENLARGED UNIT PLAN - STUDIO (BUILDING B)  
1/4" = 1'-0"



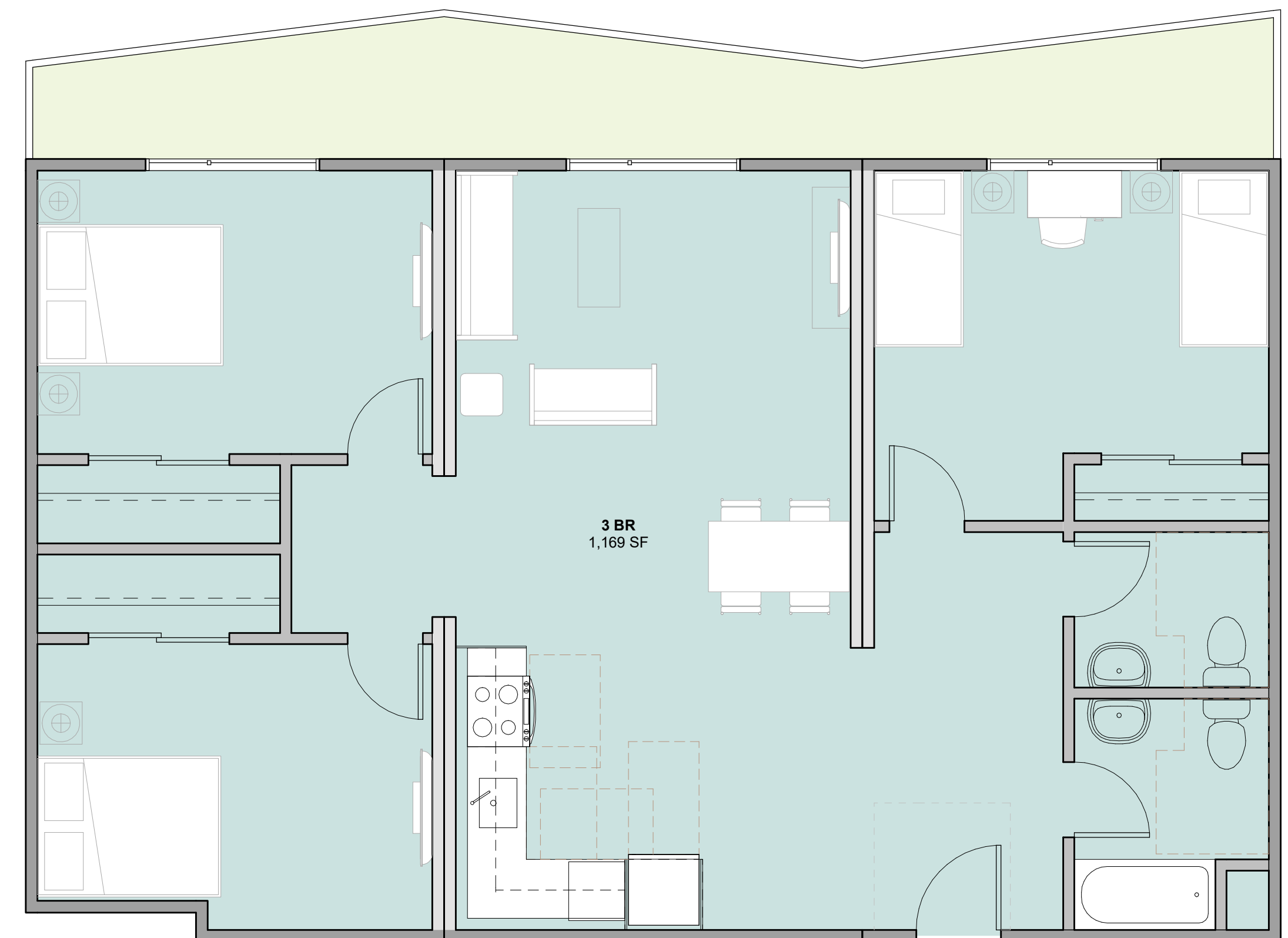
04 ENLARGED UNIT PLAN - 1 BEDROOM (BUILDING A)  
1/4" = 1'-0"



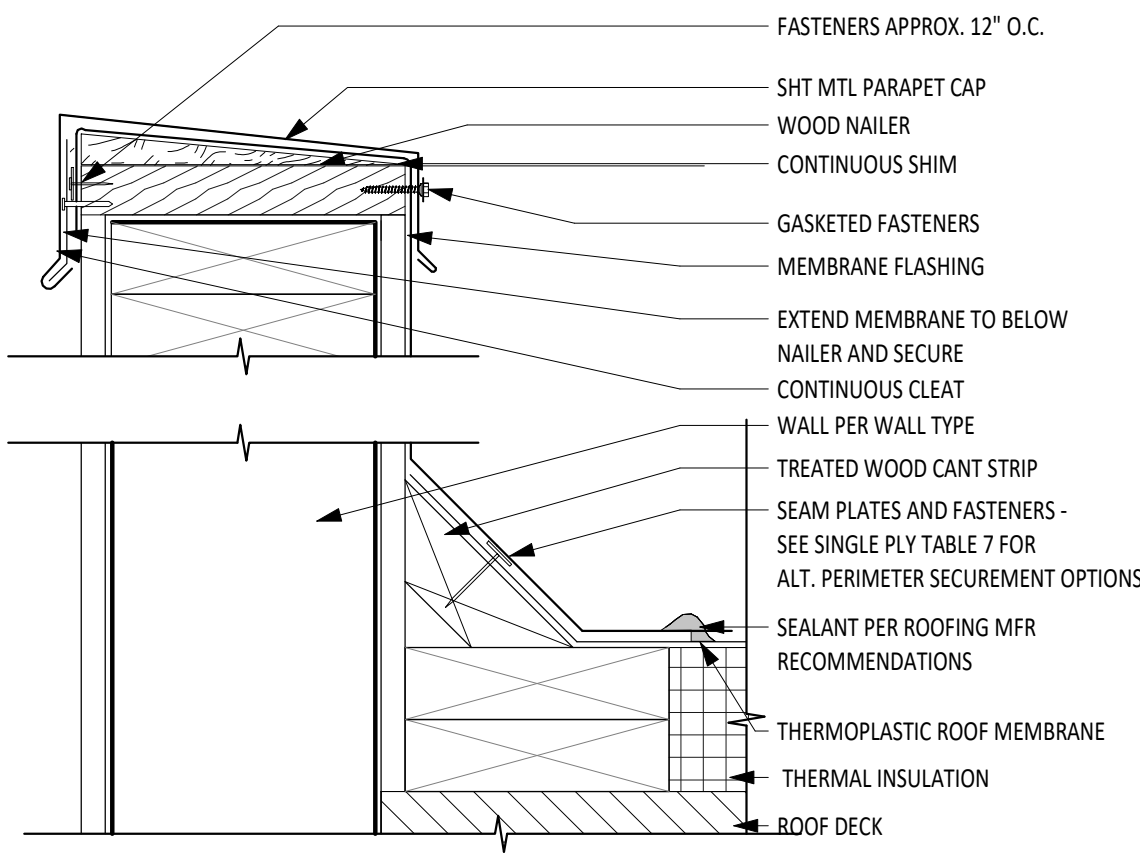
05 ENLARGED UNIT PLAN - STUDIO (BUILDING A)  
1/4" = 1'-0"



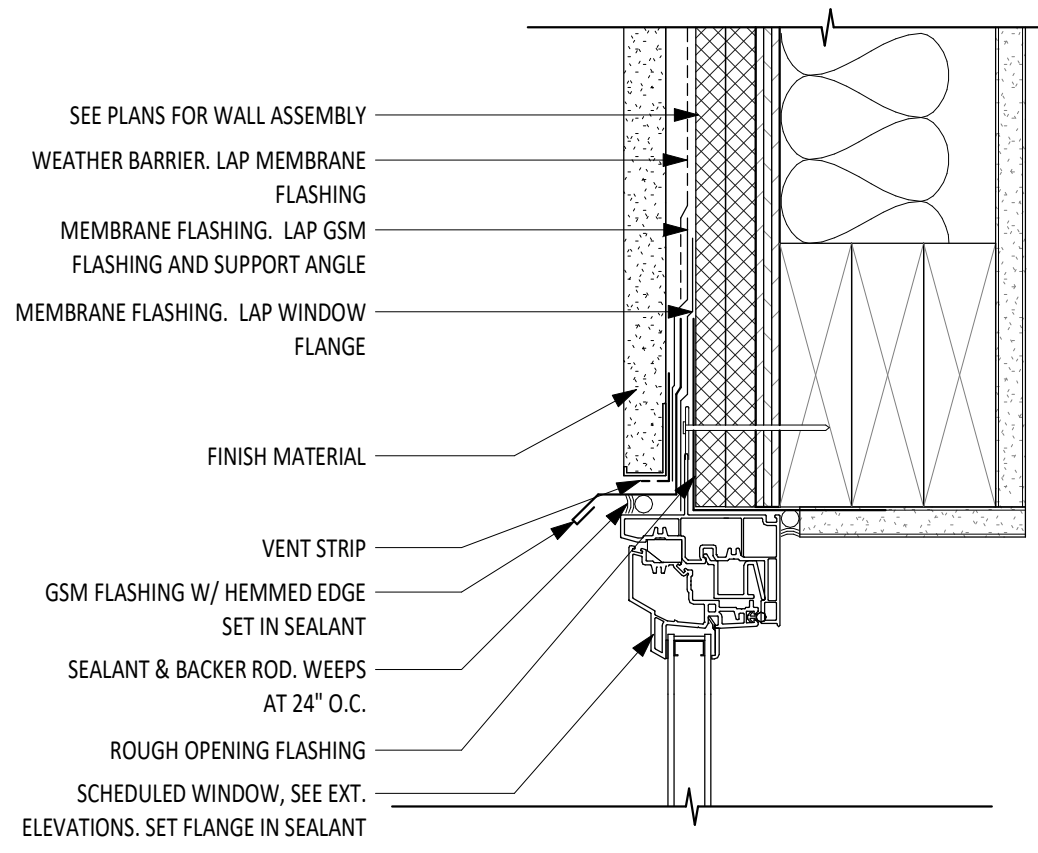
06 ENLARGED UNIT PLAN - 2 BEDROOM (BUILDING A)  
1/4" = 1'-0"



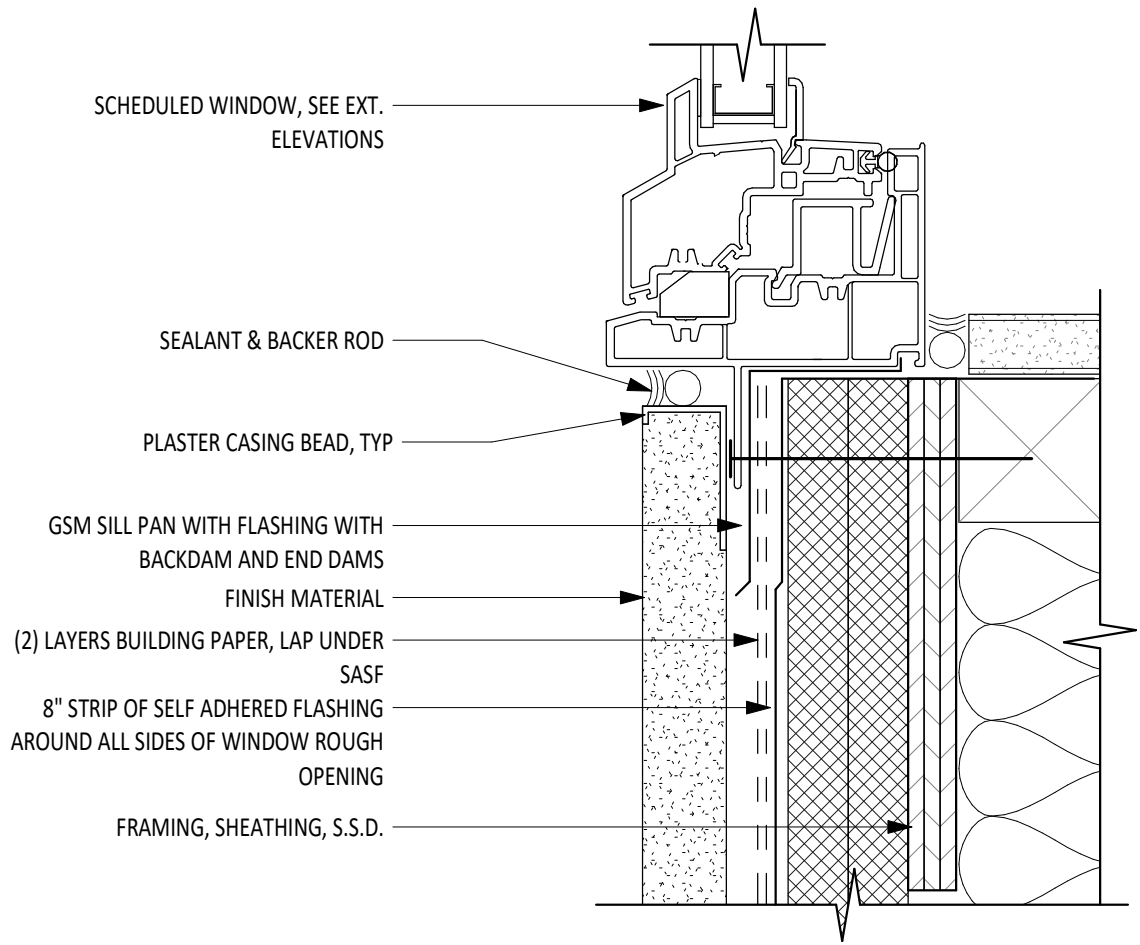
07 ENLARGED UNIT PLAN - 3 BEDROOM (BUILDING A)  
1/4" = 1'-0"



③ PARAPET DETAIL 1  
3" = 1'-0"

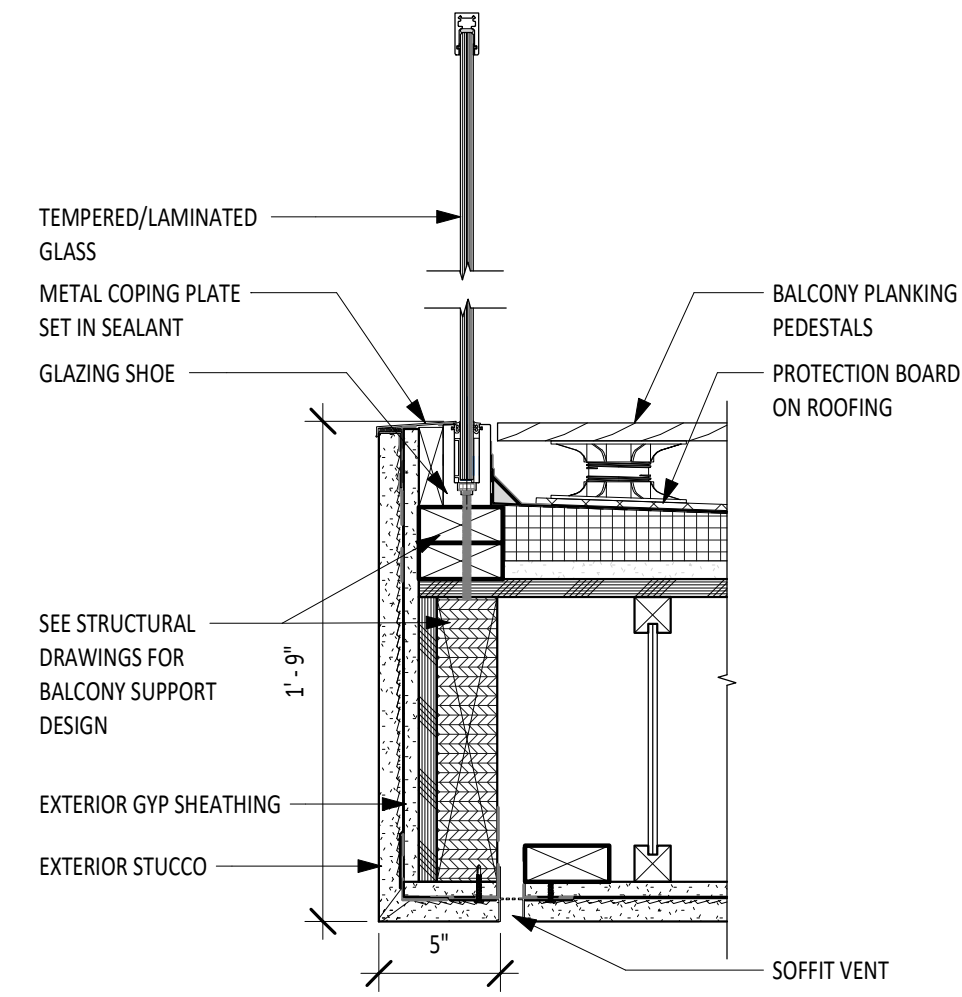


② WINDOW HEAD DETAIL 1  
3" = 1'-0"

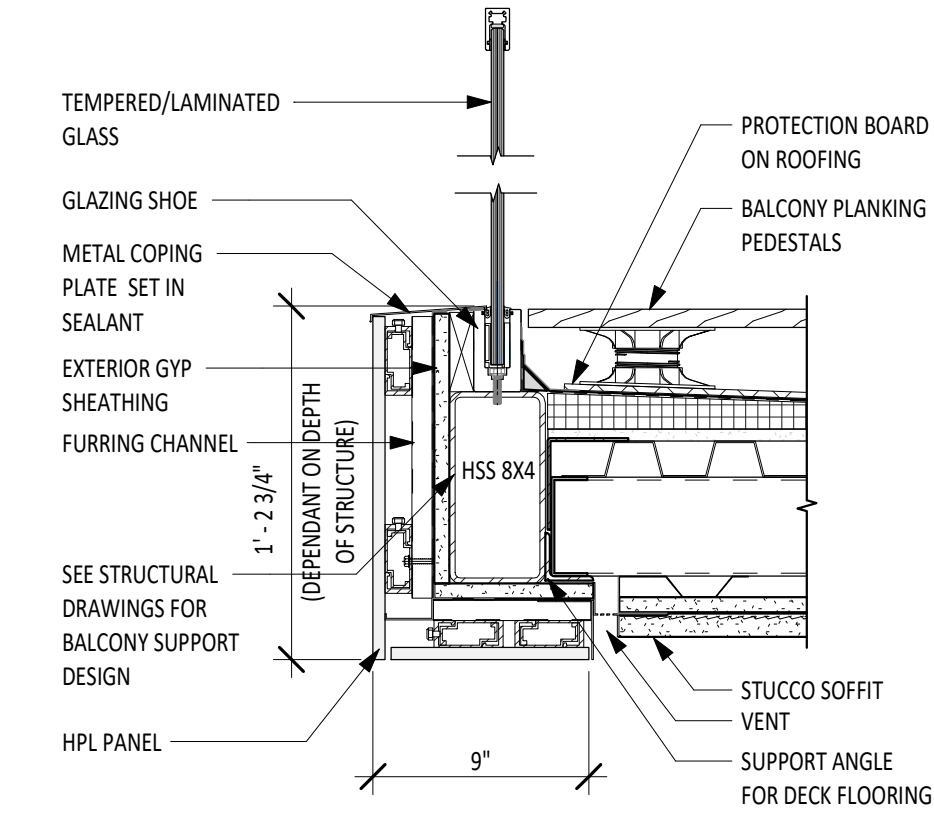


① WINDOW SILL DETAIL 1  
6" = 1'-0"

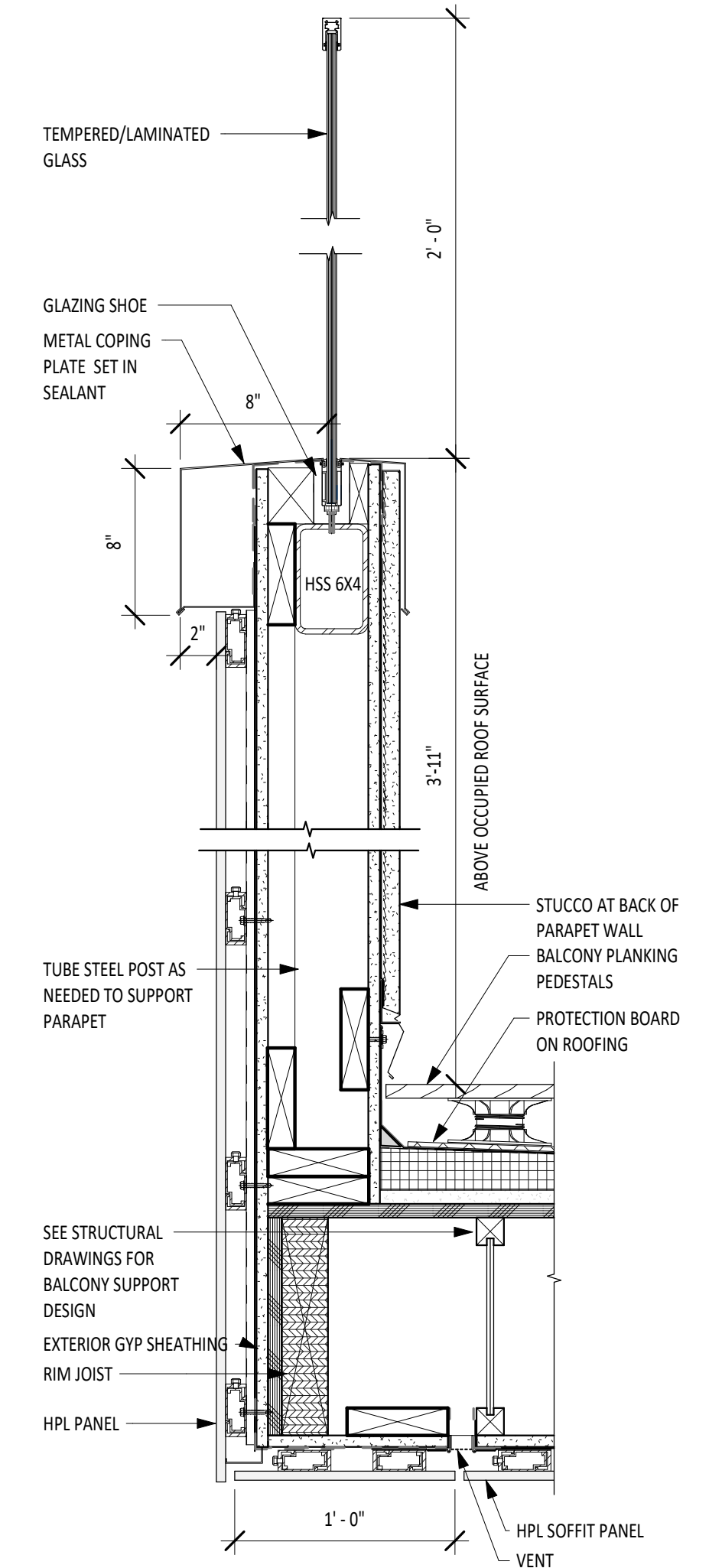




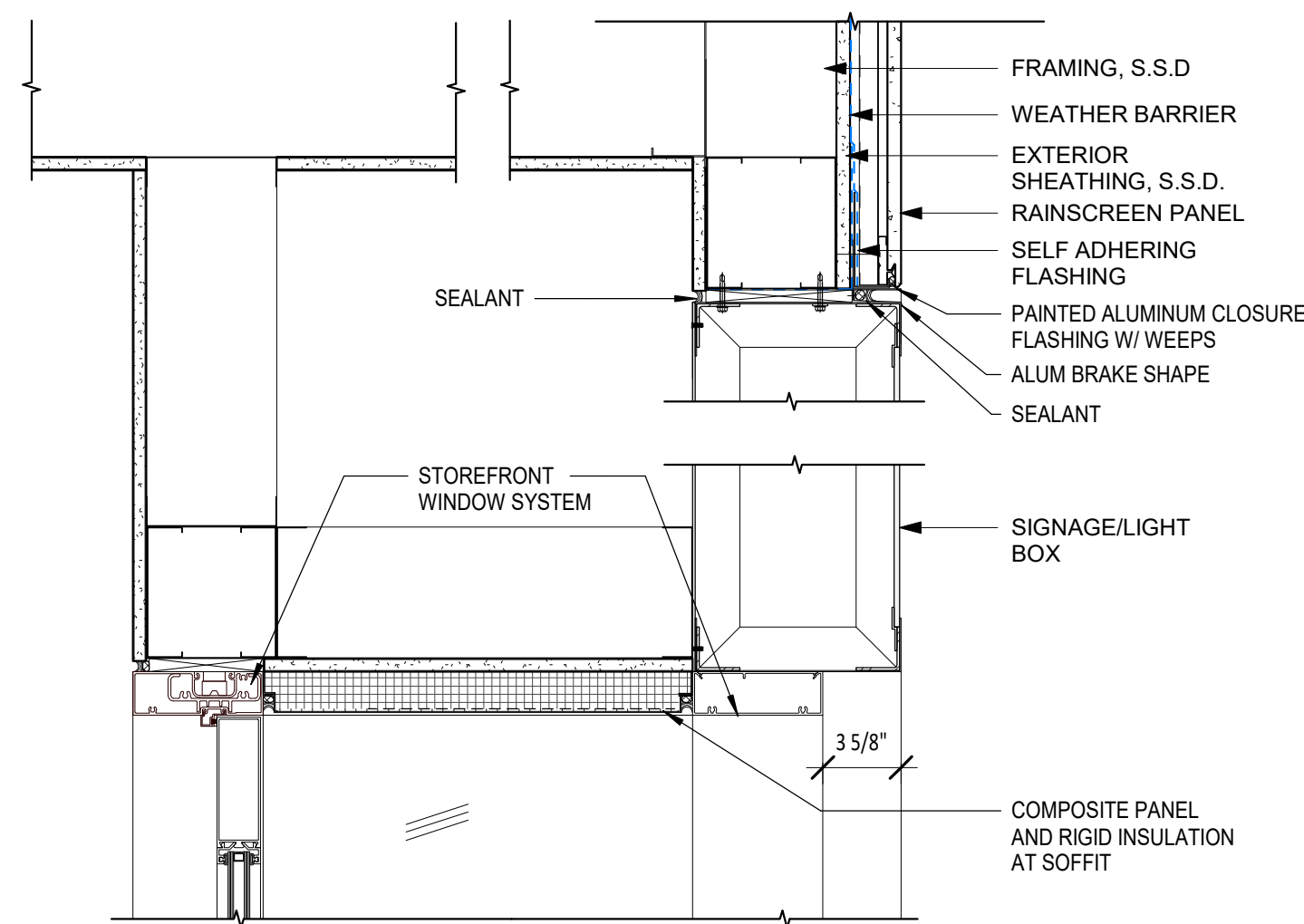
1 NON- CANTILEVERED BALCONY



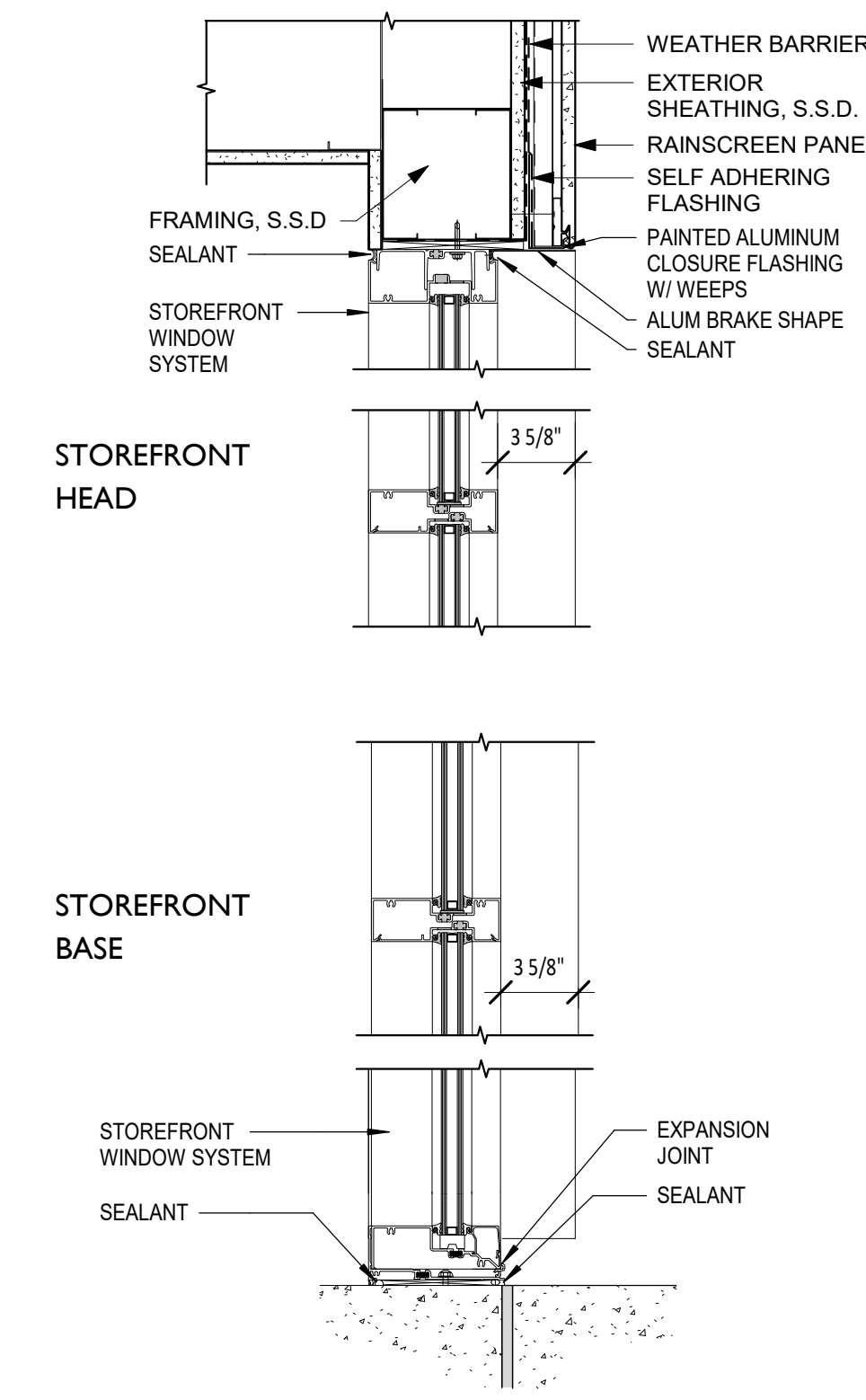
3 CANTILEVERED BALCONY



5 HIGH PARAPET @ OCCUPIED ROOF



2 SECTION THRU STOREFRONT DOOR/SIGNAGE @ RETAIL



4 STOREFRONT @ LIVE/WORK









LEGEND	
	RECESSED WALL LIGHT
	GARDEN BOLLARD
	DOWNLIGHT (MOUNTED UNDER SOFFIT)
	STREET LIGHT
	STRING LIGHT



# LANDSCAPE ARCHITECTURAL DRAWINGS



## Landscape Narrative

Outdoor living spaces and integrated green infrastructure are fundamental to the design of the site and building. Residents and retail visitors are surrounded by low-water-use, California Coastal friendly landscape in a variety of outdoor spaces. Included in this project are various rooftop amenity spaces for both the market rate and affordable residents, a common-use breezeway between buildings, and perimeter landscaping that seamlessly blends the project site with the surrounding neighborhood and community.

The outdoor amenity spaces are designed to offer a variety of uses so that everyone can find their favorite place to read a book outside, socialize with friends and family, or even grow chef-worthy produce in the proposed vegetable garden beds.

## Irrigation Narrative

All planting areas will be watered by an approved, automated irrigation system. A separate water meter to be provided for the irrigation system. The system to include a weather based smart controller, remote controlled valves, and high efficiency emitters. The system shall comply to all applicable water conserving rules and regulations. Project will follow the requirements of the state Model Water Efficient Landscape Ordinance (<http://www.water.ca.gov/wateruseefficiency/landscapeordinance/>)



## Landscape Concept Statements



# Affordable Roof Deck Landscape Plan

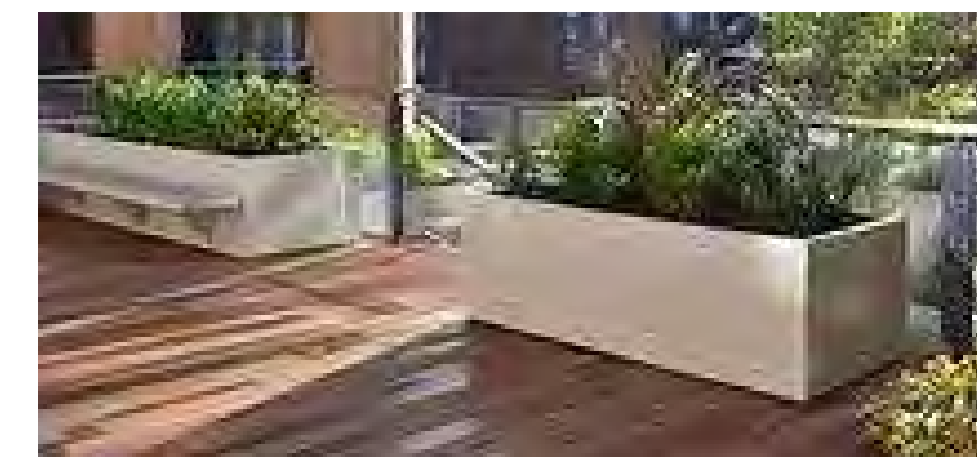
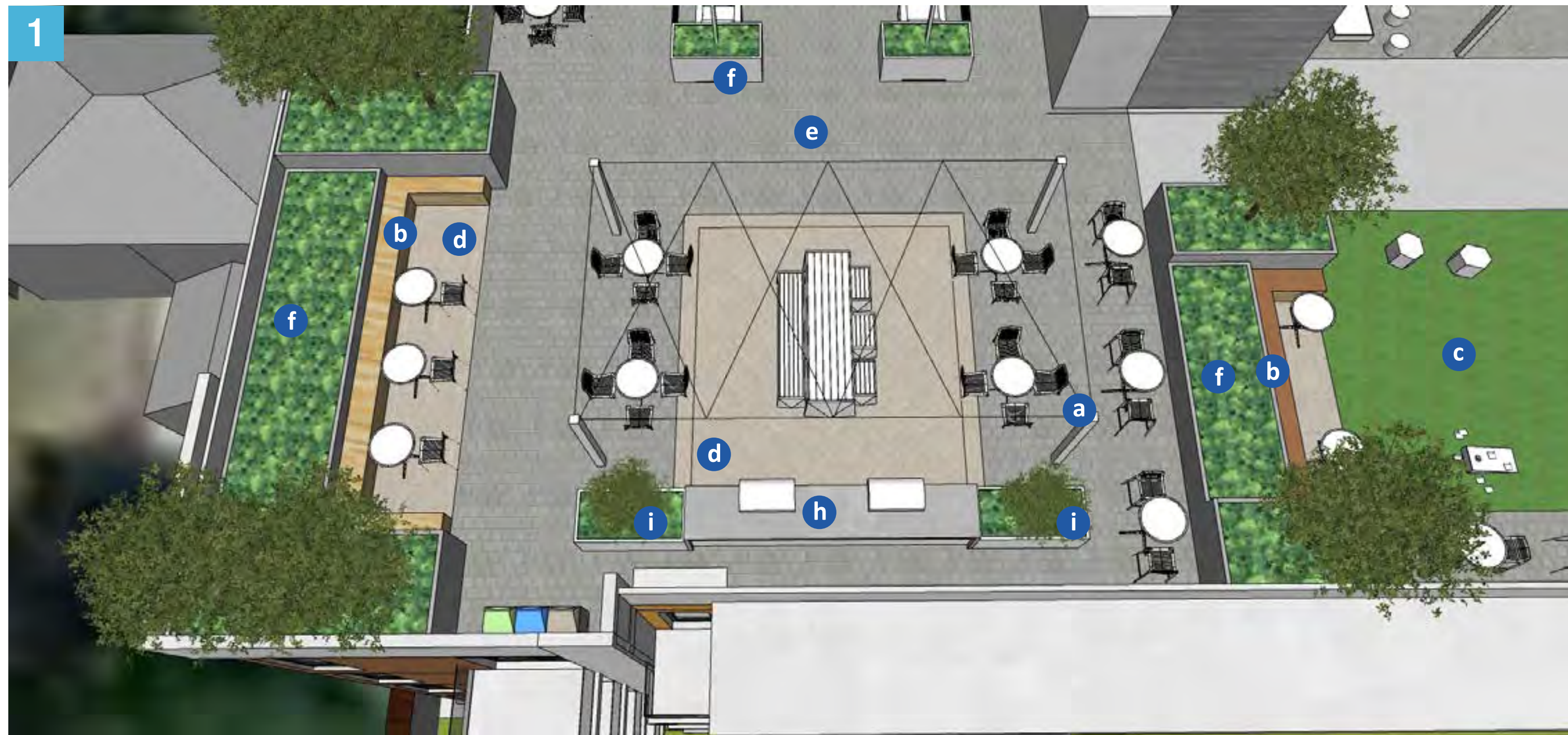


## Landscape Plan and Conceptual Images





## Affordable Roof Deck Perspective Views



## LANDSCAPE ELEMENTS

- a** Overhead String Lights
  - b** Banquette Seating with Wood Finish
  - c** Synthetic Lawn Open Space
  - d** Accent Paver Inlay
  - e** Decorative Roof Pavers
  - f** Raised Planters
  - g** Lounge Seating with Fabric Shade Canopy
  - h** BBQ Counter Stone Texture
  - i** Citrus Trees



## Landscape Plan and Conceptual Images

SHEET L-3

ENTITLEMENT PACKAGE | HMH JOB #5336.00 | 831 WATER STREET | SANTA CRUZ, CA | SEPTEMBER 9, 2021



# Affordable Roof Deck Perspective Views



## LANDSCAPE ELEMENTS

- a** Art Piece Seating
- b** Banquette Seating with Wood Finish
- c** Synthetic Lawn Open Space
- d** Accent End Tables
- e** Lounge with Overhead Shade Structure
- f** Raised Planters
- g** Lounge Seating with Fabric Shade Canopy
- h** Cornhole
- i** Vantage Seating

# Landscape Plan and Conceptual Images

SHEET L-4  
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# Affordable Roof Deck Planting Plan



## LANDSCAPE ELEMENTS

- a Synthetic Lawn Flex Space

## PLANTING SCHEMES

- 1 Anigozanthos hybrids  
Lomandra L. 'Platinum Beauty'  
Lophostemon confertus
- 2 Arbutus unedo  
Ceanothus 'Carmel Creeper'
- 3 Arctostaphylos 'Emerald Carpet'  
Rosa californica  
Salvia Clevelandii
- 4 Erigeron glaucus 'White Lights'
- 5 Citrus x meyer 'Improved'  
Meyer Lemon Tree



# Landscape Plan and Conceptual Images



# Market-Rate Roof Deck Landscape Plan



### LANDSCAPE ELEMENTS

- a** Community Garden Beds
- b** Lounge Seating with Fabric Shade Canopy
- c** Outdoor Kitchen with Overhead String Lights
- d** Counter Seating
- e** Turf Open Space and Putting Green
- f** Connection to Affordable Roof Deck
- g** Accent Paving
- h** Raised Planters
- i** Platform with Wood Finish
- j** Trash Receptacles
- k** Citrus Trees

### LANDSCAPE NARRATIVE

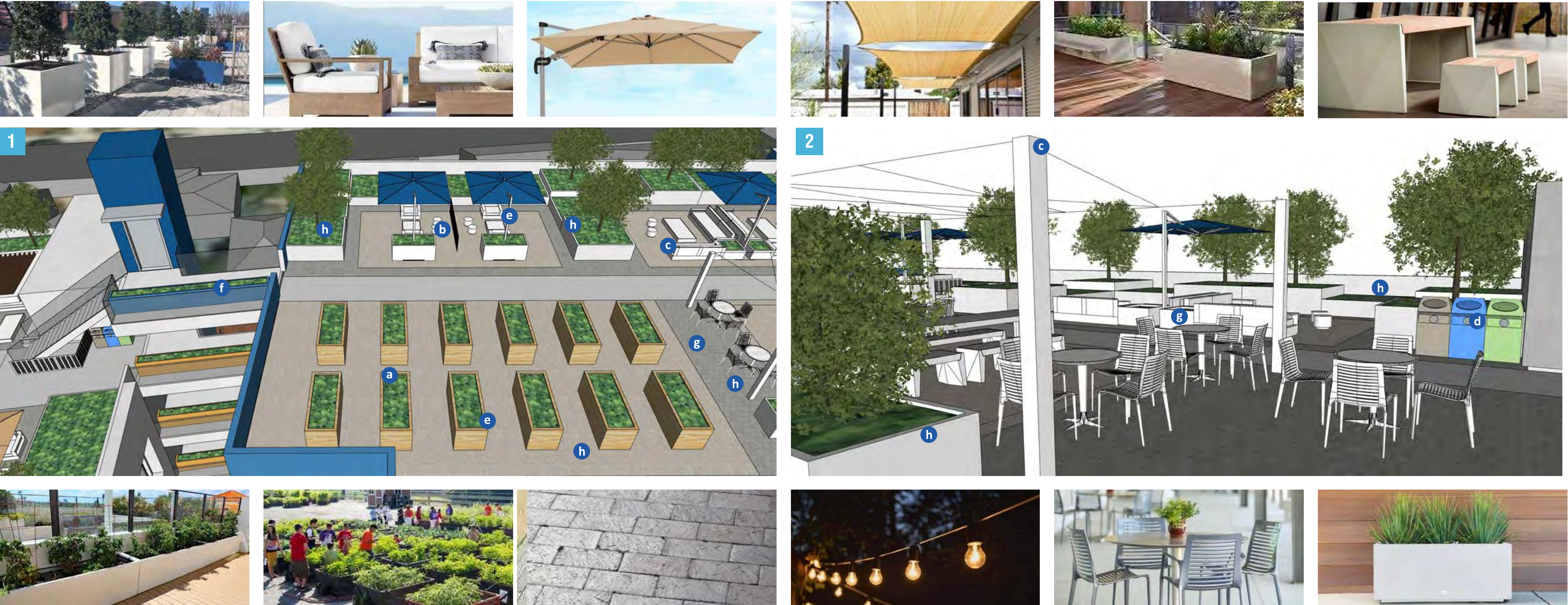
The Market-Rate Roof Deck landscape design aims to compliment the Affordable Roof Deck, since the intent is to share the space between the two halves. This deck provides some unique amenities for residents to share and be able to use in a variety of ways. A community garden and synthetic lawn putting green are provided as higher activity areas for residents to meet and enjoy the outdoors. Additional lounge and picnic areas ranging from intimate sizes to larger gathering spaces to meet a variety of needs for residents. Similar to the Affordable Roof Deck, a raised planter system will provide planting area for a few large trees and buffer the viewsheds of the surrounding neighbors. A combination of native and drought tolerant planting will also be used to provide a cohesive aesthetic between both roof decks.



## Landscape Plan and Conceptual Images



# Market-Rate Roof Deck Perspective Views



## LANDSCAPE ELEMENTS

- a

Community Garden Beds
- b

Lounge Seating with Fabric Shade Canopy
- c

Overhead String Lights
- d

Trash Receptacles
- e

Accent Paving
- f

Connection to Affordable Roof Deck
- g

Flexible Seating
- h

Raised Planters

# Landscape Plan and Conceptual Images

SHEET L-7

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# Market-Rate Roof Deck Perspective Views



## LANDSCAPE ELEMENTS

- a** Trash Receptacles
- b** Lounge Seating with Fabric Shade Canopy
- c** Platform with Wood Finish
- d** Counter Seating
- e** Turf Open Space and Putting Green
- f** Accent End Tables
- g** Accent Paving
- h** Raised Planters



# Landscape Plan and Conceptual Images

SHEET L-8  
 ENTITLEMENT PACKAGE | HMH JOB #5336.00 | 831 WATER STREET | SANTA CRUZ, CA | SEPTEMBER 9, 2021



# Market-Rate Roof Deck Planting Plan



## LANDSCAPE ELEMENTS

- a Synthetic Lawn Flex Space

## PLANTING SCHEMES

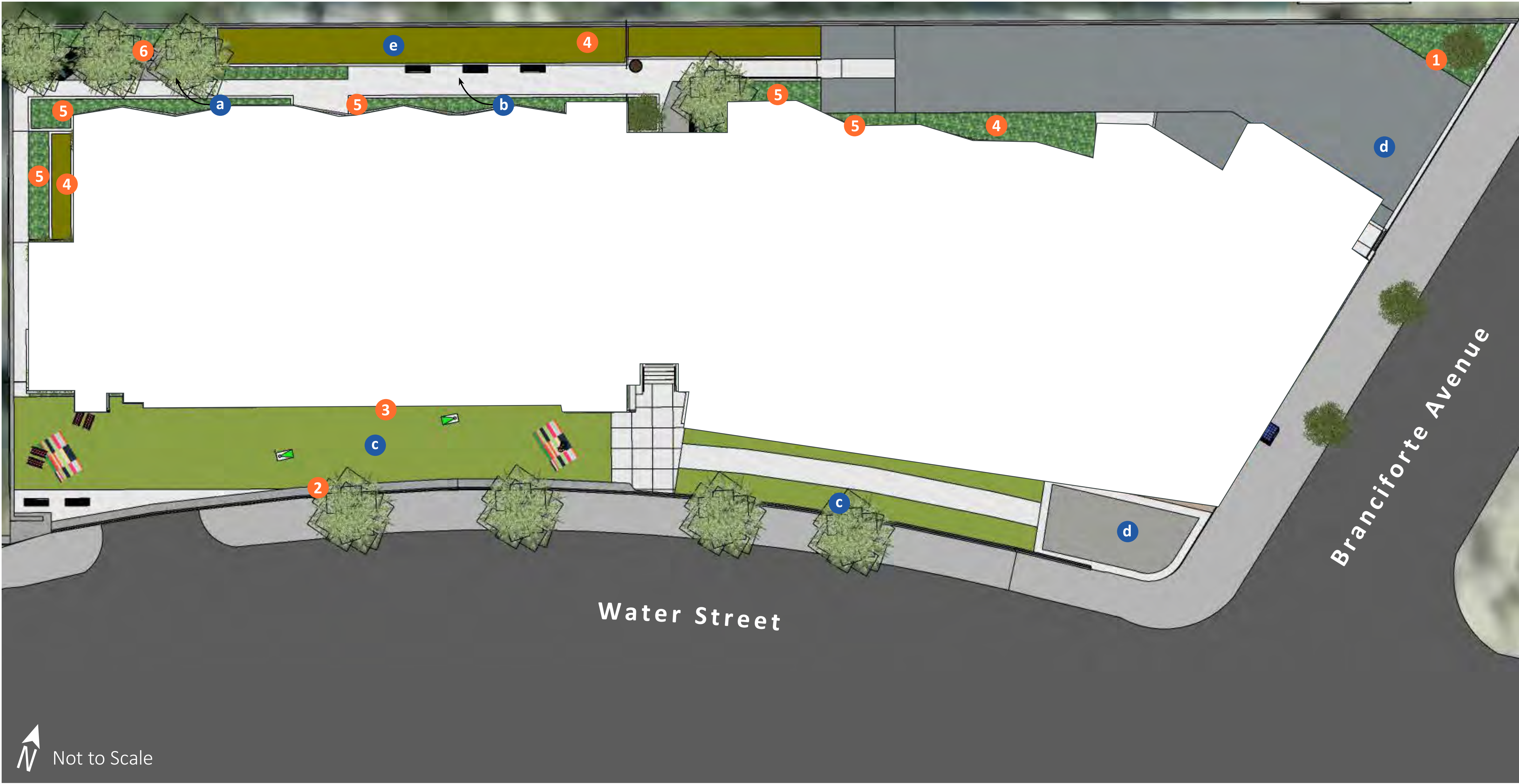
- |  |  |
|--|--|
| 1 Anigozanthos hybrids<br>Lophostemon confertus<br>Lomandra L. 'Platinum Beauty'     | 5 Citrus x meyer 'Improved'<br>Meyer Lemon Tree                  |
| 2 Angiozanthos hybrids<br>Bouteloua gracilis 'Blonde Ambition'<br>Salvia officinalis | 4 Epilobium canum 'Everett's Choice'                             |
| 3 Arctostaphylos 'Emerald Carpet'<br>Rosa californica<br>Salvia Clevelandii          | 6 Coriandrum sativum<br>Mentha spicata<br>Rosmarinus officinalis |



# Landscape Plan and Conceptual Images



# Ground Floor Landscape and Planting Plan



## LANDSCAPE ELEMENTS

- a Shaded Seating and Lounge
- b Seating
- c Open Space
- d Entry from Branciforte Ave
- e Biotreatment Planter

## PLANTING SCHEMES

- 1 Arctostaphylos 'Dr. Hurd'  
Salvia clevelandii  
Arctostaphylos 'Emerald Carpet'
- 2 Euphorbia x Martii 'Ascot Rainbow'  
Salvia officinalis
- 3 Rosmarinus officinalis
- 4 Juncus patens
- 5 Anigozanthos hybrids  
Lophostemon confertus  
Lomandra L. 'Platinum Beauty'
- 6 Citrus sinensis  
Salvia officinalis

## LANDSCAPE NARRATIVE

The On-Grade landscape design aims to create multifunctional space that meets both utilitarian needs as well as residents need for open space. While the frontage of the project is required to function as an Emergency Vehicle Access path, the design takes advantage of this requirement by providing a large synthetic lawn multi-use space. As synthetic lawn, residents are able to utilize the space almost like an open lawn park, yet emergency vehicles can still access the area when needed. As we transition to the rear of the project site, a quiet garden is provided with shade trees and lounge seating for residents to find respite from the main street.



# Landscape Plan and Conceptual Images



# Ground Floor Perspective Views



## LANDSCAPE ELEMENTS

- a** Picnic Seating
- b** Hammock
- c** Drought Tolerant Planting
- d** Shade Trees
- e** Synthetic Lawn Flex Space
- f** Decorative Railing
- g** Raised Planter
- h** Biotreatment Planter



# Landscape Plan and Conceptual Images

SHEET L-11  
 ENTITLEMENT PACKAGE | HMH JOB #5336.00 | 831 WATER STREET | SANTA CRUZ, CA | SEPTEMBER 9, 2021



# Breezeway Landscape and Planting Plan with Perspective Views



LANDSCAPE ELEMENTS

- a Seating
- b Water Feature
- c Raised Planter
- d Overhead Building Connection
- e Building Access
- f Elevator
- g ADA Access Ramp

PLANTING SCHEMES

- 1 Lophostemon confertus  
Anigozanthos hybrids  
Lomandra L. 'Platinum Beauty'
- 2 Arctostaphylos 'Dr. Hurd'  
Grevillea lanigera 'Coastal Gem'  
Arctostaphylos 'Emerald Carpet'

LANDSCAPE NARRATIVE

The Breezeway landscape design aims to transition visitors and users from the busy street to the rear garden and interior residential units. Raised planter beds and a water feature quiet the space as pedestrians walk towards the welcome lobby. Site furnishings such as benches and bike racks are also available for visitors to rest as they transition away from the street.



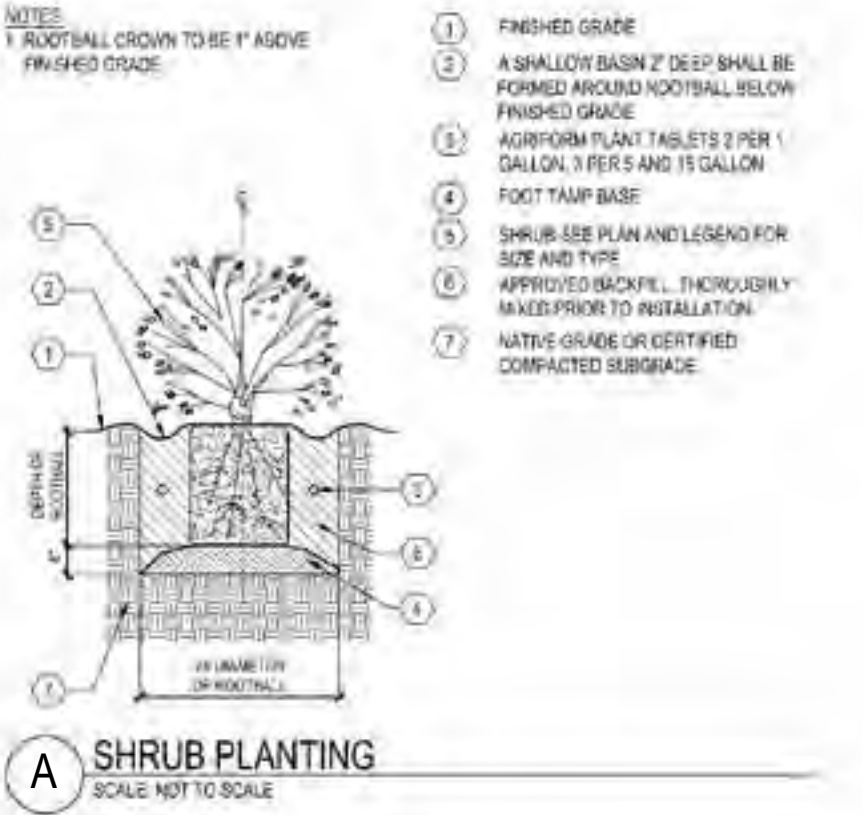
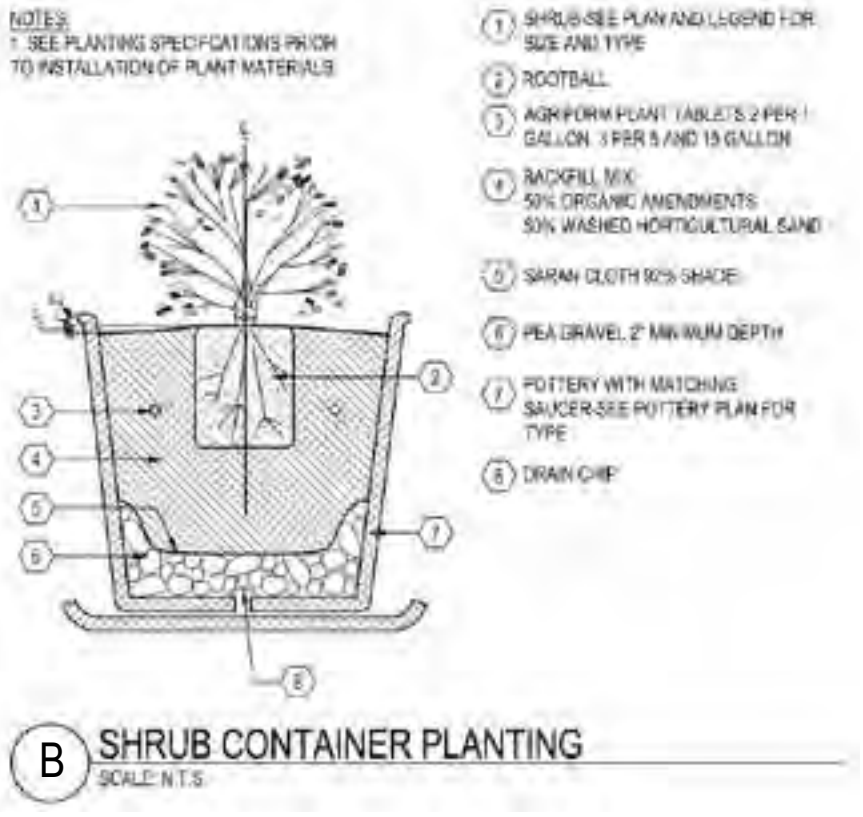
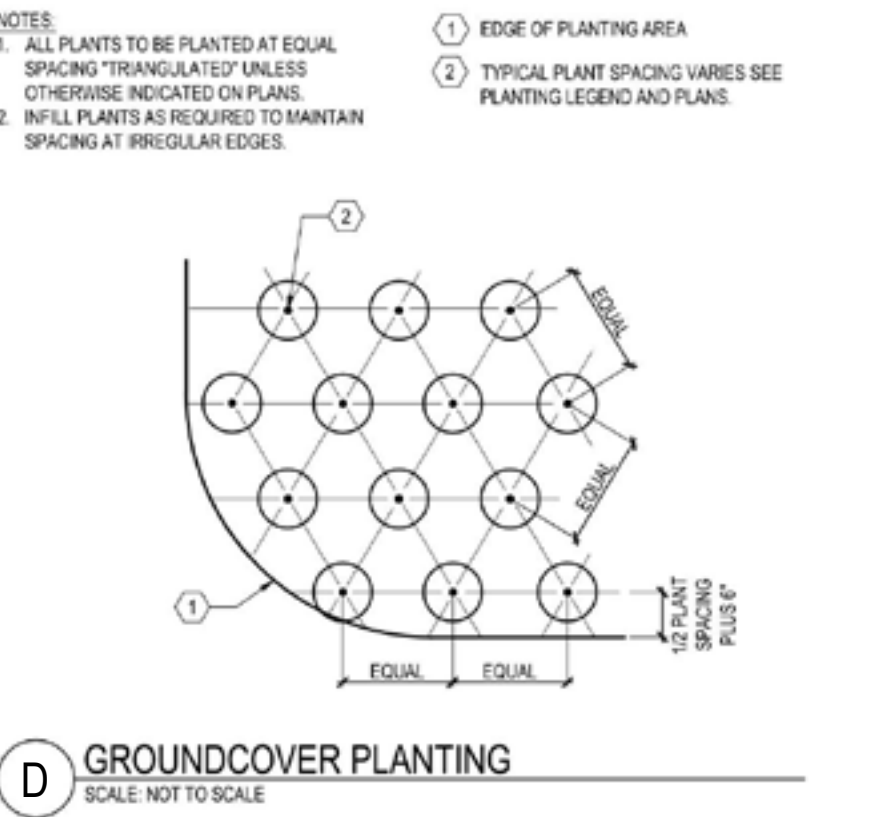
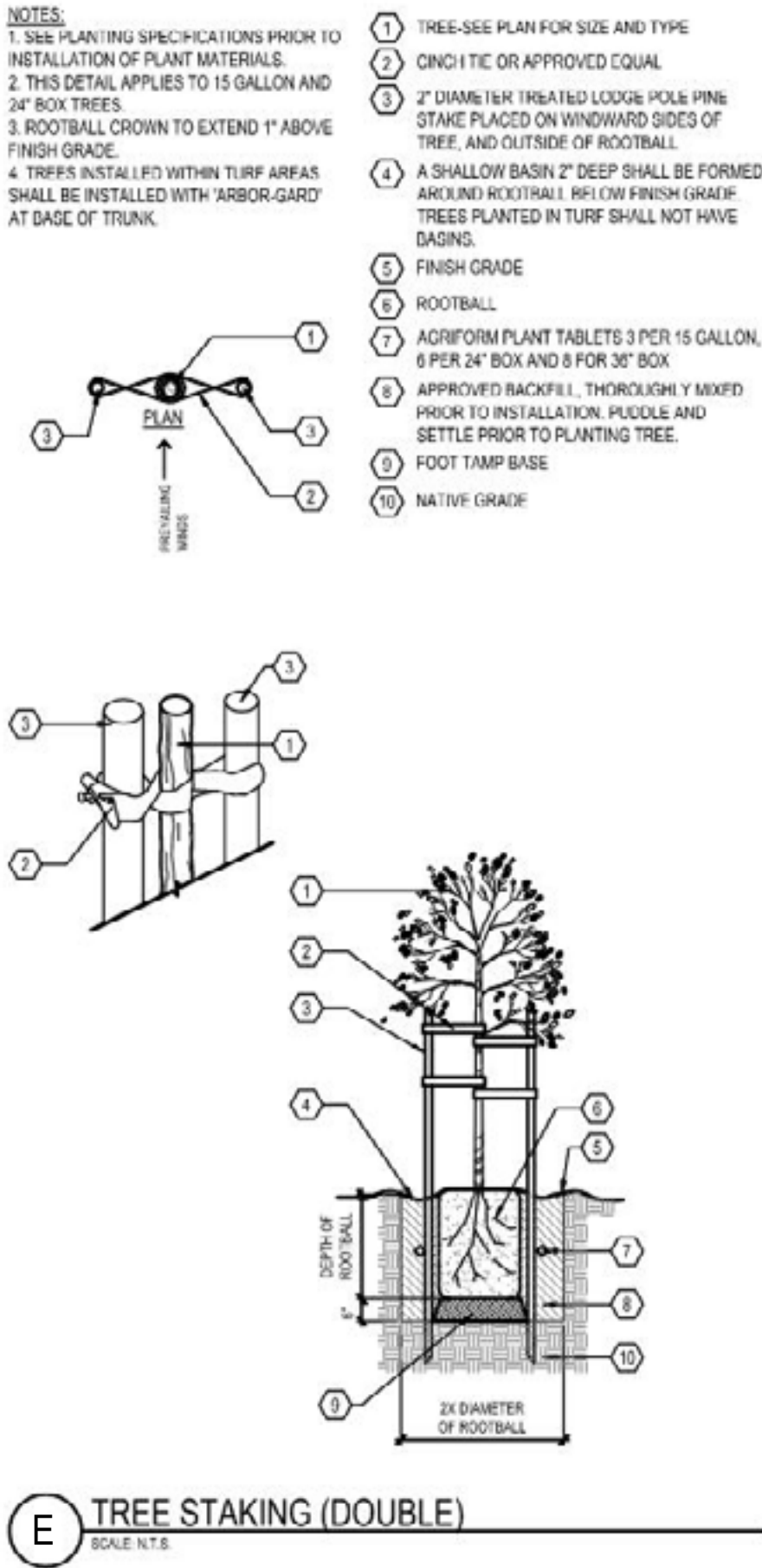
## Landscape Plan and Conceptual Images



Plant Palette and Details

SHEET L-13

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SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	MINIMUM CONTAINER SIZE	HxW	WUCOLS
TREES						
ARB UNE	XX	ARBUTUS UNEDO	STRAWBERRY TREE	15 GALLON	15' X 15'	L
ARC DRH	XX	ARCTOSTAPHYLOS 'DR. HURD.'	DR. HURD MANZANITA	15 GALLON	15' X 15'	L
CAL CIT	XX	CALLISTEMON CITRINUS	LEMON BOTTLEBRUSH	15 GALLON	10' X 10'	M
CEA RAY	XX	CEANOTHUS 'RAY HARTMAN'	RAY HARTMAN CEANOTHUS	15 GALLON	30' X 10'	L
CER OCC	XX	CERCIS OCCIDENTALIS	WESTERN REDBUD	15 GALLON	20' X 15'	VL
CIT LAT	XX	CITRUS X LATIFOLIA 'BEARSS'	BEARSS LIME	15 GALLON	11'X11'	M
CIT MEY	XX	CITRUS X MEYERI 'IMPROVED'	MEYER LEMON TREE	15 GALLON	8'X4'	M
CIT SIN	XX	CITRUS SINENSIS	NAVEL ORANGE	15 GALLON	12'X12'	M
COC LAU	XX	COCCULUS LAURIFOLIUS	LAURAL-LEAF SNAILSEED	15 GALLON	15'X15'	M
COT COG	XX	COTINUS COGGYGRIA	SMOKE TREE	15 GALLON	15' X 15'	L
LOP CON	XX	LOPHOSTEMON CONFERTUS	BRISBANE BOX	15 GALLON	30' X 25'	M

SHRUBS

XX	ABUTILON PALMERI	PALMER'S ABUTILON	1 GALLON	5' X 5'	L
XX	ANIGOZANTHOS HYBRIDS	KANGAROO PAW	1 GALLON	1' X 3'	L
XX	ARCTOSTAPHYLOS 'SENTINEL'	SENTINEL MANZANITA	1 GALLON	4' X 4'	L
XX	BACCHARIS PILULARIS	COYOTE BRUSH	1 GALLON	8' X 8'	L
XX	BOUTELOUA GRACILIS 'BLONDE AMBITION'	BLONDE AMBITION BLUE GRAMA	1 GALLON	3' X 3'	L
XX	CORIANDRUM SATIVUM	CILANTRO	1 GALLON	1'X1'	L
XX	EUPHORBIA X MARTINII 'ASCOT RAINBOW'	ASCOT RAINBOW SPURGE	1 GALLON	2' X 2'	L
XX	FRANGULA CALIFORNICA	COFFEEBERRY	1 GALLON	6' X 6'	L
XX	GREVILLEA LANIGERA 'COASTAL GEM'	WOOLY GREVILLEA	1 GALLON	1' X 5'	L
XX	JUNCUS PATENS	COMMON RUSH	1 GALLON	3' X 3'	L
XX	LOMANDRA LONGIFOLIA 'PLATINUM BEAUTY'	PLATINUM BEAUTY LOMANDRA	1 GALLON	2' X 2'	L
XX	MENTHA SPICATA	MINT 'SPEARMINT'	1 GALLON	2' X 2'	L
XX	MISCANTHUS SINENSIS 'MORNING LIGHT'	MORNING LIGHT MAIDEN GRASS	1 GALLON	5' X 3'	L
XX	ROSA CALIFORNICA	CALIFORNIA ROSE	1 GALLON	8' X 8'	L
XX	ROSMARINUS OFFICINALIS	ROSEMARY	1 GALLON	4'X4'	L
XX	SALVIA CLEVELANDII	CLEVELAND SAGE	1 GALLON	4' X 8'	L
XX	SALVIA OFFICINALIS	GARDEN SAGE	1 GALLON	2'X2'	L

GROUNDCOVERS

XX	ARCTOSTAPHYLOS 'EMERALD CARPET'	EMERALD CARPET MANZANITA	1 GALLON	1' X 4'	M
XX	CEANOTHUS 'CARMEL CREEPER'	CARMEL CREEPER CEANOTHUS	1 GALLON	2' X 3'	L
XX	EPILOBIUM CANUM 'EVERETT'S CHOICE'	EVERETT'S CHOICE CALIFORNIA FUCHSIA	1 GALLON	1' X 3'	L
XX	ERIGERON GLAUCUS 'WHITE LIGHTS'	WHITE LIGHTS SEASIDE DAISY	1 GALLON	1' X 3'	L
XX	SISYRINCHIUM BELLUM	BLUE-EYED GRASS	1 GALLON	2' X 3'	VL

GREEN RO

PER MANUFACTURER'S SPECIFICATIONS	SEDUM MIX - TRAY SYSTEM	COLUMBIA GREEN - PRE-GROWN TRAY
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## City Council AGENDA REPORT

**DATE:** 09/02/2021

**AGENDA OF:** 09/14/2021

**DEPARTMENT:** Planning and Community Development

**SUBJECT:** **831 Water Street: CP20-0121 (APN 009-212-30, -31, -38)** – A Public Oversight Meeting to Assess Compliance with the City's Objective Standards Criteria and Accompanying Density Bonus Request for an Affordable Housing Project Proposed Pursuant to SB 35 (Planning and Zoning: Affordable Housing: Streamlined Approval Process). The Proposed Project Includes Demolition of Existing Commercial Buildings and Construction of a Five-story Mixed-use Building and a Four-story Residential Building Consisting of 2,727 Square Feet of Ground Floor Retail and 145 Residential Units (With 50% of the Base Units as Affordable per SB35) with Shared Underground Parking. (Owner: Novin Development Corp.) (PL)

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**RECOMMENDATION:** Review the objective standards table, deny the application based on the fact that the project does not meet the city's objective standards and is therefore not eligible for SB 35, and direct the Planning and Community Development Department to prepare a written documentation letter that would be provided to the applicant that references the Council's denial and identifies what objective criteria are not being met and why. In order to proceed with the development, the applicants would need to correct any deficiencies and resubmit the application. Resubmittal of the application would restart the City's review timeline.

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**BACKGROUND:** On October 12, 2020 the Planning and Community Development Department received a Pre-Application to review a proposed development at the northwest corner of Water Street and North Branciforte Avenue (823, 831, 833, and 905 Water Street), a project that is commonly known as the 831 Water Street development. The purpose of the Pre-application review is to allow applicants to receive preliminary feedback from City staff. This enables an applicant to address significant design issues before a formal application is filed. For larger projects such as this, a Pre-application review allows early public input at community meetings in accordance with the City's Community Outreach Policy. This original proposal included demolition of the commercial buildings on the site and construction of two five-story, mixed-use buildings consisting of 151 apartments with shared underground parking, ground-floor commercial and residential amenity space, and rooftop open space and commercial bar/lounge. The project also included a request for a State Density Bonus of 35% pursuant to providing a minimum of 11% of the base density as affordable to Very Low Income households. The original proposal also alluded

to providing as much as 51% of units as affordable to households between 30% and 80% of Area Median Income, including requests to increase building height and Floor Area Ratio (FAR) as density bonus incentives/concession and/or waivers. On January 27, 2021, the applicant's held a community meeting that was attended by over 200 community members. Just prior to the meeting, the applicant informed City staff that they intended to apply for an SB35 project and this information was provided to the public at the community meeting. The most prevalent comments and concerns raised by the community were as follows:

- Neighborhood compatibility - such as height, size, and general architecture;
- The design does not reflect the historic design of the Villa de Branciforte area;
- Solar impacts on adjacent residences;
- Excessive traffic on already congested surrounding intersections;
- Excavation may disturb or uncover historic artifacts;
- The project should be LEED certified;
- General support of an affordable housing development but at a reduced scale;
- Concerns with separate buildings for low income and market rate or "workforce" tenants; and
- Concerns with high groundwater at this location that may be overlooked if measured during a drought year.

A number of community members spoke in support of the development, including but not limited to some who support the affordable housing but not the design or massing of the buildings.

The applicant stated that they had not formally submitted an SB 35 application at that point and City staff provided a standard Pre-application review letter for the project. The benefit of this Pre-Application review outside of the SB35 process was that the applicant was able to hear the community's concerns at an early stage of the project, which is the intent of the community engagement policy.

A Notice of Intent to submit a SB 35 application for development was received by the Planning and Community Development Department on June 3, 2021. The notice was reviewed by staff, and on June 10, 2021, the city requested additional information pursuant to California Government Code 65941.1. The applicant provided the additional information on June 15, 2021, and the City determined that the Notice of Intent to Submit a SB 35 application was complete June 23, 2021. Pursuant to Government Code section 65913.4, the City provided notice to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development, as provided by the Native American Heritage Commission. A representative of the Ohlone-Costanoan Tribe contacted the City requesting a scoping consultation regarding the project and authorized the participation of the applicant in the consultation meeting which was held on June 15, 2021. The result of the consultation meeting was the signing of an enforceable agreement between the City and the Ohlone-Costanoan Tribe that establishes methods, measures, and conditions for treatment of any potential tribal cultural resources that could be affected by the proposed project. The enforceable agreement includes a requirement for the applicant to provide on-site monitoring by a Native American monitor as well as an archaeologist during excavation and grading activities, which will ensure that any cultural resources uncovered will be handled appropriately regardless of the cultural affiliation of the resource. The conditions of the Enforceable Agreement are included in the Objective Standards Assessment Table (Attachment 1), where they are referenced as being conditions of approval for the proposed project.

On July 1, 2021, the Planning and Community Development Department received a formal application for an SB 35 project at the 831 Water Street site. The formal application included plans for a mixed-use development consisting of 149 residential units with ground floor retail within two 5-story buildings, which was the same design that was submitted during the prior Pre-application review stage. On July 27, 2021 the applicants submitted a revised application with plans for a similar mixed-use development consisting of 145 residential units with a five-story building consisting of ground floor retail with residences above, and a four-story building consisting of only residential units. With the revised application, the applicant voluntarily extended the 60-day review period for the SB 35 application to September 27, 2021.

The applicant indicated that the elimination of a story on one of the buildings, the addition of larger units, and the removal of the rooftop bar were changes that were directly influenced by public feedback.

The first community meeting was noticed with less than two weeks lead time and the City agreed that a second community meeting would be held for furthering community discussion. On August 12, 2021, a second community meeting was held, where over 200 interested parties attended to obtain information about the project and the SB 35 process. The meeting was noticed in accordance with the Community Engagement Policies, including posting on the City's website, mailed notices, and on-site posting. Comments and concerns were similar to the first community meeting and have been provided for review as an attachment to the staff report (Attachment 2).

#### Project Description

The project site contains three parcels totaling 39,607 square feet (0.91 acres) on the northwest corner of Water Street and N. Branciforte Avenue. The parcel currently contains a one-story multi-tenant commercial building and a separate drive-in car wash which are proposed to be demolished. Commercial and residential uses surround the project site; the site is bounded by single-family homes to the north and west, with commercial and public facilities across Water Street and N. Branciforte Avenue to the south and east. The Water Street corridor consists of mainly commercial retail uses, with N. Branciforte mostly consisting of single-family and multi-family residential.

The fairly level site is at grade with N. Branciforte Avenue, with the bordering Water Street dropping away fairly dramatically as it heads west along the southern property line. A vertical retaining wall borders the sidewalk, increasing in height to the west as Water Street drops toward Ocean Street. The site is fully paved with the exception of some small landscape strips along the western and northern property lines that contain large shrubs. Street access is currently gained from curb cuts along N. Branciforte Avenue and Water Street. In addition, a fire access easement currently exists across the site to provide fire emergency access to the end of Belvedere Terrace which dead ends at the western portion of the site.

The proposed mixed-use project consists of two separate multi-story buildings over a shared underground parking garage accessed from Water Street. One additional access is from N. Branciforte Avenue which serves as both a fire access lane to the north of the building, as well as a driveway for access to three at-grade commercial parking spaces and the trash enclosure. The existing fire access easement for Belvedere Terrace is proposed to be reoriented along the southern edge of the property. The eastern building (Building A), is proposed at five stories in height, with 2,727 square feet of ground floor retail facing the corner of N. Branciforte Avenue and Water Street, with a mix of 74 units consisting of studio, one-bedroom, two-bedroom, and three-bedroom units. The western building (Building B) is proposed at four stories in height,



with a community room, office, laundry and lobby on the first floor. It would contain 71 units consisting of studio, one-bedroom, and two-bedroom units. The proposed 145 residential units include 64 studios (399 square feet), 63 one-bedrooms (408 to 497 square feet), 15 two-bedrooms (647 to 929 square feet), and 3 three-bedrooms (1,175 square feet).

Residential amenities include a 1,400 square foot common space community room, laundry facilities, private balconies, roof decks on top of both buildings to provide common open space for residents, in addition to designated open space areas at grade level. Two bike parking structures are located along the northern property line to provide bike storage for 108 bikes. The applicants are proposing an underground garage which will provide 138 spaces. Including the three commercial spaces at grade level, a total of 141 parking spaces are proposed on site.

**DISCUSSION:** The applicant has proposed an SB 35 project, and while it is not specifically included in the revised application submitted on July 27<sup>th</sup>, it is assumed that the revised project will also include a density bonus request. We have received many comments from the public regarding the City's level of discretion in the application and have provided information below regarding the SB 35 and density bonus requirements and intended limitations. The Council also hosted a special meeting on September 7, 2021 where they received information regarding and discussed SB 35 projects and the density bonus. The recording of that meeting is available on the City's website from the Council meeting agendas page.

#### SB 35

The state legislature passed SB 35 in 2017 as part of a 15-bill package to address the state's housing shortage and high cost of housing. SB 35 is designed to remove barriers to the development of affordable residential urban infill projects and to limit certain types of discretionary home rule oversight that has prevented the development of an adequate supply of housing within the state. SB 35 requirements apply to the City of Santa Cruz and other urban areas of the state that have failed to make adequate progress toward their Regional Housing Needs Allocations (RHNA) as determined by the California Department of Housing and Community Development (HCD). The below table shows the RHNA numbers that the City reported in the 2020 Annual Housing Element Progress Report, coupled with some updates to reflect additional Very Low Income units that were included in a project that was issued building permits in 2019. The first green column shows assigned RHNA and the last green column shows the number of housing units that are required in order to meet that assignment.

Jurisdiction Reporting Year		Santa Cruz 2020 (Jan. 1 – Dec. 31)		<b>ANNUAL ELEMENT PROGRESS REPORT</b>  Housing Element Implementation (CCR Title 25 §6202)								This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs. Please contact HCD if your data is different than the material supplied here.	
Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	180	5	1		6	45					57	123
	Non-Deed Restricted												
Low	Deed Restricted	118	7	15	13	47	17					199	
	Non-Deed Restricted					6	51	43					
Moderate	Deed Restricted	136										233	
	Non-Deed Restricted		39	112	41	1	16	24					
Above Moderate		313	94	44	109	90	26	12				375	
Total RHNA		747											
Total Units			145	172	163	150	155	79				864	123

Note: units serving extremely low-income households are included in the very low-income permitted units totals  
Cells in grey contain auto-calculated formulas

At this time, the City is short by 123 Very Low Income units but has exceeded all the other categories. With the City currently being short 123 Very Low Income units, the City must accept applications for SB 35 projects and process them in a manner consistent with the state legislation.

When a project qualifies for a streamlined ministerial approval under SB 35, the City has a limited time to apply its objective standards to the project and is strictly prohibited from applying any discretionary standards or from taking actions or implementing any process that would chill, inhibit, or preclude the development of affordable housing on a suitable site identified in its general plan. For an SB 35 application for a development of less than 150 residential units, the City has 60 days from the submittal date to determine if the application is in conflict with any objective planning standards that were in place at the time the application was submitted and inform the applicant of all conflicts. As part of the review for this SB 35 project, the Planning and Community Development Department has coordinated with other appropriate City departments to produce a table of objective standards based on the City's Municipal Code and adopted policies, directives, and plans. If there are areas where the project is inconsistent with objective standards, the City must provide a written documentation letter to the applicant listing each conflicting objective standard and provide a description of how the project is in conflict. If the City fails to provide the written documentation letter, the project is deemed to qualify for streamlined ministerial processing under SB 35.

HCD provides the following definition and description of objective vs. subjective requirements. These are likely familiar terms from recent housing projects and the work in progress to formulate objective zoning standards for multi-family projects.

*“Objective zoning standard”, “objective subdivision standard”, and “objective design review standard” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant or development proponent and the public official prior to submittal, and includes only such standards as are published*



*and adopted by ordinance or resolution by a local jurisdiction before submission of a development application.*

*When determining consistency with objective zoning, subdivision, or design review standards, the local government shall only use those standards that meet the definition referenced in Section 102(q). For example, design review standards that require subjective decision-making, such as consistency with “neighborhood character,” shall not be applied as an objective standard unless “neighborhood character” is defined in such a manner that is non-discretionary.*

#### *Example Objective Design Review*

*Objective design review could include use of specific materials or styles, such as Spanish- style tile roofs or roof pitches with a slope of 1:5. Architectural design requirements such as “craftsman style architecture” could be used so long as the elements of “craftsman style architecture” are clearly defined (e.g., “porches with thick round or square columns and low-pitched roofs with wide eaves”), ideally with illustrations.*

With the revised plans submitted on July 27, 2021, the City has until September 27<sup>th</sup> to provide the applicant with a written documentation letter listing each conflicting objective standard and providing a description of how the project is in conflict. At the time of preparation of this staff report, the Planning and Community Development Department has determined that the project is inconsistent with several objective standards as documented in the Objective Standards Assessment Table and attachments (Attachment 1).

#### Density Bonus

To address California’s need for affordable housing, the State enacted the density bonus law (Government Code §§ 65915 – 65918) in 1979 to encourage the provision of affordable housing units by offering a combination of benefits to developers. For projects that include the requisite number of affordable housing units, and upon the request of an applicant, cities are required to (i) allow more market rate units to be built than otherwise allowed by the applicable zoning designation); (ii) provide “incentives or concessions,” such as reduced development standards, that result in actual and identifiable cost savings for the project; (iii) provide “waivers or modifications” of development standards that would physically preclude the project from being constructed; and (iv) allow reduced parking requirements.

Cities have very limited discretion when reviewing density bonus applications. Cities are generally obligated to grant a density bonus and incentives, concessions, waivers, or reductions in development standards to the developer so long as the proposed development complies with the applicable affordability requirements and the waivers or incentives/concessions meet certain standards. Projects that include a specified amount of affordable housing are entitled to a density bonus, even if the density bonus would allow a project to exceed the maximum density under the City’s zoning code.

The amount of the density bonus is based on the number of affordable units at each income level that are included in a project. To determine whether a project qualifies for a density bonus, the percentage of affordable units is based on the maximum number of units that would be permitted under the City’s zoning code (i.e., the “base density”). In areas where there is no density range,

Section 24.16.255(6) of the Zoning Ordinance requires an applicant to submit base plans, or plans showing a project that fully conforms to objective standards, in order to determine the number of units that could be constructed on the site, thus establishing the base density.

Projects providing a greater number of affordable units or units at deeper levels of affordability are entitled to an increase in density up to 50% of the total number of units that are allowed under the City's Zoning Ordinance, depending on specified percentages and levels of affordability. The additional units help offset the increased costs associated with the increased number of or more deeply affordable units. The density bonus units themselves are not required to be affordable and, pursuant to Section 24.16.250(2) of the Zoning Code (as well as the State Density Bonus and California case law), “density bonus units shall not be included in the “total units” when determining the number of affordable units required to qualify a housing development for a density bonus.” Thus, by law, the percentages of affordable units that qualify a project for the density bonus are based on the base project only and not the base project plus the density bonus units.

In addition to allowing more market rate units to offset the cost of providing affordable units, the law also provides a variety of tools that applicants can utilize to make projects physically or more economically feasible, including incentives/concessions and waivers that allow for modification of development standards if those standards would result in “actual and identifiable cost reductions” to the project or that “physically preclude” construction of the density bonus project.

The project site is located in the Community Commercial (C-C) zone district, where there is no maximum density for a mixed use project. The project site is also designated as Mixed Use High Density (MXHD) in the City’s General Plan and, although this designation includes a density range of 10 – 55 dwelling units per acre, General Plan policy LU3.8 allows for one-bedrooms and studios to exceed the densities in the General Plan. The project consists primarily of one-bedroom and studio units; therefore, there is no maximum density for the project in terms of “dwelling units per acre.” The density of the site is limited by the building envelope created by objective development standards (FAR, height, setbacks, etc.), consistent with the General Plan, which states the following in its Land Use Element on page 40: “Residential uses are encouraged as part of mixed-use developments in commercial districts. The residential density for these projects is controlled by the commercial district development standards in the Zoning Ordinance and Building Code.” An early submittal of the project plans included a density bonus request, with no request in the actual density of the project but with requests for incentives/concessions to concentrate the affordable housing units in one building and to provide EV charging in parking stacker spaces rather than providing separate EV charging parking spaces, and with requests for waivers to exceed maximum height/stories, reduce required open space, and to encroach into slope setbacks.

The most recent plan submittal on July 27, 2021 provided a revised site and building design but did not include a revised narrative with a density bonus request, nor did the submittal include base density plans that appropriately reflect a fully conforming project. Therefore staff could not conduct an analysis as to the permitted density bonus nor the requested incentives/concessions or waivers.

Pursuant to density bonus state law and the City’s zoning ordinance, the applicant will be required to provide justification for any requested incentives/concessions or waivers, and the City must



approve the requests unless it can make any of following findings based on “substantial evidence”:

**Incentives/Concessions (California Government Code Section 65915(d))**

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

**Waivers (California Government Code Section 65915(e))**

Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

The density bonus process is wrapped into the SB 35 legislation and any modifications to development standards that are granted by the City under the density bonus law are required to be considered as consistent with objective standards. While we do not currently have the accurate numbers for the base project, the following is a summary of what will be required in regards to affordable housing:

- 20% of base units @ 80% AMI: City Inclusionary
- 24% of base units @ 60% AMI or 15% of base units @ 50% AMI: Density Bonus
- 50% of base units @ 80% AMI: SB 35

**City Council’s Role**

Section 65913.4(d)(1) of the California Government Code allows jurisdictions to complete a design review or public oversight meeting of the development as a part of the SB35 objective standards review process; however, the process must ultimately remain ministerial. The role of the City Council for this project must focus on compliance with objective standards. The City Council is to assess compliance with objective standards, listen to public testimony, and provide direction to the applicant as to the project’s eligibility for SB35 streamlined permit processing including granting of the density bonus request.

Applications submitted under SB35 must follow a ministerial process, which is defined in the HCD Guidelines as a “process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the "objective zoning standards," "objective subdivision standards," and "objective design review standards" in effect at the time that the application is submitted to the local government, but uses no special discretion or judgment in reaching a decision.”

Cities’ roles have shifted pursuant to recent changes to the Housing Accountability Act. Prior to those changes, planning and zoning permit applications were processed in a much more discretionary manner, meaning that the city reviews a proposed housing and mixed-use development for consistency with the zoning ordinance, the subdivision ordinance, and the more general city goals and policies, and makes findings of approval or denial. As part of this process, city staff and hearing bodies regularly considered issues such as neighborhood compatibility, potential nuisance factors, and the size or housing type proposed, against policies that are adopted as general goals but are not always fully supported by objective regulations. A project that requires a public hearing did and still does allow for any member of the public to weigh in on a project, including the staff recommendation and process, and the hearing body has an opportunity to agree or disagree with staff’s recommendation or require additional changes to the project. The process of public participation and final approval by a hearing body at a public hearing could be ministerial if all of the codes, policies, and findings are objective; however, that has not historically been the requirement and therefore many of the City’s codes, policies, and findings continue to be subjective, leaving room for interpretation and flexibility with the intent to recognize that not all parcels or projects have the same resources and constraints.

The building permit process is an example of ministerial review, and no public process is associated with the building permit process because no subjective requirements for the public or a hearing body are considered, as objective requirements are definitive. In the building permit process, staff merely applies objective standards and approves the permit if the application is consistent with all applicable requirements.

The statutory scheme enacted pursuant to SB 35 requires the city to process an SB 35 application similar to a building permit application, meaning that there is no discretion in the decision, and the City is merely tasked with finding whether the development complies with definitive requirements. Therefore, it is important to note that the SB 35 public oversight process is not the same as a public hearing which, in the past, provided a venue for councilmembers to hear the concerns of the public and address those concerns by including conditions of approval, requiring revisions, or even denying a project based on potentially subjective City standards or policies. The Council’s role in this SB 35 process will be to review the Objective Standards Assessment Table that will be provided to the applicant, assess compliance with the identified objective criteria, and provide direction to staff as to the project’s eligibility for permit streamlining pursuant to granting of the density bonus and compliance with objective standards. SB 35 states that this process “shall not in any way inhibit, chill, or preclude the ministerial approval” process, and if the city does not provide a written letter to the applicant within the required timeframes, the application is deemed to be eligible, so it is not recommended that the City Council delay a decision.

*CC (Community Commercial) Zone District Regulations.* The purpose of the CC district is “To provide locations throughout the community for a variety of commercial and service uses for residents of the city and the region which promote the policies of the General Plan; to encourage



a harmonious mixture of a wide variety of commercial and residential activities including limited industrial uses, if they are compatible and nuisance free.” The CC zone district normally allows for mixed-use developments consisting of ground floor commercial and multiple dwellings with the approval of a Special Use Permit, which would not be required under SB 35.

The maximum height of buildings in the CC zone district is three stories and 40 feet and the proposed project exceeds these limitations as well as other development standards. It is assumed that the applicant will propose the use of a density bonus to modify these standards; however, as of the preparation of this report, the applicant has not submitted a proposal for a density bonus or provided the required associated justification for incentives/concessions or waivers.

The table below summarizes the project’s compliance with the CC requirements:

<b>SETBACK REQUIREMENTS SUMMARY</b>			
<b>Provision</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies?</b>
Building Height	40 feet	63 feet	No
Front Setback (N. Branciforte Ave.)	0 feet	0 feet	Yes
Rear Setback (west property line)	0 feet	5 feet	Yes
Interior Side Setback (North property line)	20 feet	20 feet	Yes
Exterior Side Setback (Water Street)	0 feet	20 feet	Yes
Private Open Space/Unit	100 square feet/unit 14,500 square feet	Unable to determine	No
Common Open Space/Unit	150 square feet/unit 15,000 square feet	Unable to determine	No
Distance between buildings	10 feet	10 feet	Yes

*Parking Requirements.* The City’s Zoning Ordinance would require a total of 191 parking spaces on site based on the number and type of units (163), guest parking (17), and commercial retail parking (11). However, SB 35 (Gov. Code 65913.4) prohibits jurisdictions from applying parking requirements to projects that are located within a half mile of public transit, for which this project complies. With that being said, the applicants are proposing an underground garage which will provide 138 spaces. Including the three commercial spaces at grade level, a total of 141 parking spaces are proposed on site.

#### Objective Standards

The Planning and Community Development Department and other City departments, including Public Works, Water, Fire, and Housing and Economic Development have reviewed the City’s codes and adopted plans and policies to identify the objective standards that apply to the project. Attachment 1 is the Objective Standards Assessment Table for the Council to review. The attachment lists a number of objective standards that are currently not met, as of the preparation of this report. Some of the more significant items that are either missing from the submittal or not consistent with objective standards include:

- Lack of information about density bonus requests, including no information on the base project or the requested concessions/incentives or waivers;
- Lack of various plan sheets, such as landscape plans and civil engineering plans showing grading and drainage;
- Lack of a lot line adjustment or tentative map application, one of which is required because the new structures proposed over existing property lines would be inconsistent with Building Code requirements;
- Lack of an archeology report; and
- Lack of information showing required transportation improvements.

The attached table contains a more comprehensive list, along with more explanation for each objective standard that is not being met.

### Public Correspondence

In addition to the feedback received at the community meetings, the City has received many concerns from the public regarding the height, massing, and design of the development and potential bike, traffic, and parking impacts, among other things. The City has also heard from the public that there are hydrologic issues at this site that will create negative impacts on the subject and adjacent developments. The public has also provided concerns about the SB35 streamlining process including the reduced timeframes, limited discretion, and inability to decipher the pertinent objective standards and specific City process. Public correspondence is included as Attachment 3.

City staff have attempted to provide the public with as much information as possible by making all relevant materials available on the project website including application materials received, informational memos to the City Council, formal feedback to the applicant, and informational resources. The project website also allows for members of the public to sign-up for email notifications on upcoming relevant public meetings and when new information is posted to the website. All of the resources that are utilized for determining the required process and assessing compliance with objective standards are publically available online. Additionally, city staff have attempted to provide thorough responses to questions from the public and have regularly met with members of the public throughout the process to understand concerns, hear feedback, and provide information.

### Health in All Policies (HiAP)

HiAP is a collaborative approach to improving the health of all people by incorporating health considerations into decision-making across sectors and policy areas. HiAP is based on 3 pillars: *equity*, *public health*, and *sustainability*. The goal of HiAP is to ensure that all decision-makers are informed about the health, equity, and sustainability impacts of various policy options during the policy development process. With the project located along a major commercial corridor and within 1/3 mile from the Ocean Street corridor, 2/3 mile from the downtown, and less than ½ mile to five separate grocery stores, it encourages a sustainable and healthy lifestyle allowing residents to walk and ride to the job centers and commercial uses in the downtown and vicinity. The site is also located along a major transit corridor allowing for residents to use public transit to gain access to other areas of the city, thereby further promoting sustainable transportation use.

### Summary and Recommendation

SB 35 is designed to remove barriers to the development of affordable residential urban infill projects and to limit certain types of discretionary home rule oversight that have prevented the



development of an adequate supply of housing within the state. The Council's role in this SB 35 process is to review the objective standards table and assess compliance with the identified objective criteria. Based on the process established by SB 35, staff recommends that the City Council deny the application based on the fact that the project does not meet the city's objective standards and is therefore not eligible for SB 35. The Planning and Community Development Department would provide a written documentation letter to the applicant identifying what objective criteria is not being met, and the SB 35 application would be denied. In order to proceed with the development, the applicants would need to prepare and submit a new SB 35 application, restarting the city's project review timeline.

**FISCAL IMPACT:** The planned development would generate a property tax increase due to the proposed improvements to the property, in addition to revenues from associated permits and city fees that cover costs for providing those plan review and inspection services. Provision of broader city services to residential units generally exceeds the service level demand of commercial uses, so city service costs will increase. With the reduction in commercial square footage, the project could result in an accompanying sales tax reduction, though this will ultimately depend on the future use and the comparison of those sales tax revenues with those existing.

**Prepared By:**

Ryan Bane  
Senior Planner

**Submitted By:**

Lee Butler  
Deputy City Manager

**Approved By:**

Rosemary Menard  
Interim City Manager

**ATTACHMENTS:**

1. Objective Standards Assessment Table and Exhibits A - E
  - Exhibit A City Standard Details
  - Exhibit B City Standard Specifications
  - Exhibit C Master Fee Schedule 2019 NS-29,484
  - Exhibit D TIF Program Resolution NS-28,574
  - Exhibit E Refuse Container Design Standards
2. Public Comments from the August 12, 2021 Community Meeting
3. Additional Public Comments Received

## Objective City of Santa Cruz Standards Applicable to the 831 Water Street Project

Government Code Section 65913.4 SB 35 Eligibility Requirements	Requirement Satisfied?
<p><b>1. Is the project a multifamily housing development with 2 or more units? Subd. (a)(1).</b></p> <p>Response: The project is mixed-use with ground floor commercial and 145 multi-family residential units.</p>	Yes
<p><b>2. Is the project located in an area designated by the U.S. Census Bureau as an urbanized area? Subd. (a)(2)(A).</b></p> <p>Response: The project is located inside an urbanized area in the City of Santa Cruz.</p>	Yes
<p><b>3. Is more than 75% of the project site's perimeter developed with urban uses? Subds. (a)(2)(B), (h)(8).</b></p> <p>Response: SB 35 defines "urban uses" as "any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses." Based on these standards, the entirety of the Project site's perimeter is developed with urban uses including current residential and commercial uses.</p>	Yes
<p><b>4. Does the site have either a zoning or a general plan designation that allows for residential use or residential mixed-use development, with at least two-thirds of the square footage designated for residential use? Subd. (a)(2)(C).</b></p>	Yes



<p>Response: The General Plan land use designation for the site is “MXHD – Mixed High Density” within the Lower Eastside neighborhood. The General Plan designation states that “These mixed-use designations support the General Plan’s goals and policies by encouraging new housing in places well served by transit”. The zoning district, “C-C Community Commercial”, seeks to “encourage a harmonious mixture of a wide variety of commercial and residential activities”. The zoning district allows for residential and mixed-use residential, and would allow for two-thirds of the square footage to be designated for residential use.</p>	
<p><b>5. Has the Department of Housing and Community Development (HCD) determined that the local jurisdiction is subject to SB 35? Gov’t Code Sec. 65913.4(a)(4)(A).</b></p> <p>Response: In June, 2020, HCD issued a revised determination regarding which jurisdictions throughout the State are subject to streamlined housing development under SB 35. The City of Santa Cruz is subject to SB 35 because of its insufficient progress towards providing very low-income housing. Therefore, projects are eligible for streamlining under SB 35 for proposed developments with at least 50% affordable units.</p>	Yes
<p><b>6. Will the project include the required percentage of below market rate housing units? Subd. (a)(3) and (a)(4)(B)</b></p> <p>Response: The proposed breakdown of the below market rate housing has not been provided. Therefore it cannot be determined if the required percentage of below market rate housing units will be provided.</p>	Yes
<p><b>7. Is the project consistent with “objective zoning standards” and “objective design review standards?” Subd. (a)(5)</b></p> <p>Response: At this time the project is not consistent with all of the objective standards.</p>	No
<p><b>8. Is the project located outside of all types of areas exempted from SB 35? Subd.</b></p>	Yes

**(a)(6-7), (10).**

Subd.(a)(6) exempt areas:

- Coastal zone
- Prime farmland or farmland of statewide importance
- Wetlands
- High or very high fire hazard severity zones
- Hazardous waste sites
- Earthquake fault zone (unless the development complies with applicable seismic protection building code standards)
- Floodplain or floodway designated by FEMA
- Lands identified for conservation in an adopted natural community conservation plan or habitat conservation plan
- Habitat for a state or federally protected species
- Land under a conservation easement

Response: The project site is not located on any of the above areas.

Subd. (a)(7) exempt areas:

A development that would require the demolition of housing that:

- Is subject to recorded rent restrictions
- Is subject to rent or price control
- Was occupied by tenants within the last 10 years
- A site that previously contained housing occupied by tenants within past 10 years
- A development that would require the demolition of a historic structure on a national, state, or local register
- The property contains housing units that are occupied by tenants, and units at the property are/were offered for sale to the general public by the subdivider or subsequent owner of the property.



<p>Response: There have been no dwelling units on the property at any point during the last ten years.</p> <p>The site is within an archaeologically sensitive area and an archaeological report must be prepared.</p> <p>Subd. (a)(10) exempt areas:</p> <ul style="list-style-type: none"> <li>- Land governed under the Mobilehome Residency Law</li> <li>- Land governed by the Recreational Vehicle Park Occupancy Law</li> <li>- Land governed by the Mobilehome Parks Act</li> <li>- Land governed by the Special Occupancy Parks Act</li> </ul> <p>Response: The project site is not located within an exempt area on land governed by any of the above laws.</p>	
<p><b>9. If the Project is not a public work, has the proponent certified that all construction workers employed in the development project be paid prevailing wages? Subd. (a)(8)(A).</b></p> <p>Response: The applicant will have to certify that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages.</p>	<p>Yes – This will be a condition of approval</p>
<p><b>10. Has the applicant made the required “skilled and trained workforce” certification, to the extent applicable? Subd. (a)(8)(B).</b></p> <p>Response: The “skilled and trained workforce” certification requirement is inapplicable if the Project proposes fewer than 75 units. If the project proposes more than 75 units then the labor requirement applies. Gov. Code §65913.4(a)(8)(B)(i)(I).</p>	<p>Yes – This will be a condition of approval</p>

The project will have to provide a skilled and trained workforce.	
<b>11. If the project involves a subdivision, are the criteria in subd. (a)(9) satisfied?</b>  Response: A Tentative Map has not been submitted. Therefore it cannot be determined whether the proposed subdivision will meet the objective standard in the subdivision ordinance.	No

Municipal Code	City Analysis of Compliance with Standards
<b>Chapter 24.04 Administration</b>	
<b>24.04.040 ENVIRONMENTAL REVIEW.</b>  The California Environmental Quality Act of 1970 (CEQA) and City Guidelines, as amended, require environmental review of all projects which must obtain discretionary approval from the city. The intent of the review process is to evaluate and make publicly known the possible impacts of proposed projects on the environment and to mitigate significant adverse impacts. Each project is evaluated by planning department staff according to CEQA guidelines and a determination made whether additional environmental review is required.	<b>This requirement is not applicable.</b>  Projects that comply with SB35 are not subject to CEQA.
<b>24.04.050 PERMIT APPLICATION, SUBMITTAL AND PROCESSING.</b>  Application for any permit shall be made by the property owner, or his/her authorized agent, to the zoning administrator on forms prescribed for the purpose. Alternatively, where a property developer	<b>The project conflicts with this objective standard.</b>  The plans provided do not provide all of the necessary submittal requirements listed on the Planning Department application form including the following: <ul style="list-style-type: none"> <li>- Complete Site Plan</li> </ul>



<p>has entered into an owner participation agreement or a disposition and development agreement with the redevelopment agency of the city of Santa Cruz for development of property for which the developer has yet to secure site control, the redevelopment agency may make the permit application if the subject agreement provides for the redevelopment agency's acquisition of the property on the developer's behalf. The application shall include information as may be necessary for adequate review of the application. A list of such information is set forth on the application form.</p>	<ul style="list-style-type: none"> <li>- Improvement Plans</li> <li>- Elevations</li> <li>- Landscape Plans</li> <li>- Context Plans (streetscape/renderings)</li> <li>- Demolition Plan</li> <li>- Stormwater and LID Assessment Checklist</li> <li>- Preliminary Grading Plan</li> <li>- Shadow Study</li> <li>- Details of Exterior Architectural Elements</li> <li>- Storm Water Control Plan</li> <li>- Acoustical Study</li> <li>- Archaeological Report</li> </ul>
<p><b>24.04.051 REQUIREMENTS FOR PREPARERS.</b></p> <p>Where required by state law, plans and specifications submitted for any development project permit application shall contain certification that the preparer is licensed to prepare such plans under Chapter 3 of Division 3 of the California Business and Professions Code. The following projects are exempt from this requirement:</p> <ol style="list-style-type: none"> <li>1. Single-family dwellings of wood-frame construction not more than two stories and basement in height.</li> <li>2. Multiple-family dwellings containing not more than four dwelling units of wood-frame construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.</li> <li>3. Garages or other structures appurtenant to buildings described under subsections (1) and (2), of wood-frame construction not more than two stories and basement in height.</li> </ol>	<p><b>The application is consistent with this requirement.</b></p> <p>Plans have been prepared by a licensed architect.</p>

<p>4. Agricultural and ranch buildings of wood-frame construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.</p>	
<p><b>24.04.052 COMPLETENESS OF APPLICATION.</b></p> <p>1. Staff shall determine whether an application for a development project is complete within thirty days of submittal and shall notify the applicant in writing when additional information is required. The notification shall set forth what is necessary to complete the application.</p> <p>2. When the applicant submits additional information, a new thirty-day period is established. Within that time staff shall determine whether the application is complete. The applicant shall be advised in writing when the application remains incomplete and how to complete the application.</p> <p>3. Failure to supply written notice of incompleteness within the time specified shall result in an application being deemed complete, if the applicant includes a statement that it is an application for a development permit.</p> <p>4. An applicant and staff may mutually agree, in writing, to extend any of the time limits relative to determination of completeness of a permit application for a development project.</p> <p>5. An applicant may appeal the determination of incompleteness described in Section <a href="#">24.04.052</a>(2) to the zoning board. No public hearing shall be required for an appeal under this subsection.</p> <p>6. If an application is not accepted by the city as complete within one hundred eighty (180) days of submission, it shall be automatically denied without prejudice on that day. No application shall be processed if it is deemed incomplete.</p>	<p><b>This requirement is not applicable.</b></p> <p>SB35 projects are a ministerial project and are therefore exempt from this section.</p>



<p>7. In cases where a criminal complaint has been filed to enforce compliance with the provisions of this chapter, the time line for filing a complete application shall be at the discretion of the city and may be less than one hundred eighty days, but must be a minimum of thirty days.</p>	
<p><b>24.04.090 PUBLIC HEARING REQUIREMENT.</b></p> <p>A public hearing shall be required for the following:</p> <ol style="list-style-type: none"> <li>1. Appeals;</li> <li>2. Coastal permit except for an accessory dwelling unit;</li> <li>3. Conditional fence permit when required by Section <a href="#">24.08.620</a>;</li> <li>4. Design permit: <ol style="list-style-type: none"> <li>a. When accompanying another permit requiring a public hearing or upon a zoning administrator determination that a public hearing is required;</li> <li>b. For new two-story structures and/or second-story additions on substandard residential lots;</li> <li>c. For large homes in R-1 Districts per Section <a href="#">24.08.450</a>;</li> </ol> </li> <li>5. Demolitions: residential, except for a single-family residence, and historical buildings;</li> <li>6. Historic building survey: building designation, deletion;</li> <li>7. Historic landmark alteration permit;</li> <li>8. Historic landmark designation;</li> <li>9. Mobile home park conversion;</li> <li>10. Planned development permit;</li> <li>11. Relocation of structures;</li> <li>12. Revocation of permits;</li> <li>13. Use permits: <ol style="list-style-type: none"> <li>a. Administrative use permit, except when the proposed use is temporary, as defined in this title; for variations to parking</li> </ol> </li> </ol>	<p><b>This requirement is not applicable.</b></p> <p>SB35 projects are a ministerial project and are therefore exempt from this section.</p>

<p>design requirements and number of spaces; and half baths in accessory structures;</p> <p>b. Special use permit (including historic district/historic landmark use permit);</p> <p>14. Variance;</p> <p>15. Watercourse variance;</p> <p>16. Project modifications, pursuant to Section <a href="#">24.04.160(4)(c)</a>;</p> <p>17. Zoning Ordinance and General Plan text and map amendments.</p>	
<p><b>24.04.120 FINDINGS REQUIRED.</b></p> <p>Prior to action on any permit application, the hearing body shall make findings with respect to the manner in which the proposed project conforms to the appropriate requirements, as outlined in this title.</p>	<p><b>This requirement is not applicable.</b></p> <p>SB35 projects are a ministerial project and are therefore exempt from this section.</p>
<p><b>Chapter 24.10 Land Use Districts</b></p>	
<p><b>24.10.110 HEIGHT LIMIT.</b></p> <p>No structure, or part thereof, shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project proposes to exceed the maximum height of 3 stories and 40 feet as required in the C-C zone district as a density bonus waiver; however, it is unclear if the project is eligible for a density bonus waiver. The project includes primarily one bedroom and studio units which are exempt from the density range in the MXHD general plan designation. For projects where a maximum density range is not provided by the zoning ordinance or general plan, Section 24.16.255(6) of the Municipal Code requires the submittal of base density plans that conform to all applicable development standards in order to establish the density upon which to base a density bonus. The applicant must first establish a base density consistent with the requirements of section 24.16.255(6) and demonstrate that the project provides a percentage of</p>



	<p>the base housing units as affordable in order to be eligible for density bonus incentives/concessions and waivers.</p> <p>6. For the purposes of calculating the number of density bonus units in areas where a maximum density range is not provided in the zone district or general plan, an implicit residential density shall be calculated based on a project put forward by the applicant that meets all applicable development standards. Objective development standards such as setbacks, floor area ratio, and height limitations, while not defining the maximum density range per se, can be utilized to determine the implicit residential density allowed. In this approach, a project defines the applicable residential density for itself based on meeting applicable objective development standards. The average size of the units presented in the base density project must be equal to or greater than the average size of the units presented in the density bonus project.</p>
<p><b>24.10.120 YARD, BUILDING SITE AREA, BUILDING LOCATION.</b></p> <p>Except as provided in Part 2, Chapter <a href="#">24.12</a> (General Site Design Standards), no structure, or part thereof, shall be erected nor shall any existing building be altered, enlarged, or rebuilt, or moved into any district, nor shall any required open space be encroached upon or reduced in any manner, except in conformity with the yard, building site area, and building location regulations hereinafter designated for the district in which such building or open space is located. However, departure from strict application of district regulations may be</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project proposes to provide less than the required 14,900 square feet of open space as a Density Bonus Waiver.</p> <p>See discussion above regarding Density Bonus eligibility.</p>

allowed through an approved variance or planned development permit.	
<b>24.10.130 YARD OR OPEN SPACE LIMITATIONS.</b>  No yard or other open space provided about any building for the purpose of complying with provisions of this title shall be considered as providing a yard or open space for any other building; and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site.	<b>The application is consistent with this requirement.</b>  None of the required yards or open space areas are proposed to be shared with another building on another building site.
<b>24.10.150 DEVELOPMENT ON KNOWN ARCHAEOLOGICAL SITES.</b>  No permit for any earth-disturbing activity shall be issued on parcels identified by resolution of the city council as containing known cultural or archaeological resources, without the owner first obtaining an administrative use permit. The administrative use permit shall be conditioned with appropriate archaeological survey and mitigation procedures such as those prescribed in the Cultural Resources Element of the General Plan and the Local Coastal Implementation Plan.	<b>The application is consistent with this requirement.</b>  The project site has not been identified by resolution of the City Council as containing known cultural or archaeological resources.
<b>Part 8: C-C COMMUNITY COMMERCIAL DISTRICT</b>	
<b>24.10.700 PURPOSE.</b>  To provide locations throughout the community for a variety of commercial and service uses for residents of the city and the region which promote the policies of the General Plan; to encourage a harmonious mixture of a wide variety of commercial and residential	<b>This is not an objective standard.</b>



activities including limited industrial uses, if they are compatible and nuisance free. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Part 43, Sections <a href="#">24.10.4300</a> et seq. for properties within the Mission Street Urban Design Overlay District.			
<b>24.10.730 USE PERMIT REQUIREMENT.</b>	<p>2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 100 to 155 shall be limited to operations that occupy less than five thousand square feet of floor area and shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (numerical references at the end of these categories reflect the general use classifications listed in the city’s land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):</p> <p>p. Mixed residential and commercial/office developments, with ten or more multiple dwellings or condominiums, either above commercial uses or units on the same lot (840);</p>	<p><b>This requirement is not applicable.</b></p> <p>SB35 projects are a ministerial project and are therefore exempt from this section.</p>	
<b>24.10.750 APPLICABLE SITE DEVELOPMENT STANDARDS (C-C Zone District/ MXHD General Plan Designation)</b>			
	Required	Proposed	Complies?
East Front Yard	0’	0’	Yes
South Exterior Side Yard	0’	20’	Yes
North Interior Side Yard (Adjacent to rear yard of parcels in R-1-5 district)	20’ (RY of adjacent parcels)	20’	Yes





		Bldg B provided – Not shown	
Net Lot Area	8000 sq. ft.	Total lot area = 39,607 sq. ft. No tentative map shown.	<b>The project conflicts with this objective standard.</b> <ul style="list-style-type: none"> <li>It is unclear what the proposed lot sizes are for the project.</li> <li>Submit a Tentative Map to verify the proposed lot sizes.</li> </ul>
FAR	1.0-2.75	2.28	Yes
Density	10-55 du/ac or none if studios/one- bedroom units	Studios and 1 bedrooms = no density (15) 2-bedrooms + (3) 3-bedrooms = $18/.9 = 20$ du/ac	Yes

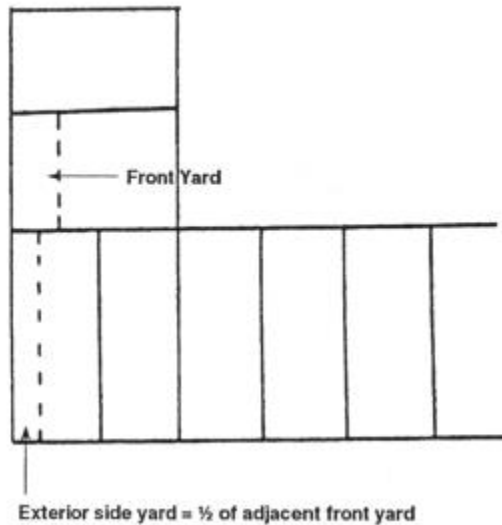
*1. Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.	<b>The application is consistent with this requirement.</b>  The rear yard abuts an R-district which requires a 20' rear setback. The project proposes a 20' rear setback to meet the minimum yard required for the adjacent yard in the R-district.
*2. Except where special street setback requirements for designated streets apply, then the setback shall not be less than the minimum setback listed in Section <a href="#">24.12.115</a> for affected street.	<b>This requirement is not applicable.</b>  Water Street and N. Branciforte are not listed in Section 24.12.115.

<p>2. Additional Setback Requirement. In any C-C District directly across a street or thoroughfare, not including a freeway, from any R-District, parking and loading facilities shall be at least ten feet distant from the property line and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>The subject site is not directly across a street or thoroughfare from any R-district.</p>
<p>3a. All uses shall be conducted wholly within a completely enclosed building, except for service stations and parking facilities, or other outdoor uses when appropriately screened and as approved by the zoning administrator.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>All uses proposed as part of the project are within the building.</p>
<p>3b. Other regulations which may be applicable to site design and this zone are set forth in General Site Design Standards, Part 2, Chapter <a href="#">24.12</a>.</p>	<p>See below.</p>
<p><b>Chapter 24.12 Community Design</b></p>	
<p><b>24.12.100 MINIMUM BUILDING SITE.</b></p> <p>Each building site in each zoning district shall be planned and arranged so as to occupy only that portion of a lot not otherwise required as a yard, setback, easement, right-of-way, or other legally established open space; except, that where all other provisions of this title are met, a building site may be established in airspace when created through an approval of a community housing project.</p> <p>1. Lot Area Measurement.</p> <p>a. For purposes of measuring and calculating lot size and area, public and private easements contained within the lot lines, other than street or alley easements, may be included.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>The development does not encroach into setback areas or rights-of-way. There are no legally established areas of open space on the property.</p> <p>The project encroaches into an existing fire access easement which is proposed to be relocated on the site.</p> <p>None of the parcels at the project site are mapped with greater than 30% slopes, none are within a F-P zone, and there are no mapped riparian corridors.</p> <p>Parcels have access to sanitary sewer.</p>



b. For purposes of determining net lot area, only contiguous land with less than a thirty-percent slope and not within a Floodplain (F-P) District or within a riparian corridor, as defined in Section [24.08.2110\(2\)\(g\)](#), shall be considered.

c. In any zoning district where no public sanitary sewer is accessible, no lot shall have an area less than that prescribed by the Santa Cruz County health department.



Parcels have frontage on improved public streets.- Water St. and N. Branciforte Ave.

2. Frontage Requirement. The construction, erection, conversion, establishment, alteration, or enlargement of any structure on any real property is hereby prohibited and declared unlawful, unless the said real property shall have a frontage upon a street improved to the standards of the city of Santa Cruz; or upon a publicly owned parking facility, plaza, mall, or wharf; or upon such other public access facility

<p>as may be provided in connection with an approved development plan.</p>	
<p><b>24.12.110 SETBACK REQUIREMENTS MODIFICATIONS.</b></p> <p>1. Front Yards.</p> <p>a. Where twenty-five percent or more of the lots fronting on any block in the same zone (exclusive of the frontage along the side of a corner lot) have been improved with buildings permitted in said zone and the depth of the front yards on such lots varies not more than ten feet, then the front yard depth required on any lot in said block shall be not less than the median depth of the front yards on the lots on which are located such existing buildings; or</p> <p>b. In any district where the two adjacent lots on either side of a parcel, neither of which is a corner lot and each of which is in the same zone as the center lot, are already improved with uses permitted in the zone, and the average of the front yards of such adjoining lots is less than that required for the zone, then the required front yard depth for the center lot shall not be less than half the sum of the front yard setbacks of the two adjoining lots.</p> <p>2. Corner Lot Yards.</p> <p>a. Where, on a corner lot, an exterior side yard abuts a front yard of an adjoining lot in an R- District, the corner lot exterior</p>	<p><b>The application is consistent with this requirement.</b></p> <p>1a. Not applicable</p> <p>1b. Not applicable</p> <p>2a. Not applicable</p>



<p>side yard shall have a width of not less than one-half of the required depth of such adjacent front yard.</p> <p>b. Each corner lot should have one front yard, two side yards, and one rear yard of the depth required by this title. Normally the front yard shall be across the narrow dimension of the lot and the rear yard opposite this; in unusual cases, however, the location and the relationship of such yards to abutting streets and to each other may be determined by the zoning administrator.</p> <p>c. In any zoning district in which a minimum front yard is established, no obstruction to view between three and one-half feet, and eight feet above grade shall be placed within the clear corner triangle as defined in this title.</p> <p>3. Double-Frontage Yards. The width of required interior side yard or required rear yard may be reduced or waived when such interior side yard or rear yard abuts an alley or a street (e.g., double-frontage lot), freeway, stream, public utility right-of-way, coastline or other similar feature which precludes or inhibits construction on or development of the property.</p> <p>4. Lots of Record – Required Yards. In any district for which a minimum lot area is established, a lot of record, as defined in this title, having less than the required area and/or width and/or depth may be used for a use permitted in the district, except as provided in Section <a href="#">24.10.351</a>.</p> <p>a. In any district or for any use where side yards are required, the minimum side yard width shall be four feet or ten percent of</p>	<p>2b. The eastern property along N. Branciforte Ave. is considered the front based on this section.</p> <p>2c. No minimum front yard is required in the CC district.</p> <p>3. Not applicable as this is not a double frontage lot.</p> <p>4. Not applicable as the lot meets minimum size standards for the CC zone district.</p>
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<p>the lot width, whichever is greater, for the first story only. Beyond the first story, the standard side yard setback established in the specific district regulations shall apply.</p> <p>b. In any district or for any use where a rear yard is required, the depth of the rear yard of any such lot shall be ten feet or twenty percent of the depth of the lot, whichever is greater.</p> <p>c. A single-family dwelling may be constructed on any lot of record, subject to Section <a href="#">24.10.351</a>. For residential districts other than single-family, the district requirements for minimum lot and land area per dwelling unit shall apply, except as modified by the density bonus provisions of this title.</p>	
<p><b>24.12.115 SPECIAL STREET SETBACK REQUIREMENTS FOR DESIGNATED STREETS.</b></p> <p>1. General, buildings or other structures erected or located within the city of Santa Cruz shall be set back from a uniform baseline, which is hereby established for each of the principal street classifications of the city of Santa Cruz, in order to serve the public interest, convenience and safety. Setback requirements of each zoning district shall be in addition to special street setbacks.</p> <p>2. Unlawful Erection of Buildings in Setback Zones. No building permit shall be issued for the construction or erection of any building or structure within special street setbacks or any required setback except as set forth in this title.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>The project site is not located along a designated street.</p>



<p>3. Uses Subject to Special Review. Greater setbacks than those set forth herein may be required where special conditions exist.</p> <p>4. Secondary Streets. A secondary street is any public street with a fifty-two-foot right-of-way and twenty-six-foot baseline. The baseline for measuring the required setback for all buildings, structures, or improvements as required in each zoning district shall be a line parallel to and twenty-six feet from the centerline of the following designated streets:</p> <p>Bay Drive:</p> <p>From the southerly line of High Street to the southerly line of Escalona Drive.</p> <p>Bay Street:</p> <p>From the southerly line of Escalona Drive to the easterly line of California Street;</p> <p>From the easterly line of California Street to the westerly line of West Cliff Drive.</p> <p>Chestnut Street:</p> <p>From the southerly line of Locust Street to the northerly line of Laurel Street.</p> <p>Delaware Avenue:</p>	
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<p>From the westerly line of Laguna Street to the westerly extremity of Delaware Avenue.</p> <p>Elk Street:</p> <p>From the northerly line of Goss Street to the northerly line of Rooney Street.</p> <p>Goss Street:</p> <p>From the easterly line of Market Street to the westerly line of Elk Street.</p> <p>Graham Hill Road:</p> <p>From the easterly line of Ocean Street to the northerly city limits line.</p> <p>High Street:</p> <p>From the easterly line of Bay Street to the easterly line of Highland Avenue.</p> <p>From the easterly line of Bay Street to the western city limits line.</p> <p>Laguna Street:</p> <p>From the northerly line of Santa Cruz Street to the southerly line of Bay Street.</p>	
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<p>Laurel Street:</p> <p>From the southerly line of Mission Street to the westerly line of Front Street.</p> <p>Laurent Street:</p> <p>From the southerly line of High Street to the westerly line of Escalona Drive.</p> <p>Meder Street:</p> <p>From the westerly line of Bay Street to the westerly extremity of Meder Street.</p> <p>Mission Street:</p> <p>From the easterly line of Chestnut Street Extension to the westerly line of Pacific Avenue.</p> <p>Murray Street:</p> <p>From the easterly line of East Cliff Drive to the westerly line of Seabright Avenue.</p> <p>Pine Street:</p> <p>From the southerly line of Soquel Avenue to the northerly line of Buena Vista Avenue.</p>	
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<p>Prospect Heights:</p> <p>From the easterly line of Park Way to the westerly line of Brookwood Drive.</p> <p>San Lorenzo Boulevard, 3202:</p> <p>From the southerly line of Barson Street to the westerly line of Bixby Street.</p> <p>Seabright Avenue:</p> <p>From the southerly line of Soquel Avenue to the northerly line of Murray Street.</p> <p>Walnut Avenue:</p> <p>From the easterly line of Mission Street to the westerly end of Lincoln Street.</p> <p>Washington Street:</p> <p>From the southerly line of Laurel Street to the westerly line of Front Street.</p> <p>5. Major Streets. A major street is a public street with an eighty-four-foot right-of-way and forty-two-foot baseline. The base line for measuring the required setback from all buildings, structures, or improvements as required in each zoning district shall be a line</p>	
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parallel to and forty-two feet from the centerline of the following designated streets:

Ocean Street:

From the northerly line of Pryce Street to the northerly line of Graham Hill Road;

From the southerly line of Soquel Avenue to the northerly line of East Cliff Drive.

River Street:

From the northerly city limits line to the westerly line of North Pacific Avenue.

6. Industrial Streets. An industrial street is a public street with a sixty-foot right-of-way and thirty-foot baseline. The baseline for measuring the required setback for all buildings, structures, or improvements as required in each zoning district shall be a line parallel to and thirty feet from the centerline of the following designated streets:

Coral Street:

From the westerly line of River Street to the northerly line of Evergreen Street.

Encinal Street:

<p>From the Southern Pacific Railroad right-of-way to the westerly line of Dubois Street.</p> <p>Evergreen Street:</p> <p>From the easterly line of Coral Street to the easterly line of Harvey West Park.</p> <p>Mission Street:</p> <p>From a point nine hundred eighty feet east of the easterly line of Natural Bridges to the westerly extremity of Mission Street.</p>	
<p><b>24.12.120 PROJECTIONS INTO REQUIRED YARD AREAS, SETBACKS AND EASEMENTS.</b></p> <p>1. Projections Into Required Yard Areas. The following are permitted projections into required yard areas. Projections shall not be permitted in yards that are less than the minimum established by district regulations except as provided for in subsection (2).</p> <ul style="list-style-type: none"> <li>a. Architectural features such as cornices, canopies, eaves and sills shall be permitted to project into front, rear and side yards two and one-half feet;</li> <li>b. Steps serving the first floor, and bay windows, chimneys, decks, and porches serving the first floor and above may extend into front, rear and exterior side yards one-half of the required yard or six feet, whichever results in a greater setback. For</li> </ul>	<p><b>The application is consistent with this requirement.</b></p> <p>No projections are proposed into the required yard areas.</p>



interior side yards, maximum projection is one foot, eight inches unless the projection meets the requirements of subsection (1)(c). Bay window, deck, porch and step projections are permissible in interior side yards on the first floor only. In all cases, no projection or aggregate of projections listed in this subsection shall be more than one-third of the building wall along which it is located;

c. Unroofed decks, porches, patios and steps of pervious materials twenty inches or less above finished grade may extend into conforming interior side yards without restriction;

d. Guardrails on decks and porches and handrails on stairs projecting into required yards on the first floor shall be considered fences and shall be governed by Section [24.12.160](#), with the exception of guardrails and/or handrails required for access to the first floor for the physically challenged;

e. Rain retention systems attached to the main residence may extend into side and rear yards one-half the required yard or six feet, whichever results in the greater setback. For interior side yards, the minimum setback shall be three feet. Such encroachment shall be no higher than six feet from finished grade.

2. Any structure necessary to provide access to the first floor for the physically challenged.

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| <p>3. Projections into Special Street Setbacks. The following uses are permitted within the special street setbacks established in Section <a href="#">24.12.115</a> herein.</p> <ul style="list-style-type: none"><li>a. Streetlights, traffic signs and signals and appurtenances necessary to the conduct or operation of a public utility, facility, or purpose;</li><li>b. Fences, walks, hedges, landscaping, outdoor merchandise display, platforms, landings, steps and signs, when constructed or installed so as to have a maximum height of two and one-half feet above curb grade, except as provided for in Section <a href="#">24.12.120</a>, subsection (3)(d);</li><li>c. Unenclosed porches, cornices, canopies, eaves, and similar architectural features and signs when constructed so that the clearance from curb grade to the lowest portion thereof, except supporting members, is at least eight feet; and further provided that no supporting member shall have a cross-section of greater than eight inches, nor be located closer than six feet to another supporting member within the setback area;</li><li>d. Any structure necessary to provide access to the first floor for the physically challenged.</li></ul> <p>4. Projections into Easements. No structure or projection thereof may extend into a public utility easement.</p> |  |
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<p><b>24.12.125 LANDSCAPING REQUIREMENT.</b></p> <p>In all districts where yards are required, all portions of each front and exterior side yard, except where improved for pedestrian or vehicular access, or a porch or a patio, shall be landscaped and permanently maintained.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>The CC district does not require yards area (setbacks) for the front and exterior side yard. Therefore this requirement does not apply in this case.</p>
<p><b>24.12.130 EXTENDED STORAGE OR PARKING IN YARD AREAS.</b></p> <ol style="list-style-type: none"> <li>1. General. The extended parking or storage of vehicles, trailers, airplanes, boats, building materials or the like within the front and exterior side yard creates a fire hazard; constitutes a nuisance per se; constitutes an attractive nuisance to children; may create a traffic hazard by obscuring vision of cross traffic at corners; may cut off light and air from adjacent buildings; and detracts from the attractiveness of the city and lowers property values therein, defeats the purposes of this title and does not conform with the intent and purpose of the General Plan.</li> <li>2. Parking and Storage Prohibited. No motor vehicle, mobilehome, trailer, airplane, boat, parts of any of the foregoing, or the like or building materials or discarded or salvaged materials shall be parked</li> </ol>	<p><b>The application is consistent with this requirement.</b></p> <p>No parking is proposed in the front or exterior side yards.</p>

<p>or stored in any front or exterior side yard for more than forty-eight consecutive hours. This regulation shall not apply to:</p> <ul style="list-style-type: none"> <li>(i) Building materials for use on the premises and stored therein during the time a valid building permit is in effect for construction on the premises; nor to</li> <li>(ii) Motor vehicles that are registered for operation and are in fully assembled condition when parked on a paved surface.</li> </ul>	
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<b>Chapter 24.12 Community Design</b>	
<p><b>24.12.140 ACCESSORY BUILDINGS.</b></p> <p>Accessory buildings are subject to the regulations and permit requirements of the zoning district in which they are located. Accessory buildings are separate and distinct from accessory dwelling units, which are subject to the regulations in Part 2 of Chapter <a href="#">24.16</a>.</p> <ol style="list-style-type: none"> <li>1. No setback shall be required for an accessory building except as otherwise provided.</li> <li>2. No accessory building shall be located in a front or exterior side yard. The vehicle entry side of a garage or other covered parking may not be located closer than twenty feet from front or exterior side yard lot lines; except that the vehicle entry side of a garage or other covered parking may be built to the front and exterior side yard lot lines where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street</li> </ol>	<p><b>The project conflicts with this objective standard.</b></p> <p>An accessory building to store bikes is proposed along the north property line. Other than the location shown on the site plans, additional details regarding the accessory structures are required to determine that the buildings meet the height requirements.</p>



elevation at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation.

3. Accessory buildings that are less than one hundred twenty square feet in floor area are not required to conform to the distance-between-buildings requirement set forth in the district regulations, Chapter [24.10](#); however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title [18](#) and the California Building Standards Code.

4. Accessory buildings that are less than one hundred twenty square feet in floor area and less than fifteen feet in height are not subject to design permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires design permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title [18](#) and the California Building Standards Code.

5. Habitable accessory buildings shall not be located within the front yard nor closer than six feet to the nearest point of the principal building and shall conform to principal building rear and side yard requirements of the district in which they are located. No habitable accessory building shall be used as a separate dwelling unit except accessory dwelling units as described in Part 2 of Chapter [24.16](#). Guesthouses for nonpaying guests are allowed only if permitted in the zoning district in which they are located.

<p>6. Accessory buildings may not cover an area in excess of thirty percent of any required yard area. The footprint of accessory dwelling units shall count toward the maximum allowable lot coverage by other accessory structures; however, the maximum allowable lot coverage does not apply to the accessory dwelling unit itself.</p> <p>7. An accessory building attached to a main building by a breezeway is not part of the main building.</p> <p>8. An accessory building may have one sink and/or a clothes washer installed in it if a building permit is obtained. A property with multiple accessory buildings may have a sink in only one accessory building without approval of an administrative use permit. Any additional plumbing fixtures would require an administrative use permit subject to findings listed in subsection (9) and a building permit for the approved improvements.</p> <p>9. Except for accessory dwelling units, accessory buildings may contain a full bathroom only when an administrative use permit is approved in accordance with district regulations and all of the following findings are made:</p> <ul style="list-style-type: none"><li>a. The structure and use are subordinate to the principal use; and</li><li>b. The purpose of the use is incidental to the principal use; and</li><li>c. The use is customarily or reasonably appurtenant to the permitted use; and</li></ul>	
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<p>d. The structure will not be used as a dwelling unit except as set forth in Chapter <a href="#">24.16</a>, Part 2, Accessory Dwelling Units; and</p> <p>e. A deed restriction will be recorded limiting the use of the structure to that approved under the permit unless otherwise authorized by the city.</p>	
<p><b>24.12.145 FOOD PREPARATION FACILITY (SPECIAL PURPOSE).</b></p> <p>1. A special purpose food preparation facility may be permitted with an administrative use permit upon the following findings:</p> <p>a. The applicant has demonstrated a need for a special purpose food preparation facility. Such need cannot be adequately served by the domestic food preparation facility.</p> <p>b. The design of the facility, in its relationship to the internal floor plan of the dwelling, will not lead to the establishment of a separate dwelling unit.</p> <p>c. The facility will be removed when the special purpose is no longer required.</p> <p>d. The applicant has agreed to record a deed restriction limiting the use of the food preparation facility to a special purpose.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>No special food preparation facilities are proposed as part of this project.</p>
<p><b>24.12.150 HEIGHT LIMITS MODIFICATIONS.</b></p>	<p><b>The application is consistent with this requirement.</b></p>

<p>1. The height limitations specified in this title shall not apply to the following uses:</p> <ul style="list-style-type: none"> <li>a. Church spires, belfries, domes;</li> <li>b. Water, fire observation, and lifeguard towers, chimneys, aids to navigation;</li> <li>c. Buildings and structures intended for agricultural purposes;</li> <li>d. Fire walls, not extending more than four feet above the height of the building;</li> <li>e. Cupolas, scenery lofts, or other roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning, or similar equipment used solely to operate and maintain a building.</li> </ul> <p>2. The height limitations specified in this title may be exceeded for the following uses, subject to a special use permit:</p> <ul style="list-style-type: none"> <li>a. Smokestacks, monuments, flagpoles;</li> <li>b. Mechanical contrivances for amusement purposes, such as Ferris wheels, and roller coasters;</li> <li>c. Antennas for radio broadcast and receiving, electric power transmission and distribution lines, poles and towers;</li> <li>d. Wireless telecommunications facilities;</li> </ul>	<p>While the height will be modified pursuant to the proposed Density Bonus to accommodate additional units, roof structures for the housing of elevators or similar equipment used to operate and maintain the building are shown on the plans.</p>
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<p>e. Places of public assembly such as churches, schools, and other permitted public and semipublic buildings, the principal activities of which are conducted on the ground floor of such buildings; provided, that for each foot by which the height of such buildings exceed the maximum height permitted, the depth or width of the required side and rear yards shall be increased by one foot.</p>	
<p><b>24.12.160 FENCING AND SCREENING.</b></p> <p>1. Fencing. Regulations governing the installation, construction and placement of fences and structures in the nature of fences which exceed height limitations contained herein are set forth in Chapter <a href="#">24.08</a>, Part 7, Conditional Fence Permit.</p> <p>a. Height Limitations. No person shall erect upon any private property in the city any fence, or structure in the nature of a fence, exceeding the following height limitations:</p> <p>(1) Within the required front and exterior side yard setback areas established by this title, Chapter <a href="#">18.04</a> or other ordinances of the city, fences shall not exceed a height of three feet, six inches from finished grade, except as provided in Chapter <a href="#">24.08</a>, Part 7;</p> <p>(2) On any portion of the property outside of the required front and exterior side yard setbacks, fences shall not exceed a height of six feet from finished grade, except as provided in Chapter <a href="#">24.08</a>, Part 7;</p>	<p><b>The application is consistent with this requirement.</b></p> <p>No new fencing is proposed on the plans.</p>

(3) Any fence along a property line adjacent to a street, or in the adjacent required setback, except in the clear corner triangle, may include a gate, trellis or other entry feature exceeding the height limit stated in subsections (1)(a)(1) and (2). Such gate, trellis or entry feature shall be limited to ten feet in width and ten feet in height. Only one such gate, trellis or entry feature shall be permitted per street frontage except as provided in Chapter [24.08](#), Part 7.

b. Fire Hazard. The erection of any fence which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, or which will interfere with access in case of fire, by the fire department to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians shall not be permitted.

c. Temporary Fences – Exceptions. Nothing contained in this title shall be deemed to interfere with the erection of temporary fences around construction works, erected or maintained pursuant to Chapter [18.04](#) and other ordinances of the city.

d. Barbed-Wire Fencing. No barbed-wire fences may be constructed, electrified or otherwise, without a conditional fence permit.

e. Hedges. Hedges or dense planting in the nature of a hedge in excess of three feet, six inches in height shall not be grown or maintained within the required front or exterior side yard setbacks of the zoning district in which the property is located.



<p>f. Clear Corner Triangles and Clear Vision Areas. Fences or hedges shall not be greater than, nor allowed to exceed, three feet, six inches in height in the clear corner triangle and the clear vision area as defined in Section <a href="#">24.22.202</a>.</p> <p>g. Fences within Watercourse Setback Areas. Fencing within a designated riparian corridor or development setback area of a watercourse shall be consistent with requirements of the watercourse development permit, Section <a href="#">24.08.2150</a>.</p> <p>2. Screening.</p> <p>a. In any nonresidential district adjacent to any R- District, screening between districts shall be provided.</p> <p>b. All areas of outdoor storage in any commercial or industrial district shall be permanently screened from view from any adjacent street, public way or adjacent private property.</p>	
<p><b>24.12.170 OVERHEAD TRANSMISSION LINES.</b></p> <p>The routes of proposed electric overhead transmission lines of sixty kV or greater capacity shall be submitted to the planning commission for review and approval or conditional approval prior to the acquisition of the rights-of-way therefor.</p>	<p><b>This requirement is not applicable.</b></p> <p>There are no overhead transmission lines routed over the subject property.</p>
<p><b>24.12.180 COMMUNITY HOUSING PROJECT REQUIREMENTS.</b></p>	<p><b>This requirement is not applicable.</b></p>

<p>1. <b>Separate Utilities.</b> A community housing project shall provide for independent services of water, sewer, gas and electricity to each dwelling unit. Separate meters are not required.</p> <p>2. <b>Off-Street Parking.</b> A community housing project shall provide off-street parking as required by Part 3 of this chapter.</p> <p>In addition, a community housing project shall provide one additional parking space for each four dwelling units within the project.</p> <p>3. <b>Private Open Space.</b> A community housing project shall provide a minimum of one hundred square feet of private open space for each dwelling unit located in such a manner as to be immediately accessible to each dwelling unit.</p> <p>4. <b>Storage Area.</b> A community housing project shall provide a minimum of two hundred cubic feet of enclosed storage space within the project capable of being secured by lock or other means for each unit, in addition to kitchen cupboards, clothes and linen closets.</p>	<p>Project is not subject to these requirements because although the buildings are separately mapped, the units will be apartments.</p>
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<p><b>24.12.190 OUTDOOR STORAGE, DISPLAY, OR SALE OF MERCHANDISE.</b></p> <p>All merchandise storage, display, or sales areas shall be wholly within a completely enclosed building or structure or shall be screened so as not to be visible from an adjacent public street or publicly operated parking lot, except that the area within a completely roofed street alcove or entryway may be utilized for merchandise display; provided,</p>	<p><b>This requirement is not applicable.</b></p> <p>No outdoor storage, display or sales are proposed as part of the project.</p>
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that such merchandise is displayed inside the line of the building face and does not present a hazard to pedestrians or encroach on a required building exit.

1. Exceptions. The following outdoor sales and commercial activities shall not be subject to the provisions of this section:

- a. Automobiles, boat, trailer, camper, motorcycle, and motor-driven vehicle sales and rentals;
- b. Building material and supplies areas in the I-G District;
- c. Fish markets and beach, surfing, and fishing equipment in the C-B and OF-R Districts;
- d. Fruit and vegetable stands;
- e. Horticultural nurseries;
- f. Vending machines, when located in service stations, motels and other drive-in businesses;
- g. Gasoline pumps, oil racks and accessory items when located on pump islands;
- h. Vending carts and stands;
- i. Parking lot sales not to exceed three days during any six-month period;

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| <ul style="list-style-type: none"><li>j. Sidewalk sales, when sponsored by business or civic organizations, not to exceed three days during any six-month period;</li><li>k. Garage sales when conducted on residentially used property, for a period not to exceed three days during any six-month period;</li><li>l. Sidewalk cafes on private property, subject to approval of an administrative use permit;</li><li>m. Outdoor extension areas for commercial uses, including outdoor sidewalk cafes or retail areas on public property, subject to approval of an administrative use permit and a revocable license per Section <a href="#">24.12.192</a>;</li><li>n. Temporary circus or carnival activities, subject to approval of an administrative use permit;</li><li>o. Cut flowers;</li><li>p. Activities similar to the above, as determined by the zoning administrator.</li></ul> |  |
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#### **24.12.192 OUTDOOR EXTENSION AREAS.**

The purpose of outdoor extension areas is to enhance streetscape on the city's corridors by introducing uses attractive to pedestrians into the pedestrian environment, configured and arranged in ways which activate and enliven the public street. These uses include outdoor eating areas, retail areas and landscaping. In this section the term "adjacent business" shall apply to the business using the extension area. If the sidewalk width allows it, the adjacent business may be separated from the extension area by the public walkway. This section is applicable citywide, except for areas within the Downtown Recovery Plan which are subject to Section [24.10.2340](#).

1. Administrative Use Permit and Revocable License. No person shall use an extension area unless an administrative use permit and revocable license are obtained pursuant to this section.
2. Outdoor Extension Area Application. Application for an outdoor extension area shall be made jointly by the property owner and the business operator of the business located on the property adjacent to the extension area, and shall be filed with the planning department on the appropriate application form, accompanied with the following information:
  - a. Name and address of the property owner and business operator. Both parties and/or their authorized representatives shall sign the application.
  - b. The expiration date of the business license of the business intending to operate the extension area.

#### **The application is consistent with this requirement.**

No extension areas are proposed. If future business owners would like to establish one, then they would need to apply separately.

c. A drawing showing the extension area in its relationship to the building, sidewalk and street, for the extension area and thirty feet along the sidewalk in either direction. The drawing shall show dimensions of the extension area, locating doorways and access points, show width of sidewalk (distance from curb to building face and property line), existing and projected pedestrian traffic movements, location of utilities that might affect or be affected by the application proposal, parking meters, bus stops, benches, trees, landscaping, trash receptacles and other street furniture, or any other potential sidewalk obstruction. The drawing of the extension area shall show its intended use, any furniture or display stands, fixtures, signs, canopies and other overhead appurtenances, landscaping and planters, trash receptacles, and any other matter to be placed in the area.

3. Location and Design Requirements.

a. The extension area may extend no more than ten feet from the property line into the public right-of-way, and in no cases shall an extension area result in an unobstructed walkway of less than six feet.

b. The elevation of the extension area shall be the same as the public sidewalk, and shall meet ADA accessibility standards outlined below.

c. No permanent structures will be allowed within the public right-of-way, with the exception of ADA complying barriers.



d. If a separation between the cafe and the public walkway is desired, this shall be achieved through low planters or fencing; the maximum height of such planters (including the planting) shall be no more than four feet in order to maintain the public view of the extension area. Wind block types of clear fencing can exceed four feet.

e. A canvas awning will be permitted to extend over the full depth of the cafe extension area; no columns or supporting poles will be permitted within the public right-of-way.

f. The use of removable umbrellas within sidewalk extension areas is also encouraged; provided, that seven feet of clearance is provided from the sidewalk.

g. Removable wind screens that are of a transparent material and that are an integral part of the planter may be permitted to extend the seasonal use of the cafe area. Such screens shall not exceed a height of six feet and shall be separated from the awning to provide for air movement.

h. Extension areas that include a “take-out” or service window shall submit a management plan that includes specifics on outdoor trash collection and disposal, security and customer queuing. The management plan will include designated staffing and will be designed to ensure that the site is kept clean, trash is managed, that the outdoor area is attractive and that customer queuing does not impede access to the sidewalk.

4. Conditions of Approval. The administrative use permit and revocable license may be conditioned to achieve the purpose of this

part. In addition to any other appropriate conditions, standard conditions shall include:

- a. The approval for this use shall be issued to the operator of the adjacent business, and shall not be transferable.
- b. The extension area shall be permitted only in conjunction with the establishment which is operating in the adjacent building and to which the extension area is appurtenant.
- c. The applicant shall notify the planning department and police department at least three working days in advance of the date work is to begin to establish the outdoor use.
- d. The applicant shall take actions to assure that the use of the extension area in no way interferes with pedestrians or limits their free and unobstructed passage.
- e. The extension area and all its contents shall at all times be maintained in a clean and attractive condition; all landscaping and planting shall be maintained in a presentable and healthy condition.
- f. The extension area shall be operated in conformance with the hours specified in the approval.
- g. The extension area shall be operated in conformance with any applicable city, county or state laws.
- h. Use of the extension area is approved for an indefinite term, except as it may be limited as a condition of the approval, but



<p>shall be subject to termination at any time on thirty days' prior written notice upon a determination by the city that the public interest requires vacating the extension area, or as provided in Section <a href="#">24.10.2340</a>(4)(g).</p> <p>i. The licensee shall meet the liability and insurance requirements of the city's risk manager. A certificate of insurance shall be furnished to the city prior to the use of an extension area.</p> <p>5. Denial, Revocation or Suspension of License. The zoning administrator may deny, revoke, or suspend a license for use of an extension area if it is found:</p> <p>a. That the provisions of this part or conditions of approval have been violated; or</p> <p>b. Any necessary health permit has been suspended, revoked or canceled; or</p> <p>c. The licensee does not meet the insurance requirements of the license; or</p> <p>d. The city determines that the public interest requires vacating the extension area.</p>	
<p><b>24.12.195 LIVE ENTERTAINMENT.</b></p>	

<p>1. Live entertainment is considered incidental to the primary use where the indoor stage/performance area does not exceed eighty square feet and customer dancing does not occur. Incidental live entertainment is a permitted use with the following uses:</p> <ul style="list-style-type: none"> <li>a. Eating and drinking establishments (including fast food restaurant) (280).</li> <li>b. Specialty retail stores such as coffee houses, music and book stores (290E and 290G).</li> <li>c. Any other commercial use determined by the Zoning Administrator as not impacting adjacent properties.</li> </ul> <p>2. Incidental live entertainment shall be reviewed and approved by the Police Department through an Entertainment Permit prior to commencement.</p> <p>3. If incidental live entertainment violates any provision of this title or Chapter <a href="#">5.44</a>, the Zoning Administrator may order that the said entertainment immediately be stopped as per Section <a href="#">24.04.221</a>.</p> <p>4. Where the indoor stage/performance area exceeds eighty square feet and/or customer dancing is provided the primary use shall be classified as a nightclub/music hall (630).</p> <p>5. Any outdoor live entertainment on private property not exceeding three consecutive days or five days a year may be allowed by the Police Department through the sound permit requirements of the Municipal Code. Any outdoor live entertainment exceeding the above</p>	<p><b>The application is consistent with this requirement.</b></p> <p>No live entertainment is proposed as part of this project. If a future business owner wanted to establish such a use, they would be required to go through the approval process.</p>
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<p>days shall be reviewed through an administrative use permit except where otherwise stated.</p> <p>6. All live entertainment shall comply with the noise requirements of Section <a href="#">24.14.260</a> and all applicable building and fire regulations.</p> <p><b>Part 3: OFF-STREET PARKING AND LOADING FACILITIES</b></p>	
<p><b>24.12.230 GENERAL REQUIREMENTS.</b></p> <p>A design permit is required for a new facility or an existing facility proposed for modification, containing five or more spaces.</p>	<p><b>This requirement is not applicable.</b></p> <p>SB35 projects are a ministerial project and are therefore exempt from this section.</p>
<p><b>24.12.240 NUMBER OF PARKING SPACES REQUIRED.</b></p>	<p><b>This requirement is not applicable.</b></p> <p>Pursuant to SB35 (65913.4(e)(1)), local governments cannot impose automobile parking standards for a streamlined development that is located within one-half mile of public transit. Pursuant to HCD SB 35 Guidelines 102(t) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge a set fare, run on fixed routes, and are available to the public.</p>
<p><b>24.12.241 ELECTRIC VEHICLE CHARGING STATION REQUIREMENTS.</b></p> <p>1. Definitions.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>Based on 141 spaces provided on site, seven (7) EV spaces are required to be provided. Six (6) are shown to be provided on the plans. Twelve (12) EV spaces are</p>



<p>a. “Electric vehicle” means a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes.</p> <p>b. Electric Vehicle Supply Equipment (EVSE) Installed. “EVSE installed” shall mean an installed Level 2 or higher EVSE, as defined by the California Green Building Standards Code (CAL Green) of California Building Standards regulations, et seq.</p> <p>2. Required Spaces Are Rounded. When determination of the number of required electric vehicle parking stalls by this title results in a requirement of a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one parking space.</p> <p>3. Electric Vehicle Charging Stations.</p> <p>a. Electric Vehicle (EV) Charging for Multifamily Residential Structures. New multifamily dwellings on a single site with five or more units shall provide twelve percent of total parking, but no fewer than one, as electric vehicle parking space with EVSE installed. Multifamily projects requiring an EV van accessible parking space shall receive a credit of one parking space.</p> <p>b. Electric Vehicle (EV) Charging for Nonresidential Structures. New nonresidential structures shall provide parking spaces with EVSE installed in accordance with the following table:</p>	<p>called out on the Parking &amp; Bike Calculation sheet. So this will need to be clarified.</p>
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Total Number of Actual Parking Spaces	Total Number of Actual or Required EVSE Spaces, Whichever Is Greater		
0 – 9	0		
10 – 25	1		
26 – 50	2		
51 – 75	4		
76 – 100	5		
101 – 150	7		
151 – 200	10		
201 and over	6 percent of total		

Chapter 24.12 Community Design	
24.12.252 SHOWER FACILITY REQUIREMENTS.	The application is consistent with this requirement.
<p>24.12.280 DESIGN REQUIREMENTS.</p> <p>1. Driveway Design Standards.</p> <p>a. Parking facilities hereafter established and which are located adjacent to a required front yard in an adjoining A-District or R-District shall be provided with a clear vision area and parking facilities which are located adjacent to two intersecting streets shall include a clear corner triangle as defined in this title. These</p>	The project conflicts with this objective standard.

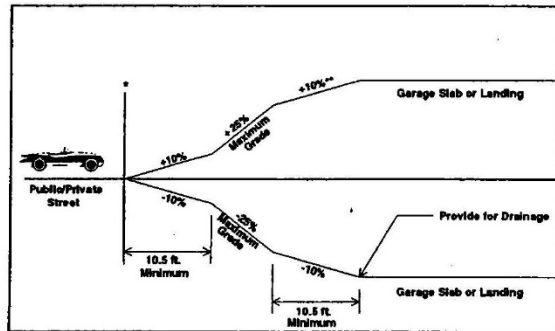
areas shall be maintained in conformance with Section [13.30.110](#).

b. The total clear space to accommodate a vehicle in driveways and private parking areas used as private parking facilities for single-family residential uses shall not be smaller than the dimensions of required on-site parking spaces.

c. Driveways shall be designed to conform with existing contours to the maximum extent feasible.

d. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight in clear vision areas and clear corner triangles.

e. Driveways shall have a maximum grade of twenty-five percent as illustrated in the following diagram:



\* Back edge of standard city driveway.



\*\* All percentages are measured from the edge of standard city driveway.

f. Driveways and approaches shall comply with the applicable standards set forth in Chapter [15.20](#).

2. Parking Facility Layout. The diagrams entitled "Sample Parking Designs and Standards," included at the end of this chapter, shall be used for dimensions in the development and arrangement of parking spaces and parking areas. Layout and traffic flow is illustrative only and these standards may be varied with supportive documentation of acceptable circulation by a California-licensed civil engineer.

a. Each standard-size parking space shall be not less than nineteen feet in length by eight and one-half feet in width. Each compact parking space shall be not less than sixteen feet in length by seven and one-half feet in width.

3. Access to Spaces or Facilities.

a. Access to parking facilities shall not be less than twenty feet in width; except as follows:

(1) Access to parking facilities containing five or fewer parking spaces shall be not less than ten feet in width, except as provided in subsection (1), Driveway Design Standards, for private facilities for single-family homes.

<p>(2) Access to parking facilities containing between six and twenty parking spaces shall be not less than twelve feet in width.</p> <p>(3) Where separate one-way drive aisles are proposed, each shall be not less than ten feet in width.</p> <p>(4) The zoning administrator shall determine the width of driveways serving parking facilities in the GB-O District based on the following findings:</p> <ul style="list-style-type: none"> <li>i. That the width is necessary to preserve the open-space character of the area;</li> <li>ii. That the width contributes to the compatible use of open-space lands.</li> </ul> <p>(5) The public works department, planning and community development department, and/or the fire department may approve designs that vary from the above standards based on the individual circumstances of a parcel or use.</p> <p>b. Backing Out.</p> <p>(1) General. Driveways and aisles in a parking facility shall be designed so that vehicles do not back out into a street other than a residential alley.</p> <p>(2) Exceptions. Parking facilities for single-family dwellings and duplexes not located on a highway or major or minor</p>	<p>It appears that the at-grade parking facility to the north of the proposed buildings does not provide sufficient turnaround space for garbage and delivery trucks to turn around and exit in a forward manner on to N. Branciforte Ave. Redesign the parking facility or provide maneuvering diagrams that demonstrate that trucks can turn around or otherwise maneuver on site.</p>
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arterial, as shown on the General Plan Land Use Map, may provide for backing into the street. Parking facilities for three-family dwelling or triplex or four-family dwelling or fourplex may be designed to back out onto a street only if the street is not an arterial or collector street.

(3) Dimensions. Public and private parking facilities shall provide at least twenty-four feet of clear area behind parking spaces for backing-out and turning movements when ninety-degree parking spaces are used, at least fifteen feet when forty-five-degree parking is used, and at least eighteen feet when sixty degree parking is used. In unique situations, a California-licensed civil engineer may demonstrate with a turning diagram that this dimension can be reduced and still provide adequate on-site circulation for standard sized vehicles. Reductions in back-out area are subject to review and approval by the planning director or designee in consultation with the director of public works or designee.

4. Tandem Spaces.

a. Required parking spaces for residential uses may be provided in a tandem arrangement no more than three parking spaces deep. No parking space may be in tandem with a parking space for a separate dwelling unit except as allowed for accessory dwelling units.

5. Border Barricades. Every parking facility containing angled or ninety-degree parking spaces adjacent to a street right-of-way shall, except at entrance and exit drives, be developed with a solid curb or



barrier along such street right-of-way line; or shall be provided with a suitable concrete barrier at least six inches in height and located not less than two feet from such street right-of-way line. Such wall, fence, curb, or barrier shall be securely installed and maintained.

6. Surfacing. All off-street parking facilities shall be surfaced with a minimum of five inches of concrete, or one and one-half inches of asphalt overlying four inches of base rock; except:

- a. Temporary off-street parking facilities, which may be surfaced by placement of a single bituminous surface treatment upon an aggregate base, which bituminous treatment and base shall be subject to the approval of the director of public works;
- b. Driveways and parking pads for single-family residences may be surfaced with four inches of concrete or other approved material;
- c. Parking facilities approved by the zoning administrator or planning commission for a different parking surface;
- d. All off-street parking facilities shall be so graded and drained as to dispose of all surface water from within the area; in no case shall such drainage be allowed to cross sidewalks.

7. Marking. Parking spaces within a facility shall be clearly marked and delineated. For nonresidential uses, wheel stops or curbing may be required.

8. Lighting. Lighting shall be directed onto the subject property only and shielded so that the light source is not visible from adjacent properties or streets.

9. Landscaping and Screening.

a. General Requirements. Landscaping shall be provided in conjunction with the development or modification of any parking space or facility. Landscaping is employed to diminish the visibility and impact of parked cars by screening and visually separating them from surrounding uses and the street; to provide shade and relief from paved areas; to channel the flow of traffic and generally contribute to good site design.

(1) Every commercial parking facility abutting property either located in R-Districts or in residential uses shall be separated from such property or use by a permanently maintained evergreen hedge, view-obscuring wall or fence, raised planter, planted berm or the like. Such screening devices shall be of sufficient height to diminish the visibility and impact of parked cars and visually separate them from the adjacent residential zone or use. Screening devices may not exceed the standards set forth in Section [13.30.110](#).

(2) Except for parking facilities for single-family lot development, landscaped areas shall be separated from paved parking areas by a six-inch continuous concrete curbing, or other permanent landscape feature including fencing, gravel, or rigid landscape edging. Parking facilities that incorporate landscaped storm water treatment or retention areas in conformance with adopted city best

Provide a landscaping plan that demonstrates that a maintained evergreen hedge, view-obscuring wall or fence, raised planter, planted berm or the like is being provided along the northern property line.

<p>management practices for low impact development shall be exempt from this requirement adjacent to those areas used for treatment or retention.</p> <p>b. Standards for Multifamily, Over Five Units, Commercial and Industrial Developments. Every parking facility shall include a minimum of ten percent of area devoted to parking in permanent landscaping. Landscaping shall be installed in areas used to channel the flow of traffic within parking rows, at the entry to aisles, and at other locations specified by the approving body. Required landscaping shall include appropriate vegetation including trees which shall be provided in sufficient size and quality to adequately screen and soften the effect of the parking area, within the first year.</p>	<p>Provide a landscape plan that demonstrates that a minimum of ten percent of the parking facility area is permanent landscaping.</p>
<p><b>24.12.290 VARIATIONS TO REQUIREMENTS.</b></p>	<p><b>This requirement is not applicable.</b></p>
<p><b>24.12.295 OFF-STREET LOADING FACILITIES.</b></p> <p>1. Purpose. To reduce street congestion and traffic hazards and to add to the safety and convenience of the community, adequate, attractively designed, and functional facilities for off-street loading shall be incorporated as necessary in conjunction with new uses of land.</p> <p>2. General Provisions. For every building hereafter erected, which is to be occupied by manufacturing, storage, warehouse, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry</p>	<p><b>The application is consistent with this requirement.</b></p>



cleaning, or other similar uses requiring the receipt or distribution by vehicles of material and merchandise, off-street loading areas shall be provided in accordance with the requirements herein.

3. Requirements.

a.

<b>Gross Floor Area</b>	<b>Required Loading Spaces</b>
10,000 to 24,999 square feet	1
25,000 to 49,000 square feet	2
For each additional 50,000 square feet or fraction thereof	1

b. Each loading space shall be not less than ten feet in width, thirty feet in length, and with an overhead clearance of fourteen feet.

c. Such space shall not occupy all or any part of any required front or exterior yard area or court space, and shall not be located closer than fifty feet to any lot in an R- District, unless inside a structure or separated from such district by a wall not less than eight feet in height, provided a conditional fence permit is approved.

d. Sufficient room for maneuvering vehicles shall be provided on site.

With 2,727 square feet of retail proposed, no off-street loading spaces are required.

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| <ul style="list-style-type: none"><li>e. Each loading berth shall be accessible from a street or alley.</li><li>f. Entrances and exits shall be provided at locations approved by the public works director.</li><li>g. The loading area, aisles and access drives shall be paved with a durable, dustless surface, and shall be so graded and drained so as to disperse surface water.</li><li>h. Wheel stops and bumper rails shall be provided where needed for safety or to protect property.</li><li>i. If the loading area is illuminated, lighting shall be directed away from any abutting residential sites and adjacent streets.</li><li>j. No repair work or servicing of vehicles shall be conducted in a loading area.</li><li>k. Trucks with trailers or detached trailers shall not be stored on-site.</li><li>l. Loading areas shall be maintained in good condition and kept free of trash, debris, and display or advertising uses. No changes shall be made in the number of loading spaces designated on the parking plan without review by the zoning administrator.</li><li>m. Required off-street loading facilities shall be located on the same site as the use for which the berths are required.</li></ul> |  |
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<p><b>Part 4: ADVERTISING DEVICES, SIGNS AND BILLBOARDS</b></p>	<p><b>This requirement is not applicable.</b></p> <p>There are no signs included in the proposal. The applicants will be required to apply for sign permits prior to tenancy.</p>
<p><b>Part 5: HISTORIC PRESERVATION</b></p>	<p><b>This requirement is not applicable.</b></p> <p>The property is not listed on the City's Historic Building Survey.</p>
<p><b>24.12.430 PROTECTION OF ARCHAEOLOGICAL RESOURCES.</b></p> <p>1. Policy and Purpose. Existing in Santa Cruz are certain deposits and sites of cultural significance believed to have been left by Native Americans and other early inhabitants. These deposits and sites are unique and irreplaceable phenomena of significance in the history of the city and the understanding of the cultural heritage of our land and of all humankind. Such sites have a deep, spiritual significance to Native Americans, especially the native peoples of the state of California, and constitute a precious archaeological and historical heritage which is fast disappearing as a result of public and private land development. Uncontrolled excavation or modification of these resources would destroy their cultural integrity. This loss would affect future generations and must be prevented in the public interest. Such cultural resources should be preserved in an undisturbed state wherever possible for future generations who should be more skilled and have access to better methods of study. In order to promote the public welfare, it is necessary to provide regulations for the protection, enhancement, and perpetuation of such sites. This section, therefore, is intended to provide a procedure for preserving the</p>	<p><b>The application is consistent with this requirement.</b></p> <ol style="list-style-type: none"> <li>1. Consultation with the Indian Canyon Mutsun Band of Costanoan Ohlone has taken place and an enforceable agreement with the City of Santa Cruz has been completed. A condition of approval will be included that requires the applicant to comply with all requirements of the Enforceable Agreement.</li> </ol>



valuable cultural resources in the city of Santa Cruz. It should be noted that California Public Resources Code Section [5097.9](#) and Health and Safety Code Section [7050.5](#) protect archaeological and paleontological resources and supersede any local regulations.

2. Archaeological reconnaissance is required on sites proposed for development within areas identified as “highly sensitive” or “sensitive” on the general plan maps labeled “areas of archaeological sensitivity” and “historical archaeology sensitivity” prior to the issue of building or development permits. For development on sites that have “known resources” see subsection (12).

3. An archaeological reconnaissance shall include archival research, site surveys and necessary supplemental testing as may be required and shall be conducted by a qualified archaeologist. The significance of identified resources shall be ascertained in accordance with CEQA definitions. If significant impacts are identified, impacts and mitigation measures outlined could include but are not limited to avoidance, project redesign, deposit capping, resource recovery options and/or on-site monitoring by an archaeologist during excavation activities. A written report describing the archaeological findings of the research or survey shall be provided to the city.

4. Exemptions for minor development are allowed within “sensitive” areas only. “Minor development” is defined for this purpose as development that involves spot excavation to a depth of twelve inches or less below existing grade or uses that have virtually no potential of resulting in significant impacts to archaeological deposits. Exempt projects may include: building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.

2. Portions of the three parcels mapped as “highly sensitive” or “sensitive”. An archaeological reconnaissance report is required.

3. The archaeological reconnaissance report must meet these standards.

4. This project does not qualify as a minor development.

<p>5. Developer's Action on Discovery of Artifacts or Remains During Excavation or Development. Any person exercising a development permit or building permit who, at any time in the preparation for or process of excavating or otherwise disturbing earth, discovers any human remains of any age or any artifact or any other object which reasonably appears to be evidence of an archaeological/cultural resource, shall:</p> <ul style="list-style-type: none"> <li>a. Immediately cease all further excavation, disturbance, and work on the project site;</li> <li>b. Cause staking to be placed completely around the area of discovery by visible stakes not more than ten feet apart forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking;</li> <li>c. Notify the Santa Cruz County sheriff-coroner and the city of Santa Cruz planning director of the discovery unless no human remains have been discovered, in which case the property owner shall notify only the planning director;</li> <li>d. Grant permission to all duly authorized representatives of the sheriff-coroner and the planning director to enter onto the property and to take all actions consistent with this section.</li> </ul> <p>6. Coroner's Action on Discovery of Remains. If human remains are discovered, the sheriff-coroner or his/her representative shall promptly inspect the remains to determine the age and ethnic character of the remains and shall promptly, after making such</p>	<p>5. These requirements are included in the Enforceable Agreement and are to be exercised as part of the building permit.</p> <p>6. These requirements are included in the Enforceable Agreement and are to be exercised as part of the building permit.</p>
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<p>determinations, notify the planning director. If the remains are found to be Native American in origin, the sheriff-coroner shall notify the Native American Heritage Commission. The Native American Heritage Commission will identify the Native American most likely descendant who will provide recommendations for the proper treatment of the remains and associated artifacts per California State Resources Code Section 5079.9.</p> <p>7. Planning Director's Action on Discovery of Artifacts. If any artifacts are discovered, the planning director shall cause an on-site inspection of the property to be made. The purpose of the inspection shall be to determine whether the discovery is of an archaeological resource or cultural resource. In making a determination, the planning director may also consult with Native American groups, qualified archaeologists, or others with the necessary expertise.</p> <p>8. Discovery Not an Archaeological/Cultural Resource. Upon determining that the discovery is not of an archaeological/cultural resource, the planning director shall notify the property owner of such determination and shall authorize the resumption of work.</p> <p>9. Discovery an Archaeological/Cultural Resource. Upon determining that the discovery is of an archaeological/cultural resource, the planning director shall notify the property owner that no further excavation or development may take place until a mitigation plan or other measures have been approved by the director for the protection of the site.</p> <p>10. Mitigation Plan. The property owner or his/her agent shall prepare any required mitigation plan. The mitigation plan shall include conditions necessary or appropriate for the protection of the resource</p>	<p>7. These requirements are included in the Enforceable Agreement and are to be exercised as part of the building permit.</p> <p>8. Requirement to be followed. The requirements listed in 24.12.430(8) will be enforced if a discovery is encountered.</p> <p>9. These requirements are included in the Enforceable Agreement and are to be exercised as part of the building permit.</p> <p>10. Requirement to be followed. The requirements listed in 24.12.430(10) will be enforced if a discovery is encountered.</p>
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<p>including, but not limited to, conditions on the resumption of work, redesign of the project, or other conditions deemed appropriate by the planning director. The director shall review the mitigation plan and may consult with Native Americans, archaeologists, or other interested persons to ensure proper protection of the resource. When the director is satisfied that the mitigation plan is adequate, the director shall authorize the resumption of work in conformance with the mitigation plan.</p> <p>11. Referral to Historic Preservation Commission. The planning director may refer to the historic preservation commission the decision whether the discovery is of an archaeological/cultural resource and the decision whether the mitigation plan is adequate to protect the resource. If the director refers the matter to the historic preservation commission, a public hearing shall be held in conformity with the requirements of this title relating to public hearings.</p> <p>12. Development on Known Archaeological Sites. No building permit for any earth-disturbing activity shall be issued on parcels identified by resolution of the city council as containing known cultural or archaeological resources without the owner first obtaining an administrative use permit. The administrative use permit shall be conditioned with appropriate archaeological survey and mitigation procedures such as those prescribed in the Historic Preservation Element and the Local Coastal Land Use Plan.</p>	<p>11. Requirement to be followed.</p> <p>12. The subject site is not a known archaeological site as identified by council resolution.</p> <p>All of the above will be included as conditions of approval.</p>
<p><b>24.12.431 PROTECTION OF PALEONTOLOGICAL RESOURCES.</b></p>	<p><b>The application is consistent with this requirement.</b></p>

<p>1. The city shall notify applicants with development projects within sensitive paleontological areas of the potential for encountering such resources during construction and condition approvals that work will be halted and resources examined in the event of encountering paleontological resources during construction. If the find is significant, the city will require the treatment of the find in accordance with the recommendations of the evaluating paleontologist. Treatment may include, but is not limited to, specimen recovery and curation or thorough documentation.</p>	<p>The subject site is not a known paleontological site. The requirements listed in 24.12.431 will be enforced if paleontological resources are encountered.</p>
<p><b>Part 8: UNDERGROUND UTILITIES</b></p> <p><b>24.12.700 GENERAL.</b></p> <p>All facilities and wires for the extension of facilities for the supplying and distribution of electrical energy and service, including communication service, shall be placed underground; and further, there exists a need for regulation of certain modifications of existing utility pole lines, all in order to promote and preserve the health, safety, and general welfare of the public, and to assure the orderly development of the city of Santa Cruz.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>Plans must show undergrounding of utilities or indicate if eligible for an exception.</p>
<p><b>Chapter 24.12 Community Design</b></p> <p><b>24.12.710 PROVISIONS.</b></p> <p>1. All new extensions of electrical and communications distribution and service facilities, equipment, and lines carrying less than thirty-four thousand five hundred volts hereafter constructed or installed in the city of Santa Cruz shall be placed underground, unless special</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>Plans must show undergrounding of utilities or indicate if eligible for an exception.</p>

<p>permission to construct said facilities above ground is granted, as hereinafter provided.</p> <p>2. All reallocations of existing overhead electrical and communications distribution and service poles supporting lines carrying less than thirty-four thousand five hundred volts required to be relocated by reason of change of grade or alignment or the widening of the street within which such overhead facilities exist shall, upon relocation, be placed underground, unless special permission to reconstruct said facilities above ground is granted, as hereinafter provided. This provision shall apply only to those streets within an area of the city declared by the city council to be an underground utility district.</p> <p>3. Overhead electrical and communications distribution and service poles supporting lines carrying less than thirty-four thousand five hundred volts shall not be installed to support overhead facilities where such installation would duplicate an existing pole line within an entire city block.</p> <p>4. Electric and communication service wires or cables to any new building or structure shall be placed underground. Where this requirement would be impractical or unreasonable, the director of public works, upon application of the property owner, may permit overhead services.</p>	
<p><b>24.12.720 EXCEPTIONS.</b></p> <p>The provisions of Section <a href="#">24.12.710</a> shall not apply to:</p>	<p><b>The application is consistent with this requirement.</b></p>



<ol style="list-style-type: none"> <li>1. Poles used exclusively for police and fire alarm boxes or any similar municipal equipment installed under the supervision of, and to the satisfaction of, the city engineer.</li> <li>2. Poles or electroliers used exclusively for street lighting.</li> <li>3. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extended from one location on the building to another location on the same building or to an adjacent building on the same lot or parcel without crossing any street.</li> <li>4. Radio antennas, their associated equipment and supporting structures used by a utility for furnishing communication services.</li> <li>5. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets and concealed ducts.</li> </ol>	
<p><b>24.12.730 IN-LIEU FEE.</b></p> <p>The city council shall, by resolution, establish an underground utility in-lieu fee to be paid where the enforcement of the provisions of Section <a href="#">24.12.710</a> are not feasible at the time of construction or would more easily be installed at a later date for the immediate neighborhood. Application for the in-lieu fee option is applicable to single-family and multifamily residential up to four units, and accessory dwelling units and shall be made in the following manner:</p>	<p><b>This requirement is not applicable.</b></p>

<p>1. Written application shall be filed with the zoning administrator, with copy to the director of public works, for approval to pay an in-lieu fee rather than undergrounding the utilities. The in-lieu fee option must be approved prior to the issuance of a building permit for the project.</p> <p>2. Such application shall include all information necessary to properly apprise the zoning administrator and the director of public works of the circumstances existing which require such exception.</p> <p>3. The zoning administrator shall consider said application and the purpose to be attained by this part and shall, within thirty days after the filing of said application, administratively grant or deny the request to pay an in-lieu fee rather than undergrounding the utilities. The decision of the zoning administrator is appealable in accordance with the appeal provisions contained in Section <a href="#">24.04.180</a>.</p> <p>4. In approving an application to pay an in-lieu fee rather than meeting the regulations of this part, at least one of the following findings shall be made:</p> <ul style="list-style-type: none"> <li>a. The cost to underground the utility is highly disproportionate to the cost of the improvement; or</li> <li>b. The immediate neighborhood has aboveground utility and/or communications extensions and the city plans to install underground utilities for the entire area at one time; or</li> </ul>	
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<p>c. The utility company installing the connecting line has said it is physically impossible to make such a connection underground at this time; or</p> <p>d. The circumstances are similar in nature to those listed above, as determined by the zoning administrator.</p> <p>5. The in-lieu fee option does not apply to the installation of streetlights as may be required by the conditions of approval for a project.</p>	
<p><b>Part 12: ALCOHOLIC BEVERAGE SALES</b></p>	<p><b>The application is consistent with this requirement.</b></p> <p>Conformance and permit required prior to any tenancy that includes alcoholic beverage sales.</p>
<p><b>Chapter 24.14 ENVIRONMENTAL RESOURCE MANAGEMENT</b></p>	
<p><b>24.14.010 PURPOSE.</b></p> <p>The purpose and intent of the conservation regulations is to protect the public health, safety and community welfare; and to otherwise preserve the natural environmental resources of the city of Santa Cruz in areas having significant and critical environmental characteristics. The conservation regulations have been developed in general accord with the policies and principles of the General Plan, as specified in the Environmental Quality Element, the Safety Element of the General Plan, and the Local Coastal Program, and any adopted area or specific plans. It is furthermore intended that the conservation regulations accomplish the following:</p>	<p><b>These are not objective standards.</b></p>



<ol style="list-style-type: none"> <li>1. Minimize cut, fill, earthmoving, grading operations, and other such man-made effects on the natural terrain;</li> <li>2. Minimize water runoff and soil erosion caused by human modifications to the natural terrain;</li> <li>3. Minimize fire hazard and risks associated with landslides and unstable slopes by regulating development in areas of steep canyons and arroyos and known landslide deposits;</li> <li>4. Preserve riparian areas and other natural habitat by controlling development near the edge of ponds, streams, or rivers;</li> <li>5. Encourage developments which use the desirable, existing features of land such as natural vegetation, climatic characteristics, viewsheds, possible geologic and archaeological features, and other features which preserve a land's identity;</li> <li>6. Maintain and improve to the extent feasible existing water quality by regulating the quantity and quality of runoff entering local watercourses;</li> <li>7. Maintain and improve to the extent feasible existing air quality by achieving or exceeding state air quality guidelines;</li> <li>8. Serve as part of the Local Coastal Implementation Plan of the Local Coastal Program.</li> </ol>	
<b>24.14.020 GENERAL PROVISIONS.</b>	<b>The application is consistent with this requirement.</b>

<p>1. Applicability. The conservation regulations in this part apply to every zoning district within the city of Santa Cruz, except as specifically provided herein. Where conflict in regulations occurs, the regulations set forth in this part shall apply.</p> <p>2. Relationship to Minor Land Divisions and Subdivisions. No minor land division or subdivision shall create lots which would necessitate exceptions to these regulations.</p> <p>Areas where construction shall not occur because of environmental constraints may be specified on parcel and tentative maps so that maximum feasible conformance with this part can be attained. Where such areas are designated, they shall prevail over setbacks set forth in this title.</p> <p>3. Relationship to Environmental Impact Reports (EIRs) and Negative Declarations. Appropriate measures recommended in EIRs and negative declarations to mitigate identified significant environmental impacts shall be incorporated in project design, unless appropriate findings, as required by CEQA, are made.</p> <p>4. Setback Requirements – General. In its review of a development proposal, the zoning board may require building setbacks greater than those required by the zoning district in which a project is located, if it determines that the additional setback is necessary to achieve the purposes set forth in Section <a href="#">24.14.010</a> of Part 1, Conservation Regulations.</p> <p>5. In the Coastal Zone all development that involves alteration of or discharge into wetlands or streams and riparian vegetation shall be subject to review by the Department of Fish and Game</p>	<p>1. Applicable to project in CC zone district.</p> <p>2. The subject parcels are not identified as located within a sensitive habitat nor constrained by environmental resources.</p> <p>3. Projects that comply with SB35 are not subject to CEQA.</p> <p>4. The setback requirements listed here refer to a SCMC 24.14.010 that includes subjective development standards. Only objective standards can be applied to projects that qualify for SB 35 ministerial approval.</p>
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<p>whose requirements shall be incorporated into development plans prior to approval of the coastal development permit. However, standards of the certified LUP which are more protective of resources shall prevail over Department of Fish and Game requirements.</p>	<p>5. The subject property is not located in the Coastal Zone.</p>
<p><b>24.14.030 SLOPE REGULATIONS.</b></p> <p>1. Applicability and Purpose. The following regulations are enacted to minimize the risks associated with project development in areas characterized by combustible vegetation and steep and/or unstable slopes. Such areas include canyons, arroyos, slopes over thirty percent (see Maps EQ-6 and EQ-7 in the General Plan). Minor sculpted landforms, such as berms or swales, shall be exempt from the following regulations. A further purpose is to avoid excessive height, bulk and mass normally associated with building on slopes.</p> <ul style="list-style-type: none"> <li>a. Building permit applications for new structures on slopes of ten percent or greater shall include an accurate topographic map. The map shall contain contours of two-foot intervals for slopes of twenty percent grade.</li> <li>b. Slopes thirty percent or greater shall not be considered in the density determination of a property.</li> <li>c. Parcels with a portion of the area in slopes of thirty percent or greater shall require the minimum lot area of the applicable zoning district in slopes of less than thirty percent. The area in slopes of less than thirty percent must be contiguous to the proposed building site.</li> </ul>	<p><b>The application is consistent with this requirement.</b></p> <ul style="list-style-type: none"> <li>1. The subject site is not located in an area characterized by combustible vegetation or steep and/or unstable slopes.</li> <li>a. The project site is not located on slopes of ten percent or greater.</li> <li>b. The project site is not located on slopes of thirty percent or greater.</li> <li>c. The project site is not located on slopes of thirty percent or greater.</li> </ul>

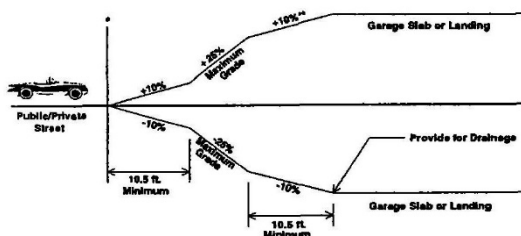


<p>d. No building shall be located on a slope of thirty to fifty percent, or within twenty feet of a thirty to fifty percent slope, unless an exception is granted pursuant to Section <a href="#">24.14.040</a> or a variance is granted pursuant to Section <a href="#">24.08.810</a>.</p> <p>e. No structure shall be located on a slope greater than fifty percent.</p> <p>f. Proposed buildings on parcels within or adjacent to fire hazard areas as designated in the Safety Element of the General Plan (Map S-11) shall maintain separation from combustible vegetation as required by the city fire department. Removal of combustible vegetation may also be required as part of project approval.</p> <p>g. No development except minor development on parcels of one-half acre or less, such as walkways, fences, retaining walls less than three feet high above existing grade, planter boxes and similar features, will be allowed to encroach on thirty-percent slopes without an exception listed in Section <a href="#">24.14.040</a>.</p> <p>h. No new lot shall be created which will require the house to be sited within twenty feet of a thirty-percent slope.</p> <p>i. For all development within one hundred feet of a coastal bluff, a site-specific geologic investigation prepared</p>	<p>d. The project site is not located on slopes of thirty percent or greater.</p> <p>e. The project site is not located on slopes of fifty percent or greater.</p> <p>f. The project site is not in an area mapped as high fire hazard.</p> <p>g. The project site is not located on slopes of thirty percent or greater.</p> <p>h. The project site is not located on slopes of thirty percent or greater.</p> <p>i. The project site is not located within one hundred feet of a coastal bluff.</p>
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by a qualified professional consistent with the California Division of Mines and Geology guidelines shall be prepared.

## 2. Driveway Design Standards.

- a. Driveways shall be designed with existing contours to the maximum extent feasible.
- b. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight.
- c. Driveways shall have a maximum grade of twenty-five percent as illustrated in the following diagram:



\* Back edge of standard city driveway.

\*\* All percentages are measured from the edge of standard city driveway.

- d. Driveways within slopes that are thirty percent or greater shall require an exception listed in Section 24.14.040.

**The project conflicts with this objective standard.**

The project will be required to meet this standard as a condition of approval.

The project will be required to provide adequate decision sight distances to all driveways to ensure safe and efficient arterial operations.

Design Speed is 30 MPH, avoidance maneuver E requires 620-feet for adequate sight distance, or as required pursuant to the AASHTO *A Policy on Geometric Design*.

Provide detailed improvement plans prepared by a licensed California Civil Engineer.

- d. The project site is not located on slopes of thirty percent or greater.

<p><b>24.14.040 EXCEPTION.</b></p> <p>The zoning administrator may, through slope modification permit procedures, grant exception to Section <a href="#">24.14.030</a>, subsection (1)(d) when the exception is no less than 10 feet from the top edge of the slope and to Section <a href="#">24.14.030</a> subsection (1)(g) when the exception is not a building, where strict compliance with that subsection creates a particular physical hardship and there are no reasonable alternatives to the exception, and when the applicable conditions in Section <a href="#">24.08.820</a> are found.</p>	<p><b>This requirement is not applicable.</b></p>
<p><b>24.14.050 DRAINAGE CONTROL.</b></p> <p>1. General Provisions.</p> <p>a. Applicability. A drainage plan shall be provided for all large and small projects, as defined below, when existing drainage patterns would be altered by new construction. All drainage plans for properties adjacent to watercourses and wetlands shall be in conformance with requirements of Section <a href="#">24.08.2100</a> (Watercourse Development Permit) and with the policies of the City-wide Creeks and Wetlands Management Plan. Drainage plans shall be submitted and reviewed as part of project approval.</p> <p>b. Roof Drainage. All roof drains shall be discharged so as to minimize erosion.</p> <p>c. Disposition of Stormwaters. Where storm drainage from the project is to be discharged into natural</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>Provide a drainage plan that meets the requirements for a larger drainage project (24.14.050(3)).</p>



watercourses, the drainage plan shall include methods to safeguard or enhance existing water quality.

d. Stormwater Runoff. Storm drainage runoff resulting from project development should be minimized. To that end, devices such as detention basins, percolation ponds, or sediment traps may be required, where appropriate or as specified in an adopted area plan or wetlands management plan.

e. Surface Water. All surface water shall be directed to a public or private street, driveway, public right-of-way, drainage easement, or watercourse.

2. Small Project Drainage Plan.

a. Requirement. A drainage plan, pursuant to Section [24.14.050](#), subsection (2)(b), prepared by a licensed civil engineer or other qualified licensed professional, shall be required of projects which involve:

(1) Residential, commercial, public or quasi-public or industrial development or additions thereto, constructed on slopes of less than ten percent and parking lots of five or fewer spaces;

(2) Minor land divisions involving lands with slopes of ten percent or greater.

b. Contents. Drainage plans for small projects as defined above shall indicate the direction of water flow and the

ultimate disposition of surface water. This plan shall be reviewed as part of project approval.

3. Large Project Drainage Plan.

a. Requirements. A drainage plan, pursuant to Section [24.14.050](#), subsection (3)(b), prepared by a licensed civil engineer or other qualified licensed professional, shall be required of projects which involve:

- (1) Residential subdivisions or cluster developments when development potential exceeds four units;
- (2) Residential, commercial, public or quasi-public or industrial development or additions thereto, if constructed on lands with slope in excess of ten percent and parking lots of more than five spaces;
- (3) Any development adjacent to an environmental constraint area identified in the Environmental Quality and Safety Elements of the General Plan or the Local Coastal Program;
- (4) Projects for which the planning director determines that such a plan is warranted by existing site conditions.

b. Contents. Drainage plans for large projects shall be prepared by a qualified professional and shall contain at least the following:

- (1) A site plan indicating existing and proposed contours;

<p>(2) The direction of water flow;</p> <p>(3) Details on drainage control facilities such as size and location of all culverts, pipe drains, drain inlets, berms, ditches, interceptor drains or swales, and energy dissipaters where necessary;</p> <p>(4) Erosion control methods as outlined in Section <a href="#">24.14.060</a>.</p>	
<p><b>City Storm Water Management Program-Mandatory Best Management Practices</b> Best Management Practices for Development Projects (Chapter 6B)</p> <p>The project shall demonstrate compliance with Chapter 6B of the Best Management Practices Manual for the City’s Storm Water Management Program, Development and Remodeling Projects (Chapter 6B Storm Water BMPs for Development Projects). (e.g. on plan set and related documents)</p> <p>Per Chapter 6B Storm Water BMPs for Development projects, the project shall submit: Appendix A Worksheet: The Storm Water and Low-Impact Development BMP Requirement Worksheet (Appendix A Worksheet) is available in Chapter 6B of the City's Best Management Practices Manual Storm Water BMPs for Private and Public Development Projects (please see <a href="http://www.cityofsantacruz.com/LID">www.cityofsantacruz.com/LID</a>).</p> <p><b>Storm Water Control Plan (SWCP) Report:</b> applies to projects subject to PCR Tiers 2-4. A SWCP report shall be submitted demonstrating that the project meets the requirements in Chapter 6B of the City's Best Management Practices Manual- Storm Water BMPs for Private and Public Development Projects.</p> <p><b>Operations and Maintenance Plan (O&amp;M Plan) and Maintenance Agreement: The O&amp;M Plan must include at a minimum:</b></p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>



- a) A site map identifying all structural SCMs requiring O&M practices to function as designed.
- b) O&M procedures for each SCM including, but not limited to, LID facilities, retention/detention basins, and proprietorship devices.
- c) O&M procedures for source control BMPs.
- d) Short-and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance.
- e) A statement signed by the property owner accepting responsibility for the on-going maintenance of SCMs until such responsibility is legally transferred to another entity when the property is sold (Maintenance Agreement). See Appendix C for a Maintenance Agreement template.

#### **5.1 State Construction Storm Water General Permit**

Please be aware that the State of California requires that construction activity resulting in land disturbance of one acre or more, or less than one acre but part of a larger common plan of development or sale obtain coverage under the state's Construction Activities Storm Water General Permit. Construction activity includes clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement. The landowner is responsible for filing a Notice of Intent (NOI) with the State Regional Water Quality Control Board (RWQCB) and for developing a Storm Water Pollution Prevention Plan (SWPPP) prior to commencement of any soil disturbing activities. For more information about the Construction Activities Storm Water General Permit, please refer to the State Water Quality Control Board website at:

<http://www.swrcb.ca.gov/stormwtr/construction.html>.

In order to obtain a construction or building permit from the City for a construction site that falls into this category, an applicant must provide the City with proof of coverage under the state's Construction Activities Storm Water General Permit. Proof of coverage shall include a copy of the letter of receipt and Waste Discharger Identification (WDID) number issued by the State Water Quality Control Board (SWQCB) that acknowledges the property owner's submittal of a complete Notice of Intent (NOI) package. Therefore,

<p>please allow sufficient time for the RWQCB/SWQCB to process your NOI package prior to applying for a construction or building permit from the City.</p> <p><b>5.2 Storm Water Source Control BMP Requirements:</b> Additional source control measures are required If the project will include any of the following site conditions: commercial/industrial facilities, material storage areas, vehicle fueling/maintenance/wash areas, equipment and accessory wash areas, parking garages, outdoor parking areas, pools/spas/water features, trash storage areas, and food service or food processing facilities.</p>	
<p><b>City Storm Water Management Program-Mandatory Best Management Practices</b></p> <p>Best Management Practices for Construction Work (Chapter 4)</p> <p>The project shall demonstrate compliance with Chapter 4 of the Best Management Practices Manual for the City’s Storm Water Management Program, Construction Work</p> <p><b>1.1 Site Planning to Minimize Project Impacts</b></p> <p>Conduct grading operations in phases in order to reduce the amount of disturbed areas and exposed soil at any one time. Unless specifically approved on the project’s Erosion Control Plan, no clearing, excavation, or grading shall be conducted during rainy weather. All rainy season grading must be in accordance with Section 18.45.040 of Title 18 of the City’s Municipal Code. An exception may be granted by the Building Official for minor soil disturbance that does not present a hazard.</p> <p><b>1.1. Erosion Control Plan Requirements (check numbering – see site planning above)</b></p> <p>Site grading and construction activities shall be implemented in accordance with an approved erosion control plan. Before designing an Erosion Control Plan, gather project background information, including soil type, drainage, topography, and surrounding site conditions. This information will help determine appropriate Construction BMPs. Erosion Control Plans shall be submitted with all building permit applications involving ground disturbance and shall include at a minimum:</p> <ul style="list-style-type: none"> <li>• Site topography</li> </ul>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<ul style="list-style-type: none"> <li>• Nearby watercourses within 200 feet of the project area</li> <li>• Proposed grading contours</li> <li>• Locations of existing utilities, including sewer, storm drain, curb and gutter, as applicable</li> <li>• Location of proposed erosion control measures and installation details (see section 2.1 for requirements)</li> <li>• Location of proposed sediment control measures and installation details (see section 2.2 for requirements)</li> <li>• Location of proposed construction waste control measures (see section 3.4 for requirements)</li> <li>• Stockpile and equipment staging areas</li> <li>• Total area of disturbance (in acres)</li> <li>• List of other required permits associated with the grading activity, such as State Construction General Permit, U.S. Army Corps of Engineers 404 permit, State Water Board 401 Water Quality Certification, California Department of Fish and Wildlife 1600 Agreement, as applicable.</li> </ul> <p>Per Chapter 4 Storm Water BMPs for Construction Work, the project shall submit/comply as follows:</p> <p><b>2. EROSION AND SEDIMENT CONTROL REQUIREMENTS</b></p> <p>Erosion and sediment control BMPs shall be in place and implemented, as appropriate, prior to commencing grading or vegetation removal. These measures shall be maintained on all disturbed areas in order to minimize the release of sediment in a site's storm water discharge.</p> <p><b>2.1. Erosion Control</b></p> <p>Any project that involves ground disturbance shall include the following minimum erosion control measures on the erosion control plan. Note erosion control measures on the plan and provide installation details.</p> <ul style="list-style-type: none"> <li>• Protect and preserve topsoil to minimize erosion and retain infiltration capacity.</li> <li>• Minimize land disturbance such as cuts and fills. Stabilize slopes and all disturbed areas as soon as grading is finished or cut-and-fills are made.</li> </ul>	
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- Cover bare soils and slopes as soon as possible. Use one or more of the following to reduce the erosion potential from bare, exposed, or disturbed soil: rolled erosion control products (e.g. filter fabric, erosion control blankets, geotextiles), hydraulic mulch or hydroseeding, straw or wood mulch, seeding, vegetation planting, or other appropriate cover material.
- Do not use seeding or loose mulch on slopes greater than 3:1 (H:V) without additional erosion protection such as geotextiles or hydroseeding. If vegetative cover is used, establish a uniform vegetative cover with a minimum of 70 percent coverage.
- Protect vegetated buffer zones and riparian corridors by using silt fences, that are properly staked in (on flat land or moderate slopes), or use other appropriate sediment controls.
- Properly install and maintain all on-site erosion control measures and structural devices, both temporary and permanent. Promptly repair or reinstall any erosion control measures and structural devices that were damaged during construction and maintain them so that they do not become nuisances with stagnant water, odors, insect breeding, heavy algae growth, debris, and/or safety hazards.
- A qualified person should conduct inspections of all on-site BMPs during each rainstorm, if possible, and after a storm is over to ensure that the BMPs are functioning properly. For sites greater than one-acre, on-site inspections are required in accordance with the State Water Quality Control Board Construction Activities Storm Water General Permit.

## **2.2. Sediment Control**

Any project that involves ground disturbance shall include the following minimum sediment control measures on the erosion control plan. Note sediment control measures on the plan and provide installation details. Installation standard details can be downloaded from the California Department of Transportation (Caltrans) website at <http://www.dot.ca.gov/hq/construc/stormwater/details.htm> or on the California Stormwater Quality Association (CASQA) website.

- Perimeter control. Use one or more sediment control measures, such as fiber rolls and silt fences, to prevent sediment from leaving the site during the winter season. The measure(s) used will depend upon site conditions and topography.

**Fiber rolls** can be used around the perimeter of the soil disturbance area on flat sites to prevent or limit sediment from leaving the site. In urban areas or sites directly adjacent to streets, place fiber rolls at the back of the curb or sidewalk. Fiber rolls are also appropriate in combination with erosion control cover on slopes to shorten slope length and spread runoff as sheet flow.

**Silt fences** can be used for perimeter control and/or as interior controls down-slope of disturbed areas on sites where slopes do not exceed 4:1 (H:V). Silt fences are not appropriate in concentrated runoff flow areas, in areas where flooding is a concern, or along slopes.

**Silt fences** must be properly staked in to be effective. Install silt fences so that the drainage around each fence does not create erosion and rills down-slope of the fence. Turn the ends of the silt fence uphill to prevent storm water from flowing around the fence. If not installed at the same elevation throughout, silt fences will create erosion.

- Storm Drain Inlet Protection. Projects that include storm drain inlets or projects that drain into storm drains shall include measures on the Erosion Control Plan to protect the inlets so silt and other pollutants do not enter the storm drain system. Effective methods to protect storm drain inlets include rock/sand bag barriers, fiber rolls, heavy rubber mats to cover and seal the inlet, and geotextile blankets inserted into the catch basin.

Do not use sand bags or straw wattles around storm drain inlets exposed to vehicular traffic in streets or parking lots.

Train employees and contractors to not drive over or park on sand bags, fiber rolls or berms protecting storm drain inlets. If protective barriers are broken or damaged, cleanup and remove any particles entering the storm drain inlet, and replace them immediately.

<ul style="list-style-type: none"> <li>• Stabilized construction access/exit. All projects that include ground disturbance must include a stabilized construction access/exit, unless construction vehicles and equipment will remain on paved surfaces at all times during construction. Show the location of the stabilized construction access/exit on the Erosion Control Plan as well as construction details and notes.</li> <li>• Sediment Control on Slopes. Additional measures will be required to reduce runoff velocity and to trap sediments on slopes. The following measures may be applied individually or in combination: erosion control blankets, fiber rolls, terracing, check dams and energy dissipaters, and/or diversion structures to reduce runoff velocity and trap sediments.</li> <li>• Long-term sediment control. Measures are required to ensure that erosion and sedimentation do not become an issue once the project is completed. The following measures can be effective for long term sediment control once the plantings and roots have grown to sufficient size: <ul style="list-style-type: none"> <li>o Seeding slopes by hydro-seeding or with seeded blankets; preferably using native seeds</li> <li>o Landscaping with plant species that grow rapidly and have root systems that are effective at “holding” soil</li> </ul> </li> </ul>	
<p><b>Per Chapter 4 Storm Water BMPs for Construction Work, the project shall submit/comply as follows:</b></p> <p>3.3 Dewatering Operations</p> <ul style="list-style-type: none"> <li>• Apply for a wastewater discharge permit from the City’s Wastewater Treatment Facility before connecting to the sanitary sewer. Contact an Environmental Compliance Inspector, at 420-6050 to request a permit.</li> </ul>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER NO. 2013-0001-DWQ, NPDES GENERAL PERMIT NO. CAS000004, WASTE DISCHARGE REQUIREMENTS (WDRs) FOR</b></p>	



<b>STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) (GENERAL PERMIT)</b>	
<p><b>A.1. POST CONSTRUCTION STORM WATER MANAGEMENT PROGRAM</b></p> <p>E.12.a. Post-Construction Measures</p> <p>Permittees shall regulate development to comply with the following Sections:</p> <ul style="list-style-type: none"> <li>• E.12.b Site Design Measures</li> <li>• E.12.c. Regulated Projects</li> <li>• E.12.d. Source Control Measures</li> <li>• E.12.e. Low Impact Development (LID) Design Standards</li> <li>• E.12.f. Hydromodification Measures</li> <li>• E.12.g. Enforceable Mechanisms</li> <li>• E.12.h. Operation and Maintenance of Storm Water Control Measures</li> <li>• E.12.i. Post-Construction Best Management Practice Condition Assessment</li> <li>• E.12.j. Planning and Development Review Process</li> <li>• E.12.k. Post-Construction Storm Water Management Requirements Based on Assessment and Maintenance of Watershed Processes</li> <li>• E.12.l. Alternative Post-Construction Storm Water Management Program</li> </ul> <p>*E.12.k: Regulated development to comply with the Post-Construction standards developed by the Central Coast Regional Water Quality Control Board in place of E.12b.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>The project must meet the State Water Resources Control Board Rules and Regulations.</p>

<p>thru @.12.i. . See Central Coast Regional Water Quality Control Board Post-Construction standards, Resolution No. R3-2013-032</p>	
<p>E.10.a. Construction Plan Review and Approval Procedures</p> <p>(i) Implementation Level – The review procedures shall meet the following minimum requirements:</p> <p>(a) Prior to issuing a grading or building permit, the Permittee shall require each operator of a construction activity within its jurisdiction to prepare and submit an erosion and sediment control plan for the Permittee’s review and written approval. The Permittee shall not approve any erosion and sediment control plan unless it contains appropriate site-specific construction site BMPs that meet the minimum requirements of the Permittee’s construction site storm water runoff control ordinance. If the erosion and sediment control plan is revised, the Permittee shall review and approve those revisions.</p> <p>(b) Require that the erosion and sediment control plan include the rationale used for selecting BMPs including supporting soil loss calculations, if necessary.</p> <p>(c) Require that the erosion and sediment control plan list applicable permits directly associated with the grading activity, including, but not limited to the State Water Board’s CGP, State Water Board 401 Water Quality Certification, U.S. Army Corps 404 permit, and California Department of Fish and Game 1600 Agreement. Include as a condition of the grading permit that the operator submit evidence to the MS4 that all permits directly associated with the grading activity have been obtained prior to commencing the soil disturbing activities authorized by the grading permit.</p> <p>(d) Conduct and document review of each erosion and sediment control plan using a checklist or similar process.</p> <p>(e) The SWPPP developed pursuant to the CGP may substitute for the erosion and sediment control plan for projects where a SWPPP is developed. The Permittee is</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>The project must meet the State Water Resources Control Board Rules and Regulations.</p>

<p>responsible for reviewing applicable portions of the SWPPP for construction with the Permittee's construction site storm water runoff control ordinance and this Order.</p>	
<p><b>Construction Dewatering Operations:</b> There are several options for construction dewatering discharges that can't be managed on site. One potential option is discharge under a permit from the State Water Board/Regional Water Quality Control Board (e.g. Low-Threat Discharge Permits, Highly Treated Groundwater Discharge Permit, etc.). Please contact the Central Coast Regional Water Quality Control Board for more information at 805-549-3147 or refer to their website at: <a href="http://www.waterboards.ca.gov/centralcoast/">http://www.waterboards.ca.gov/centralcoast/</a></p> <p>Another option is discharge to the sanitary sewer system under a permit from the City. For more information about this permit, including the application process, requirements and fees, please contact a City Public Works Environmental Compliance Inspector at 831-420-5160.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>The project must meet the State Water Resources Control Board Rules and Regulations.</p>
<p><b>State Construction General Permit:</b> If the project will disturb one acre or more of soil (or is less than one acre but part of a larger development), a Notice of Intent (NOI) must be filed with the State Water Resource Control Board (SWRCB) to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) prior to commencing work. The applicant is responsible for filing a Notice of Intent and for developing a Storm Water Pollution Prevention Plan (SWPPP).</p> <p>Prior to issuance of a building permit, the applicant shall provide the City with proof of coverage under the State Construction General Permit, including a copy of the letter of receipt and Waste Discharger Identification (WDID) number issued by the SWRCB that acknowledges the property owner's submittal of a complete Notice of Intent (NOI) package. For information on the Construction General Permit (currently Order 2009-0009-DWQ), please see the State Water Board website:</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>The project must meet the State Water Resources Control Board Rules and Regulations.</p>



<a href="http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml">http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml</a>	
<p><b>24.14.060 EROSION HAZARD AREAS.</b></p> <p>1. Applicability. An erosion control plan shall be required for all projects located within, or adjacent to, erosion hazard areas as designated in Maps EQ-6 and EQ-7 in the Environmental Quality Element of the General Plan. An erosion control plan, as defined in subsection (3), of this section, shall also be required for development proposals on slopes in excess of ten percent for all major development proposals and for all development adjacent to streams and wetland areas. When required, an erosion control plan shall be prepared in accordance with subsection (4) of this section.</p> <p>2. General Provisions.</p> <ul style="list-style-type: none"> <li>a. Measures shall be employed during construction phases to protect exposed soils from erosion.</li> <li>b. Site development shall be fitted to the topography and soil so as to create the least potential for erosion.</li> <li>c. Vegetation removal shall be limited to that amount necessary and as indicated on approved erosion control plans.</li> <li>d. As the permanent vegetation cover is maturing, temporary vegetation, sufficient to stabilize the soil, shall be established on all disturbed areas as needed and as each stage of grading is completed. New planting shall be protected by using jute netting, mulching, fertilizing, and irrigation.</li> </ul>	<p><b>This requirement is not applicable.</b></p> <p>The subject site is not located within or adjacent to an erosion hazard area, does not have slopes in excess of ten percent, and is not adjacent to a stream or wetland area.</p>

- e. The applicant shall replace destroyed vegetation and trees planned and approved for retention. Protection of tree crowns and root zones shall be required for all trees planned for retention.
  - f. Land shall be developed in increments of workable size which can be completed in a single construction season. Erosion and sediment control measures shall be coordinated with a sequence of grading, development, and construction operations. Erosion control measures shall be put into effect prior to the commencement of the next inclement period.
  - g. All on-site erosion-control facilities, both temporary and permanent, shall be properly maintained by the owners so that they do not become nuisances with stagnant water, odors, insect breeding, heavy algae growth, debris, and/or safety hazards.
  - h. Prior to final planning department clearance for occupancy of the development project, all approved permanent erosion control measures shall be installed.
  - i. In the Coastal Zone grading periods shall be consistent with LUP Policy EQ 3.1.2.1. (page 64).
3. Erosion Control Plan. For major development proposals as defined below, the erosion control plan shall be prepared by a registered civil engineer, professional forester, qualified soil scientist or other qualified erosion control specialist. Major proposals include, but are not limited to:
- a. Residential development with four or more units;
  - b. Grading in excess of one thousand cubic yards;

- c. Nonresidential development with floor area greater than ten thousand square feet, when constructed on slopes in excess of ten percent; or
  - d. Additions to residential, commercial, or industrial developments when constructed on slopes in excess of ten percent;
  - e. Any development within an erosion hazard area as identified in Map EQ-6 of the Environmental Quality Element or the Local Coastal Program.
4. Contents and Preparation. Two sets of erosion-control plans shall be submitted for each application. The plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed. Erosion control plans shall include the following information:
- a. Location and assessor's parcel number of the proposed site.
  - b. North arrow, scale, and the name and location of the nearest public road intersection.
  - c. Existing contours of the site, as well as finished contours to be achieved by grading. Contours shall be at two-foot intervals for ground slope areas of twenty percent or less; and/or at five-foot intervals for ground slope areas of more than twenty percent. Such contours shall relate to the bench mark system established by the city engineer.
  - d. Detailed plans of all surface and subsurface drainage devices, dams, and other erosion control measures to be constructed with, or as a part of, the proposed work.
  - e. Delineation of areas to be cleared during development activities.



<p>f. Vegetation proposed for all surfaces exposed or expected to be exposed during development activities, including cut-and-fill slopes.</p> <p>g. Approximate location and drip line of existing trees or tree stands with an eight-inch or greater trunk caliper. Any trees proposed to be removed shall be so designated.</p> <p>h. Name and address of owner.</p> <p>i. Name, address, professional status, license number, if applicable, and phone number of the person who prepared the plan.</p> <p>5. Exceptions. Applications for activities where no land disturbance is anticipated may be accompanied by a statement to that effect, for planning director approval, in lieu of an erosion control plan. Such activities may include, but are not limited to:</p> <p>a. Change of use where there would be no expansion of land-disturbing activities.</p> <p>b. Construction within an existing structure.</p>	
<p><b>24.14.070 SEISMIC HAZARDS.</b></p> <p>1. Applicability. This section shall apply to project sites within areas identified as having potential for liquefaction as designated in the Safety Element of the General Plan (Map S-6).</p> <p>2. Requirements. A site-specific investigation prepared by a qualified professional shall be conducted for new residential developments of more than four units, new commercial, industrial, public, and quasi-public structures proposed for construction in areas defined in subsection (1) herein. This investigation shall assess</p>	<p><b>This requirement is not applicable.</b></p> <p>The subject site is not located within area identified as having potential for liquefaction.</p>

<p>the degree of potential for liquefaction and/or seismic disturbance and shall suggest mitigation measures.</p> <p>In addition, in the Coastal Zone seismic hazard areas a site-specific investigation shall be prepared for all habitable structures.</p> <p>3. Action. When reviewing projects located in designated liquefaction areas, the zoning administrator or board shall find that appropriate mitigation measures from the required site investigation report have been incorporated into the design of the project. Further, if the zoning administrator or board finds that proposed mitigation measures, including engineering techniques, cannot reduce identified hazards to acceptable risk levels, then the location of the proposed project shall be modified and/or the project disapproved.</p>	
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<p><b>24.14.080 WILDLIFE HABITATS AND PLANT COMMUNITIES.</b></p> <p>1. Applicability. The provisions of this section shall apply to Wildlife Habitat Areas and Plant Communities identified in Maps EQ-8 and EQ-9 of the Environmental Quality Element of the General Plan and Coastal Land Use Plan or as designated as part of an environmental review process.</p> <p>2. Precise Boundaries of Designated Areas. Except for areas defined by the City-wide Creeks and Wetlands Management Plan, the precise boundary of areas identified in subsection (1), above shall be determined on a case-by-case basis by a biologist with relevant academic training and experience in instances of uncertainty.</p>	<p><b>This requirement is not applicable.</b></p> <p>The subject site is not located within a Wildlife Habitat Area or Plant Community identified in the General Plan.</p>
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3. Wildlife Habitats and Plant Communities. Construction, grading or removal of vegetation shall be permitted within wildlife habitats and plant communities where:

- a. The development or project is in conformance with Section [24.08.2100](#) and with the policies of the City-wide Creeks and Management Plan.
- b. Existing vegetation is preserved to the maximum extent possible;
- c. The integrity of the area as a habitat is not compromised;
- d. Landscaping is designed to provide a natural buffer and provide native food-bearing plant species to the greatest extent feasible;
- e. Protected species under the federal Endangered Species Act, the California Endangered Species Act, and the California Native Plant Protection Act are not present or jurisdictional permits from the appropriate state or federal agency have been received for their removal.

4. Preservation of Vegetation. In conjunction with any of the above-listed uses, the following shall apply with regard to the preservation of existing vegetation:



<ul style="list-style-type: none"> <li>a. Removal or planting of vegetation shall be in conformance with Section <a href="#">24.08.2100</a> and with the policies of the City-wide Creeks and Wetlands Management Plan.</li> <li>b. Existing vegetation shall be preserved to the maximum extent possible.</li> <li>c. Existing trees or tree stands located on a site for which a discretionary permit is required shall not be removed until such a permit is approved by the decision-making body.</li> <li>d. Trees subject to the Heritage Tree Ordinance and other trees designated for protection by a development proposal shall be protected through the use of barricades or other appropriate methods during the construction phases.</li> <li>e. Landscaping, grading and building design shall ensure ongoing viability of remaining vegetation.</li> <li>f. Wherever removal of vegetation is necessitated by any of the above uses, replacement vegetation of an equivalent kind, quality and quantity shall be provided.</li> </ul>	
<p><b>24.14.090 GROUNDWATER RECHARGE AREAS.</b></p> <p>Development within groundwater recharge areas identified by Map EQ-2 in the Environmental Quality Element of the General Plan shall be planned to minimize adverse environmental impacts. Structures and other impervious surfaces constructed in the R-1, R-L, and R-M</p>	<p><b>This requirement is not applicable.</b></p> <p>The subject site is not located within a groundwater recharge area.</p>

Zoning Districts shall not cover more than fifty-five percent of the project site.	
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<b>Part 2: PERFORMANCE STANDARDS</b>	
<b>24.14.220 GENERAL PROVISIONS.</b>	
No land or building in any district shall be used or occupied in any manner so as to constitute any dangerous, injurious, noxious, or otherwise objectionable public nuisance; or fire, explosive, or other hazard; or to create noise or vibration; smoke, dust, odor, or any other form of air pollution; glare, heat, cold, dampness; electrical or other disturbance; radioactivity; liquid or solid refuse and wastes, or any form of water or soil pollution; or other substance, condition, or element in such a manner or in an amount as to adversely affect the surrounding area or adjoining premises.	<p><b>The application is consistent with this requirement.</b></p> <p>The project does not propose any uses that would result in the nuisance factors listed with the exception of temporary construction.</p>
<b>24.14.225 PROHIBITED USES.</b>	
Basic industrial processing of extracted or raw materials, processes utilizing flammable or explosive materials (i.e., materials which ignite easily under normal manufacturing conditions), and processes which create hazardous or commonly recognized offensive conditions are prohibited. This includes any use which produces or uses asbestos in any manufacturing process.	<p><b>The application is consistent with this requirement.</b></p> <p>The project does not propose any uses that are prohibited.</p>
<b>24.14.262 VIBRATION.</b>	
No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the points of measurement specified in this part.	<p><b>The application is consistent with this requirement.</b></p> <p>The project does not propose any uses that would result in vibration impacts, except for temporary construction.</p>
<b>24.14.264 ODORS.</b>	
No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air, at	<p><b>The application is consistent with this requirement.</b></p> <p>The project does not propose any uses that would result in odorous gases or other odorous matter.</p>

the points of measurement specified in this part, or at the point of greatest concentration.	
<p><b>24.14.266 GLARE.</b></p> <p>No direct or sky-reflected glare, whether from floodlights or from high-temperative processes, such as combustion or welding, so as to be visible at the points of measurement specified in this part, shall be permitted. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise permitted by the provisions of this title.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>The project does not propose any uses that would result in direct or sky-reflected glare from high-temperative processes.</p>
<p><b>24.14.268 FIRE AND EXPLOSION HAZARDS.</b></p> <p>All storage of, and all activities involving inflammable and explosive materials shall be provided at any point with adequate safety devices against, the hazards of fire and explosion, as well as with adequate firefighting and fire-suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>The project does not propose any uses that involve flammable or explosive materials.</p>
<p><b>24.14.270 RADIOACTIVITY OR ELECTRIC DISTURBANCE.</b></p> <p>No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at the point of measurement of any equipment other than that of the creator of such disturbance.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>The project does not propose any uses that would emit dangerous radioactivity or electrical disturbances.</p>
<p><b>24.14.272 SMOKE, FLY ASH, DUST, FUMES, VAPORS, GASES, AND OTHER FORMS OF AIR POLLUTANTS OR CONTAMINANTS.</b></p> <p>No emission shall be permitted from any source which shall exceed the permissible amounts or limits established for such emissions by the Rules and Regulations of the Monterey-Santa Cruz Counties Unified Air Pollution Control District.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>The project does not propose any uses that would have a source that would emit pollutants or contaminants.</p>
<p><b>24.14.274 SOLID OR LIQUID WASTES.</b></p> <p>No discharge of any materials of such nature or temperature as may contaminate any water supply, interfere with bacterial processes in</p>	<p><b>The application is consistent with this requirement.</b></p>



sewage treatment, or otherwise cause the emission of dangerous or objectionable elements, shall be permitted at any point into public or private sewage systems, or streams, or onto or into the ground, except in conformance with the standards and limitations established by the State Department of Health, the Central Coastal Regional Water Quality Control Board, or the applicable sections of the Santa Cruz Municipal Code. No material or wastes shall be deposited on any property in such form or manner that they may be transferred off the property by natural causes or forces. Any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.	The project does not propose any uses that would contaminate water supply.
<p>24.14.290 DRIVE-THROUGH USES.</p> <p>No drive-through use shall be located adjacent to a residential district. No drive-through use shall be located within one-quarter mile of any other drive-through use. No drive-through use shall be located on a parcel, any part of which is within three hundred feet of the nearest point of a signalized intersection.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>The proposed project does not include any drive-through type uses.</p>
<b>Part 3: ENVIRONMENTAL REVIEW REGULATIONS</b>	
<p>24.14.300 GENERAL APPLICATION.</p> <p>All projects shall be subject to environmental review in accordance with the California Environmental Quality Act (CEQA) and Procedures for Implementing the California Environmental Quality Act of 1970, City of Santa Cruz, as periodically approved and amended by the city council.</p>	<p><b>This requirement is not applicable.</b></p> <p>Projects that comply with SB35 are not subject to CEQA.</p>
<b>Part 4: FLOODPLAIN MANAGEMENT</b>	
<p>24.14.430 LANDS TO WHICH THIS ORDINANCE APPLIES.</p> <p>The floodplain management regulations in this part shall apply to the Floodplain District (FP) and Floodplain Overlay District (FP-O) and</p>	<p><b>This requirement is not applicable.</b></p> <p>The project site is not mapped as within FP or FP-O.</p>

Small Craft Harbor District (SC-H) and all areas of special flood hazards within the jurisdiction of the city of Santa Cruz. Where a conflict in regulations occurs, the regulations set forth in this part apply.	
<b>Chapter 24.15 GREEN BUILDING REGULATIONS</b>	
<b>24.15.030 STANDARDS FOR COMPLIANCE.</b> Persons constructing a new building, adding to or remodeling a building in the city of Santa Cruz shall participate in the Santa Cruz green building program. In order to obtain a building permit for any new building, addition or remodel in excess of those exempted in Section <a href="#">24.15.040</a> , each project must include elements from the program checklist equal to or exceeding the following compliance standards:	<p><b>The application is consistent with this requirement.</b></p> <p>The project is subject to the Green Building Standards which are reviewed during the building plan check stage.</p>
<b>ORDINANCE NO. 2020-06- natural gas</b>	
6.100.020 Applicability. A. The requirements of this Chapter apply to Design Permit applications submitted on or after the effective date of the Chapter for all Newly Constructed Buildings as defined in the ordinance, proposed to be located in whole or in part within the City. The prohibition of Natural Gas Infrastructure shall apply in perpetuity, unless a separate exemption applies pursuant to the provisions of the Chapter. B. The requirements of the Chapter also apply to all Building Permit applications for Newly Constructed Buildings not requiring a Design Permit when such Building Permit application is submitted 120 or more days following the effective date of this Chapter for all Newly Constructed Buildings proposed to be located in whole or in part within the City. Said applications must be deemed Natural Gas-Free Confirmed at submission with a declaration on the architectural drawings cover sheet: "Natural Gas-Free Design". The prohibition of	<p><b>The project conflicts with this objective standard.</b></p> <p>Project plans must include a cover sheet declaration: "Natural Gas-Free Design As Required By [SCMC 6.100.020.B]".</p> <p>Energy Compliance Documents for 2019 CA Energy Code and kitchen / laundry floorplans must specify no natural gas appliances required at Building Permit application.</p>

Natural Gas Infrastructure shall apply in perpetuity, unless a separate exemption applies pursuant to the provisions of the Chapter.	
<b>Chapter 24.16</b> <b>AFFORDABLE HOUSING PROVISIONS</b>	
<b>SCMC 24.16.010: Purpose</b>	
The purpose of the inclusionary housing requirements is to enhance the public welfare by adopting policies to utilize remaining developable land in the city in a manner consistent with state and local housing policies and needs, meet the city's share of regional housing needs, implement the housing element's goals and objectives, improve the feasibility of rental housing development, assure compatibility between market rate units and inclusionary units, and make housing available for households of all income levels.	<p><b>The project complies with this objective standard.</b></p> <p>This is governing language pertaining to the entire Inclusionary Ordinance, by complying with the inclusionary requirement for this project, the project complies with the purpose section of the inclusionary ordinance.</p>
<b>24.16.020 BASIC ON-SITE INCLUSIONARY HOUSING REQUIREMENTS.</b>	
1. Applicability.	
a. The inclusionary housing requirements defined in this chapter are applicable to all residential developments that create two or more new and/or additional dwelling units or SRO units at one location by construction or alteration of structures, except for exempt residential developments under subsection (2).	<p><b>The project conflicts with this objective standard.</b></p> <p>The base plans submitted do not reflect a fully conforming project as required per 24.16.255(6). The 20% inclusionary housing requirement is applied to the number of base units of a conforming project per 24.16.250(5). Provide a base plan analysis that reflects a fully conforming development project in the CC zone district.</p>
5. Rental Residential Developments with Five or More Dwelling Units. For rental residential developments that would create five or more new or additional dwelling units and/or live/work units at one location, the applicant shall provide inclusionary units as follows:	
a. Rental residential developments that would create five or more new or additional dwelling units or live/work units at one location shall provide twenty percent of the dwelling units as inclusionary units, which shall be made available for rent to low income households at an affordable rent.	
b. SRO Developments. In a rental residential development comprised of SRO units, twenty percent of the single-room occupancy	<b>This requirement is not applicable.</b>



units shall be made available for rent to very low income households at an affordable rent.	The proposed project is not an SRO development.
c. Fractional Affordable Housing Requirement for Rental Residential Developments with More Than Five Dwelling Units. If the number of dwelling units required results in a fractional requirement of 0.7 or less, then there will be no inclusionary requirement for the fractional unit. If the number of dwelling units required results in a fractional requirement of greater than 0.7, then the applicant shall make one inclusionary unit available at an affordable rent. This subsection (5)(c) applies to the fractional unit only, and whole units shall be provided as required by subsections (5)(a) and (b).	<p><b>The project conflicts with this objective standard.</b></p> <p>The base plans submitted do not reflect a fully conforming project as required per 24.16.255(6). The 20% inclusionary housing requirement is applied to the number of base units of a conforming project per 24.16.250(5). Provide a base plan analysis that reflects a fully conforming development project in the CC zone district.</p>
8. For purposes of calculating the number of inclusionary units required by this section, any dwelling units authorized as a density bonus pursuant to Part 3 of this chapter shall not be counted as part of the residential development. However, if a developer receives a city rental housing bonus as authorized by Section <a href="#">24.16.035</a> (4), then all of the dwelling units in the project, including the dwelling units authorized as a density bonus, shall be counted as part of the residential development for purposes of calculating the inclusionary units required by this section.	<p><b>The project conflicts with this objective standard.</b></p> <p>The base plans submitted do not reflect a fully conforming project as required per 24.16.255(6). The 20% inclusionary housing requirement is applied to the number of base units of a conforming project per 24.16.250(5). Provide a base plan analysis that reflects a fully conforming development project in the CC zone district.</p>
9. Rental to Tenant-Based Subsidy Holders.	
a. Owners of rental residential developments or single-room occupancy unit (SRO) developments may elect to use the following procedures to offer inclusionary units comprising up to five percent of the total units in the development as payment standard units available to tenant-based subsidy holders (subsidy holders). The developer affordable housing agreement, as defined in Section <a href="#">24.16.040</a> , shall require that fifteen percent of the total units in the development will be restricted to low income households at an affordable rent, and that five percent of the total units in the project	<p><b>The project conflicts with this objective standard.</b></p> <p>The application shall indicate if any of the proposed affordable will be Section 8.</p>

will be payment standard units restricted to moderate income households at an affordable rent as defined in Section <a href="#">24.16.015</a> (2)(b) or rented to subsidy holders, so long as the development complies with the procedures described in subsections (b) through (e) to offer the five percent payment standard units in the development to subsidy holders. Both the low income units and the payment standard units shall remain affordable in perpetuity as per Section <a href="#">24.16.025</a> (1).	
<b>SCMC 24.16.025: Standards for Inclusionary Units</b>	
1. All inclusionary units shall remain affordable in perpetuity.	<p><b>The project complies with this objective standard.</b></p> <p>The project will be conditioned to record an Affordable Housing Agreement prior to building permit issuance.</p>
2. Inclusionary units shall be dispersed throughout the residential development to prevent the creation of a concentration of affordable units within the residential development.	<p><b>The project complies with this objective standard.</b></p> <p>Per the SB35 streamlined ministerial approval process, affordable units shall be distributed throughout the development, unless otherwise necessary for state or local funding programs. The project proposal locates all affordable units together in a single building due to financing requirements for State affordable housing tax credits.</p>
3. Inclusionary units shall be compatible with the design of market rate units in terms of exterior appearance, materials, and finished quality. Interior finishes, features, and amenities may differ from those provided in the market rate units, so as long as the finishes, features, and amenities are durable, of good quality, compatible with the market rate units, and consistent with contemporary standards for new housing.	<p><b>The project conflicts with this objective standard.</b></p> <p>Provide elevations showing exterior materials and a condition of approval will be included to show that the interior material requirements will be met.</p>
4. The applicant may reduce square footage of inclusionary units as compared to the market rate units, provided all units conform to all	<p><b>The project complies with this objective standard.</b></p>

requirements of Titles 18 and 19 and meet the minimum square footage requirement that affordable units are at least seventy-five percent of the average size of all market rate units in the development with the same bedroom count. For the purpose of this subsection, the “average size” of a unit with a certain bedroom count equals the total square footage of all market rate units with that bedroom count in the development divided by the total number of market rate units with the same bedroom count in the development.	Applicant has not indicated that the affordable units will be reduced square footage. There are some different square footages listed for the different unit types, however the difference is less than 25%.
5. For developments with multiple market rate unit types containing differing numbers of bedrooms, inclusionary units shall be representative of the market rate unit mix.	<p><b>The project complies with this objective standard.</b></p> <p>The project proposal locates all affordable units together in a single building with a unit mix breakdown that meets financing requirements for State affordable housing tax credits.</p>
6. All building permits for inclusionary units in a phase of a residential development shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the inclusionary units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for inclusionary units in a phase of a residential development shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units. When alternative methods of compliance are proposed pursuant to Section 24.16.030, the planning and community development director and the economic development director may jointly approve alternative phasing of market rate and inclusionary units if it finds that the proposal provides adequate security to ensure construction of the inclusionary units. Phases of construction shall be defined as a part of the first approval.	<p><b>The project complies with this objective standard.</b></p> <p>The project will be conditioned to construct the affordable units concurrently with, or prior to, construction of the market rate units and documented in an executed and recorded Affordable Housing Agreement.</p>
7. Rental to Tenant-Based Subsidy Holders. Owners of rental residential developments or SRO developments shall accept tenant-	<b>The project complies with this objective standard.</b>



<p>based subsidy holders (subsidy holders) as tenants of the inclusionary units, on the same basis as all other prospective tenants. The owner shall not apply selection criteria to subsidy holders that are more burdensome than the criteria applied to all other prospective tenants, nor shall the owner apply or permit the application of management policies or lease provisions which have the effect of precluding occupancy of the inclusionary units by subsidy holders.</p>	<p>Project already has a conditional commitment for 54 Project-based subsidy vouchers from the Housing Authority of the County of Santa Cruz.</p> <p>NOTE: Developer is not required to rent to Tenant-Based Subsidy Holders, but must apply the same selection criteria to subsidy holders as to non-subsidy holder applicants.</p>
<b>24.16.040 DEVELOPER AFFORDABLE HOUSING AGREEMENT.</b>	
<p>1. Developers subject to the inclusionary housing requirements of this part shall agree to enter into a developer affordable housing agreement with the city. A developer affordable housing agreement shall be a condition of approval for all residential developments subject to this chapter and shall be recorded as a restriction on any residential development in which the inclusionary units will be constructed.</p>	<p><b>The project complies with this objective standard.</b></p> <p>The project will conform when Affordable Housing Agreement is executed and recorded.</p>
<p>2. The developer affordable housing agreement shall be recorded prior to or concurrently with final parcel map or final subdivision map approval, or, where the residential development does not include a map, prior to issuance of a building permit for any structure in the residential development. The developer affordable housing agreement shall run with the land and bind all future owners and successors in interest.</p>	<p><b>The project complies with this objective standard.</b></p> <p>The project will conform when Affordable Housing Agreement is executed and recorded.</p>
<b>24.16.045 CONTINUED AFFORDABILITY AND INITIAL OCCUPANCY.</b>	
<b>PART 3: DENSITY BONUS PROVISIONS FOR RESIDENTIAL UNITS</b>	
Density Bonus parking reductions	
<p>(2) (A) Notwithstanding paragraph (1), if a development includes at least 20 percent low-income units for housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b) or at least 11 percent very low income units for housing developments</p>	<p><b>The project complies with this objective standard.</b></p>

meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per unit.	Under SB 35 project is not required to provide parking because its location is within one half mile of public transit. Applicant has proposed 141 parking spaces.
<b>TITLE 23 Subdivision Ordinance</b>	
<b>23.04 General Provisions</b>	
<b>23.04.050.1 SUBDIVISION PRINCIPLES – GENERAL.</b>	
The necessity for tentative parcel maps and tentative subdivision maps, parcel maps, and final maps shall be governed by the provisions of the Map Act and this title. A tentative and final map shall be required for all subdivisions creating five or more parcels, including community housing projects, except where expressly excluded by the Map Act. The city council shall have final jurisdiction in the approval of tentative and final subdivision maps. A tentative parcel map and a final parcel map shall be required for all subdivisions referred to herein as minor land divisions, including community housing projects creating four or fewer parcels. The zoning administrator shall have final jurisdiction in the approval of such minor land divisions. A tentative subdivision map and a final map shall be required for all other subdivisions of land or other procedures provided in the Map Act, and the city council shall have final jurisdiction in the approval of such maps. Each subdivision or minor land division shall conform to the standards and principles set forth, or referred to, in this title unless modified for good cause by the city council, the zoning board, or the zoning administrator.	<p><b>The project conflicts with this objective standard.</b></p> <p>The current submittal does not propose a condo land division, however, the 7-1-21 submittal indicated a condo land division for the two proposed buildings. If this is still part of the project, then a Tentative Map is required to be submitted and conditions of approval will require recordation of a Parcel Map.</p> <p>Eligible for Streamline Ministerial approval under HCD Guidelines Section 401(d)(1)(B) The development is subject to the requirement that prevailing wages be paid and a skilled and trained workforce used.</p>
<b>23.04.050.3 SUBDIVISION PRINCIPLES – BUILDABLE LOTS.</b> All lots created by a subdivision shall be developable for the intended use. No subdivision shall include lots which are impractical to improve	<b>The project conflicts with this objective standard.</b>

for the intended use because of slope of terrain, watercourse locations, sewerage problems, excessive driveway grades, easements, or other physical conditions.	A Tentative Map is required to make this determination. Submit a Tentative Map.
<b>Chapter 23.12 Maps Required</b>	
<b>23.12.030 DIVISION OF LAND – FEWER THAN FIVE PARCELS.</b>	
<b>23.12.030.1 DIVISION OF LAND – FEWER THAN FIVE PARCELS – MAPS REQUIRED.</b>	
A tentative parcel map and a parcel map shall be required for all divisions of land which create fewer than five parcels, except for:	<b>The project conflicts with this objective standard.</b>  A Tentative Map is required to make this determination. Submit a Tentative Map.
<b>Chapter 23.20 MINOR LAND DIVISIONS (FOUR OR FEWER PARCELS)</b>	
<b>23.20.010.1 GENERAL PROVISIONS – APPLICABILITY.</b> All applicable provisions of the State Subdivision Map Act and of this title, with the exception of the usable open space dedication requirements in Chapter <u>23.28</u> , et seq., herein, shall apply to minor land divisions.	<b>The project conflicts with this objective standard.</b>  A Tentative Map is required to make this determination. Submit a Tentative Map.
<b>23.20.020.1 MAPS REQUIRED – TENTATIVE PARCEL MAP.</b> The form, content, submittal, and approval of the tentative parcel map shall conform to the provisions of this title. The tentative parcel map shall be prepared by a registered civil engineer or a licensed land surveyor.	<b>The project conflicts with this objective standard.</b>  A Tentative Map is required to make this determination. Submit a Tentative Map.
<b>23.20.020.2 MAPS REQUIRED – FORM.</b> The tentative parcel map shall be clearly and legibly drawn on one sheet. The scale shall be as approved by the city engineer and all lettering shall be a minimum of one-eighth inch in height. The final form shall be as approved by the city engineer.	<b>The project conflicts with this objective standard.</b>  A Tentative Map is required to make this determination. Submit a Tentative Map.
<b>23.20.020.3 MAPS REQUIRED – CONTENT.</b>	<b>The project conflicts with this objective standard.</b>



<p>The tentative parcel map shall show the following information:</p> <ul style="list-style-type: none"> <li>(1) Title.</li> <li>(2) Name and address of the legal owner, of the subdivider, and the name and registration number of the person preparing the map.</li> <li>(3) Date prepared, north arrow, scale, and contour interval.</li> <li>(4) Assessor's parcel number.</li> <li>(5) Existing and proposed land use.</li> <li>(6) Vicinity map, sufficient to show the relation to the community.</li> <li>(7) Existing topography of the site and at least one hundred feet from its boundary including, but not limited to: <ul style="list-style-type: none"> <li>(A) Existing contours at two-foot intervals if the existing ground slope is less than ten percent, and not less than five-foot intervals for existing ground slopes greater than or equal to ten percent. Existing contours shall be represented by screened or dashed lines.</li> <li>(B) Type, circumference, and drip line of existing trees with an eight-inch or greater trunk caliper. Any trees proposed to be removed shall be so indicated.</li> <li>(C) The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.</li> <li>(D) Location, width and direction of flow of each watercourse.</li> <li>(E) The location, pavement, right-of-way width, grade, and name of existing streets, highways, or other public ways in and near the subdivision.</li> <li>(F) Location and type of street improvements.</li> <li>(G) Location, width, and identity of existing easements.</li> <li>(H) Location, size, and slope of existing storm drains.</li> </ul> </li> <li>(8) Any improvements proposed by the owner shall be shown, including: <ul style="list-style-type: none"> <li>(A) Number of lots.</li> <li>(B) Proposed lot layout and lot areas.</li> </ul> </li> </ul>	<p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
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<p>(C) If the site is to be graded, the proposed contours shall be shown or an approved grading plan shall be submitted.</p> <p>(D) Proposed easements or rights-of-way.</p> <p>(9) The source and date of existing contours.</p> <p>(10) A subdivision title report showing the current vested owner.</p> <p>(11) A soils and/or engineering geology report may be required by the director of planning.</p> <p>(12) The names and addresses of all property owners within three hundred feet of the parcel in question.</p> <p>(13) The director of planning may waive the foregoing requirements upon finding that the location or nature of the proposed minor subdivision is such as not to necessitate compliance with these requirements; or he may require additional information as deemed necessary.</p>	
<p><b>23.20.020.4 MAPS REQUIRED – SUBMITTAL OF MAP.</b></p> <p>The subdivider shall submit four copies of a tentative map of the proposed minor land division, drawn to scale and fully dimensioned. At the time of the filing of the tentative map, the subdivider shall pay a filing fee, as established by resolution of the city council.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.20.020.9 MAPS REQUIRED – CONDITIONS OF APPROVAL.</b></p> <p>(a) Authority. The zoning administrator shall have the authority to impose such conditions as are necessary to assure compliance with the provisions of this title and of city policy, as well as those it deems necessary to protect the best interests of surrounding properties or the neighborhood. In approving the tentative parcel map, the committee may impose any or all of, but shall not be limited to, the following requirements:</p> <p>(1) Frontage improvements.</p> <p>(2) On-site improvements.</p> <p>(3) Off-site improvements.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>

<p>(4) Dedications.</p> <p>(5) Applicable fees.</p> <p>(6) A soils and/or engineering geology report.</p> <p>(7) As a condition of final approval of a minor land division, the subdivider shall make the necessary assessment segregations.</p> <p>(8) The zoning administrator may waive any requirements relating to improvements and design that it shall deem reasonable.</p> <p>(b) Conformance. The foregoing requirements shall be in accordance with the provisions of this title. The subdivider shall be notified in writing of all the conditions of approval imposed.</p> <p>(c) Completion. Except as otherwise provided, completion of all improvements will not be required until such time as a permit or other grant of approval for the development of any parcel within the resubdivision is applied for. Improvements shall be completed prior to issuance of building permits for any unit within the subdivision.</p> <p>(1) The completion of improvements may be required prior to the filing of the parcel map or by any date specified by the city when completion of such improvements is found to be necessary for the public health or safety or for the orderly development of the surrounding area. Such specified date shall be stated in the conditions of approval. This finding shall be made by the zoning administrator.</p>	
<p><b>23.20.030.1 EXPIRATIONS AND EXTENSIONS – EXPIRATION.</b></p> <p>The approval or conditional approval of a tentative parcel map shall expire twenty-four months from the date of approval. The expiration of the approved or conditionally approved tentative parcel map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative parcel map.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.20.040.2 PARCEL MAPS – SURVEY REQUIRED.</b></p> <p>An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or a licensed land surveyor. All</p>	<p><b>The project conflicts with this objective standard.</b></p>



<p>monuments, property lines, centerlines of streets, alleys, and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the parcel map shall not exceed 1/10,000.</p>	<p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.20.040.3 PARCEL MAPS – FORM.</b> The form of the parcel map shall conform to final map form requirements as specified in Section <a href="#">23.16.070.3</a>.</p>	<p><b>The project conflicts with this objective standard.</b>  A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.16.070.3 FINAL MAPS – FORM.</b> The form of the final map shall conform to the Subdivision Map Act and as provided herein. The final form of the final map shall be approved by the city engineer. (1) The final map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black, on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The map shall be so made and shall be in such condition, when filed, that good legible prints and negatives can be made therefrom. (2) The size of each sheet shall be eighteen inches by twenty-six inches. A margin line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The number of each sheet and the total number of sheets comprising the map shall be indicated on each of the sheets. The relationship of each sheet to the other shall be clearly shown on a small key map on each sheet. Each sheet of the map shall show the date of the survey, north point, and written and graphic scale. (3) The map shall be drawn at an engineer’s scale between one inch equals one hundred feet and one inch equals forty feet.</p>	<p><b>The project conflicts with this objective standard.</b>  A Tentative Map is required to make this determination. Submit a Tentative Map.</p>

<p>(4) All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.</p>	
<p><b>23.20.040.4 PARCEL MAPS – CONTENT.</b> The contents of the parcel map shall conform to final map content requirements specified in Section <a href="#">23.16.070.4</a> and as modified herein. Lots shall be designated by letters commencing with “A.”</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.16.070.4 FINAL MAPS – CONTENTS.</b> The contents of the final map shall conform to the Subdivision Map Act and as provided herein.</p> <p>(1) Boundary. An accurate and complete boundary survey shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, must close within a limit of one to ten thousand feet of perimeter. The boundary of the subdivision shall be indicated on the final map. All areas shown on the map which do not constitute a part of the subdivision shall be labeled “Not part of this subdivision.” All lines delineating such areas shall be dashed.</p> <p>(2) Title. Unless allowed elsewhere by the city engineer, the title block of each sheet of the final map shall contain the approved name, unit number, and tract number of the subdivision. The title shall be conspicuously placed on the lower right-hand corner of the sheet and shall be followed by the words “City of Santa Cruz.” Maps filed for the purpose of showing as acreage land which has been previously subdivided shall be conspicuously designated with an appropriate and approved title.</p> <p>(3) Certificates. The certificates of the following persons or agencies shall appear only once on the cover sheet:</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>

<p>(A) Owner. A certificate, signed and acknowledged by all parties having record title interest in the land subdivided, excepting those parties having rights-of-way, easements, or other interests which cannot ripen into a fee, or exceptions provided by the Map Act, offering for dedication to the public certain specified parcels of land.</p> <p>(B) Engineer. A certificate by the engineer or the surveyor responsible for the survey and final map shall appear on the map. The certificate shall give the date of the survey. It shall state that the survey and the final map were made by, or under the direction of, the engineer or the surveyor, and that the survey is true and complete as shown. And it shall state that the map complies to the Subdivision Map Act and the provisions of this title.</p> <p>The certificate by the engineer or the surveyor shall also state that all the monuments are of the character, and occupy the positions, indicated; or that they will be set in such positions on or before a specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.</p> <p>(C) City Engineer. A certificate by the city engineer stating that the map has been examined, that it is in accord with the tentative map and any approved alterations thereof, that it complies with the Subdivision Map Act and the provisions of this title, and that it is technically correct.</p> <p>(D) City Clerk. A certificate for execution by the city clerk stating the date and number of the resolution adopted by the city council approving the final map and stating that the city council accepted, accepted subject to improvement, rejected, or did not accept or reject, on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.</p> <p>(E) Geologic and Soils. A certificate of soils report or geologic report or soils and geologic reports. If said report or reports have been</p>	
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required for the subdivision, such fact shall be noted on the final map together with the date of such report or reports. The name of the engineer making the soils report or of the geologist making the geologic report shall be noted on the final map, also the location where the reports are on file with the city.

(F) County Recorder. A certificate to be executed by the county recorder stating that the map has been accepted for filing, that the map has been examined, and that it complies with the provisions of state laws and local ordinances governing the filing of final maps. The certificate shall show who requested the filing of the map, the time and date when the map was filed, and the book and page number where the map was filed.

(G) County Auditor. A certificate to be executed by the county auditor stating that all taxes due have been paid or that a tax bond assuring the payment of all taxes which are a lien, but not yet payable, has been filed with the county.

(H) Director of Planning. A signed and acknowledged dedication certificate of all land parcels shown on the final map and intended for any public use. This shall not include parcels intended for the exclusive use of the owners of the subdivision lots, their licensees, visitors, tenants, and employees.

(4) Scale, North Point, and Bearings. There must appear on each map sheet the scale, the north point, and the basis of bearings. Wherever the city engineer has established a system of coordinates, the survey shall be tied into such system.

(5) Dimensions, Bearings, Curve Data. The final map shall show all survey, mathematical, and other data necessary to locate all monuments, and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and complete curve data for all curves.

<p>(6) Monuments. The engineer or the surveyor preparing the final map shall be responsible for the setting of sufficient monuments to allow another engineer or surveyor to retrace the survey. The final map shall show the following:</p> <p>(A) Stakes, monuments or other evidence determining the boundaries of the subdivision where found on the ground. Adjoining subdivisions, or portions thereof, shall be shown by lot and block numbers, subdivision names, numbers, and the place of record; by section, township and range; or by other proper designation.</p> <p>(B) All monuments placed in making the survey. If any points were reset by ties, that fact shall be stated.</p> <p>(C) Concrete monuments, set in accordance with the standard specifications. Such monuments shall be set at intersections of street centerline tangents, or offsets therefrom, as directed by the city engineer.</p> <p>(D) Permanent monuments, each not less substantial than a two-inch galvanized pipe, thirty inches long, shall be set at all corners of the exterior boundary of the subdivision, at all block corners, and at the beginning and the ending of all curves.</p> <p>However, a one-half-inch galvanized pipe, thirty inches long, may be substituted for the one and one-half-inch pipe at the corners of blocks and at the beginning and the ending of all curves within the subdivision, provided that centerline concrete monuments are set opposite all such points.</p> <p>(E) Permanent monuments, each not less substantial than a one-half-inch galvanized pipe, thirty inches long, shall be set at all lot corners.</p> <p>(7) Lots and Blocks. Sufficient line, angle, and curve data shall be shown so that the bearing and the length of the boundary lines of every block, lot, and parcel may be readily determined.</p>	
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<p>(A) Wherever practicable, lots, blocks, and parcels shall be shown in their entirety on one sheet. When shown on two or more sheets, sufficient data shall be shown on each sheet so that the bearing and the length of the boundary lines may be readily determined.</p> <p>(B) No “ditto” lines shall be used for lot dimensions.</p> <p>(C) Lot numbers shall begin with the numeral “1” and shall continue consecutively throughout the tract, with no omissions or duplications.</p> <p>(8) Adjoining Properties. Adjoining subdivisions, or portions thereof, shall be shown by lot and block numbers, subdivision names, numbers, and the place of record; by section, township and range; or by other proper designation.</p> <p>(9) City Boundaries. City boundaries which cross or join the subdivision shall be clearly designated.</p> <p>(10) Streets. The map shall show the right-of-way lines, names, widths, and location of all existing and proposed streets within, and immediately adjacent to, the property being subdivided. Wherever the centerline of a street has been previously established or recorded, the recording data shall be shown on the final map.</p> <p>(11) Easements. Easements for roads or streets, paths, stormwater drainage, sanitary sewers, or other public use as may be required shall be offered for dedication to the public for acceptance by the city or other public agency, and the use shall be specified on the map. If at the time the final map is approved, any streets, paths, alleys, or storm drainage easements are not accepted by the city council, the offer of dedication shall remain open and the city council may, by resolution at any later date, accept and open the streets, paths, alleys, or storm drainage easements for public use, which acceptance shall be recorded in the office of the county recorder.</p> <p>(A) All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify</p>	
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<p>the conveyance, e.g., county recorder's serial number and date, or book and page number of official records.</p> <p>(B) Easements not disclosed by the records in the office of the county recorder and found by the surveyor or the engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.</p> <p>(C) The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths, and bearings of record. The width and the location of all easements shall be approved by the city engineer.</p> <p>(12) Inundation Area. The map shall show by a fine, continuous identified line, the inundation area of any body of water within, or adjacent to, the subdivision as well as of any area subject to inundation.</p>	
<p><b>23.20.040.5 PARCEL MAPS – CERTIFICATES.</b></p> <p>Certificates shall be in accordance with the provisions of Section <a href="#">66449</a> of the Government Code. The city clerk certificate shall not be required.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.20.040.6 PARCEL MAPS – PRELIMINARY SUBMITTAL.</b></p> <p>The subdivider shall submit two sets of prints of the parcel map to the city engineer for checking. The preliminary prints shall be accompanied by two copies of the data, plans, reports, and documents as required for final maps by Section <a href="#">23.16.080.1</a> of this title, and as modified herein.</p> <p>(1) The city engineer may waive any of the requirements upon finding that the location and nature of the proposed subdivision is such as not to necessitate compliance with the requirements of Section <a href="#">23.16.080.1</a> of this title. Any additional information or documents required shall be as specified with the conditions of approval of the tentative parcel map.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>

<p><b>23.20.040.10 PARCEL MAPS – IMPROVEMENT AGREEMENT.</b> The subdivider shall enter into an agreement with the city council requiring the improvement of streets, easements, or other dedications in accordance with the standards established herein; unless such streets, easements, and other dedications have already been improved.</p>	<p><b>The project conflicts with this objective standard.</b>  An Improvement Agreement will be required.</p>
<p><b>23.20.040.11 PARCEL MAPS – ACCEPTANCE OF OFFER OF DEDICATION.</b> The city engineer may accept or reject offers of dedication that are made by certificate on the parcel map in accordance with the conditions of approval of the parcel map.</p>	<p><b>This is not an objective standard.</b></p>
<p><b>23.24.010 GENERAL.</b> The subdivider shall construct all required improvements, both on- and off-site, according to approved standards, or approved modifications. No final map shall be presented for approval to the city council or parcel map to the city engineer until the subdivider either completes the required improvements, or enters into an agreement with the city agreeing to do such work.</p>	<p><b>The project conflicts with this objective standard.</b>  Subdivision improvements required. We are requiring these to be constructed with project and not requiring an improvement agreement.</p>
<p><b>23.24.010.1 GENERAL – ACCEPTANCE OF DEDICATION AND IMPROVEMENT AGREEMENT.</b> At the time of the approval of the final map, the city council shall also accept, subject to improvement, or shall reject any or all offers of dedication. As a condition precedent to acceptance of such dedications, the city council shall enter into an agreement with the subdivider requiring that s/he shall improve the streets, easements, and other dedications in accordance with the standards established herein; unless such streets, easements, and other dedications have already been improved. The improvement agreement shall include but will not necessarily be limited to:</p>	<p><b>The project conflicts with this objective standard.</b>  A Tentative Map is required to make this determination. Submit a Tentative Map.</p>

<p>(1) Mutually agreeable terms to improve said dedications at the expense of the subdivider.</p> <p>(2) A statement indicating the period of time, satisfactory to the city engineer, within which the subdivider shall complete all improvement work.</p> <p>(3) A provision that, if the subdivider fails to complete the work within the period of time, the city may complete the improvement work and recover the full cost and expense thereof from the subdivider or surety.</p> <p>(4) Provisions for the repair and replacement of defective material and workmanship of said improvements by the subdivider, for a period of twelve months after the city council's improvement-acceptance date.</p> <p>(5) Provisions for the inspection of all improvements of the subdivision by the city engineer, for a period of twelve months after the city council's improvement-acceptance date.</p> <p>(6) Said agreement may also provide for:</p> <p>(A) Construction of the improvements by units;</p> <p>(B) Extension of time under the conditions herein specified;</p> <p>(C) Release or partial release of improvement security to the subdivider for improvements installed. The total of any partial progress payments shall not exceed ninety percent of the value of the work installed.</p>	
<p><b>23.24.010.6 GENERAL – COMPLETION.</b></p> <p>The subdivider shall prepare a complete set of "as built" improvement plans by revising the original copies of the improvement plans filed with the city engineer; and he shall refile the revised plans with the city engineer upon completion of the "as built" revisions. The city engineer shall not recommend formal acceptance of the subdivision improvements by the city council until receipt and acceptance of the "as built" improvement plans.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>



<p><b>23.24.010.7 GENERAL – BENCH MARKS.</b></p> <p>Elevations for all standard city monuments in the subdivision, based on the Santa Cruz City datum plane, shall be shown on the “as built” improvement plans.</p>	
<p><b>23.24.020.1 IMPROVEMENTS REQUIRED – GENERAL.</b></p> <p>All improvements as may be required as conditions of approval of the tentative map or by city ordinances shall be required of all subdivisions together with, but not limited to, the following:</p> <p>(1) Requirements for construction of on-site and off-site improvements for subdivisions of four or fewer parcels shall be noted on the parcel map, or waiver of parcel map or of the subdivision improvement agreement recorded prior to, or concurrent with, the parcel map;</p> <p>(2) Completion of improvements shall be in accordance with Section <u>23.24.030</u> of this title.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.24.020.2 IMPROVEMENTS REQUIRED – MINIMUM REQUIREMENTS.</b></p> <p>The subdivider shall improve or agree to improve all streets, public and private, thoroughfares, public ways, or easements in, or adjacent to the subdivision as needed to meet the requirements of this chapter. No permanent improvement work shall be commenced until one complete set of construction plans and specifications has been submitted to, and approved by, the city engineer. Improvements shall be installed to final line and grade satisfactory to the city engineer and in accordance with the current standard specifications. Standard inspection fees shall be paid where private streets are inspected by city personnel. The minimum improvements which the subdivider shall make, or agree to make, prior to acceptance and approval of the final map by the city are:</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>

<p>(a) Curbs, gutters, sidewalks, paving, grading, drainage, and the structures necessary for the proper use and drainage of streets, highways, and other public ways.</p> <p>(b) Site grading and drainage, taking into consideration the drainage requirements of adjacent improved and unimproved properties, and treating appropriate upstream areas as fully improved land.</p> <p>(c) A water system of mains, outlets, fire hydrants, and other facilities required to serve and protect the subdivision adequately.</p> <p>(d) Sanitary sewer facilities and connections for each lot, with the exception that parcels zoned for residential development on the western side of the eastern branch of Moore Creek north of Highway 1 and containing at least one acre of land area shall only be allowed to be serviced by new septic systems that meet county environmental health department standards.</p> <p>(e) Street name and traffic-control signs and devices.</p> <p>(f) Gas, electric, and communication facilities.</p> <p>(g) Street lighting facilities.</p> <p>(h) Street trees.</p> <p>(i) Survey monuments.</p> <p>(j) Railroad crossings as required to provide access to, or circulation within, the proposed subdivision. The crossings shall comply with the requirements of the California State Public Utilities Commission.</p> <p>(k) Emergency access shall in all cases provide for a clear travelway twenty feet wide. This applies also in cases where one-way streets are proposed. Access roadway shall be extended to within one hundred and fifty feet of all portions of the exterior walls of the first story of any building.</p>	
<p><b>23.24.020.3 IMPROVEMENTS REQUIRED – STREET TREES AND LANDSCAPING.</b></p>	<p><b>The project conflicts with this objective standard.</b></p>

<p>A street tree and landscaping plan shall be prepared for the entire subdivision. The plan shall include a statement describing plant species, planting, installation, location, maintenance, and other pertinent information. Street trees and landscaping shall be selected, installed, and maintained in accordance with the approved street tree and landscaping plan for the entire subdivision.</p> <p>(a) Where new street trees, landscaped medians, traffic diverters, chokers, or buffers are proposed and dedicated to the city, a maintenance impact report shall be prepared.</p> <p>(b) Provision shall be made by the subdivider for the maintenance and the replacement of such plants for a period of ninety days from city council improvement acceptance date.</p> <p>(c) All new street trees, landscaped medians, traffic diverters, chokers, or buffers shall be installed in accordance with the principles and policies of the Street Tree Ordinance and the parks and recreation department's park maintenance study. All such improvements in the public right-of-way shall be maintained in accordance with these same policies and principles.</p> <p>(d) Where the city accepts an offer of dedication of new street trees, medians, traffic diverters, chokers and buffers, the city shall provide maintenance of same. Where such improvements are not in the public right-of-way, maintenance shall be the responsibility of the homeowners' association.</p>	<p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.24.020.4 IMPROVEMENTS REQUIRED – UNDERGROUND UTILITIES.</b></p> <p>All utility distribution and transmission lines carrying less than fifty thousand volts (50 kv), equipment, and facilities shall be placed underground and located in conformance with the requirements of the city engineer.</p> <p>(a) Waiver. This requirement may be waived for appurtenant equipment such as transformers, terminal boxes, etc., when the city</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>Underground utilities required.</p>



<p>engineer determines that topography, soils, or other conditions make underground installation unreasonable or impracticable.</p> <p>(b) This requirement shall not apply to meters, meter cabinets, or to standards, conduits, or ducts located upon, or immediately adjacent to, buildings or structures to which utility service is being provided.</p> <p>(c) This section shall not be used to prohibit the erection of poles, without overhead wires, which support street luminaires, fire alarm boxes, and other municipal equipment.</p>	
<p><b>23.24.020.5 IMPROVEMENTS REQUIRED – INSTALLATION OF UTILITY FACILITIES.</b></p> <p>Services from public utilities and from sanitary sewers shall be made available to each lot of the subdivision, in such a manner as will obviate the necessity of disturbing the street pavement, gutter, culvert, and curb when service connections are made, unless the city engineer deems such requirements to be impractical or unnecessary.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.24.030.2 IMPROVEMENT STANDARDS – EASEMENTS.</b></p> <p>Unless otherwise approved by the city engineer, utility easements shall be not less than ten feet in width and shall be provided by the subdivider.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.24.030.3 IMPROVEMENT STANDARDS – EXISTING TREES.</b></p> <p>The subdivision shall be designed to preserve the greatest amount of existing vegetation, including trees with a trunk caliper of eight inches or greater. Native or ornamental trees required to be preserved, as shown on the tentative map, shall not be damaged. Trees damaged, destroyed, or removed without prior authorization of the director of planning shall be replaced by the subdivider. The size and species of the replacement trees shall be determined by the director of planning.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map. Plans shall show the preservation of existing vegetation.</p>
<p><b>23.24.030.5 IMPROVEMENT STANDARDS – ACCESS TO STREETS.</b></p> <p>(a) All lots created by a subdivision shall abut an improved street which is developed to the standards hereinafter required.</p>	<p><b>The project conflicts with this objective standard.</b></p>

<p>(b) Driveway aprons shall be either a minimum of twenty feet deep to provide a parking space or shall be sufficiently short so that they do not represent an invitation for parking in the driveway, thus impeding traffic from the travel lane or pedestrian traffic from a sidewalk; driveway aprons must be at least twelve feet wide.</p>	<p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.24.030.6 IMPROVEMENT STANDARDS – LOT STANDARDS.</b>  The size, shape, and orientation of lots shall be appropriate to the proposed subdivision location, and to the type of development contemplated. The following principles and standards shall be observed:</p> <p>(a) The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinance for the district in which the subdivision is located. Further, they shall be in keeping with the size and arrangement of existing lots in the immediate area, even though this may require a lot size that is greater than the minimum. Exceptions may be considered where physical constraints make cluster developments more appropriate, or in conjunction with specific area plan requirements, or in conjunction with townhouse dwelling developments.</p> <p>(b) The side lines of lots shall generally be parallel to each other when located along straight streets or approximately radial to the centerline of curved streets. Side lines of lots located on the turnaround for a cul-de-sac shall be approximately radial to the adjacent right-of-way line of the turnaround.</p> <p>(c) No lot shall have a street frontage of less than thirty-five feet except as may be approved for flag lots and in planned communities, planned developments, condominiums, townhouse dwellings and cluster housing developments.</p> <p>(d) Corner lots for residential use shall be platted wider than interior lots in order to permit conformance with the required street side yard requirements of the zoning ordinance.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>

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| <p>(e) No residential lot shall have an average depth of less than ninety-five feet, except where unusual topographical conditions prevail. Where the rear of a lot is adjacent to a playground, shopping center, industrial tract, or other nonresidential use, or to the right-of-way of a freeway, railroad, or thoroughfare, the lot shall have a minimum lot depth of one hundred and twenty-five feet.</p> <p>(f) A lot depth greater than twice the lot width shall be avoided wherever possible.</p> <p>(g) No lot shall be divided by a city-limits line.</p> <p>(h) No property remnant which does not conform to the requirements of this title shall be allowed in a subdivision, unless it is required for a public utility or facility.</p> <p>(i) A flag lot may be allowed where warranted by physical conditions of land form, existing lot pattern, or unusual size and shape of parcels. The narrow strip of land connecting the main portion of a flag lot to the street shall be not less than twenty feet wide at any point and shall provide practical vehicular access; but it shall not be used to help satisfy the minimum lot area requirement of the zoning district.</p> <p>(j) The design of double-frontage lots and lots with excessive street frontage shall be discouraged.</p> <p>(k) The proposed subdivision should be designed to optimize the use of natural elements, such as solar radiation, wind, and landscaping for heating, cooling, and ventilation both within the subdivision and on adjacent properties.</p> <p>(1) Examples of passive or natural heating opportunities in subdivision design include design of the size and configuration of lots to permit orientation of a structure in an east-west alignment for southern exposure.</p> <p>(2) Examples of passive or natural cooling opportunities in subdivision design include design of the size and configuration of lots</p> |  |
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<p>to permit orientation of a structure to take advantage of shade or prevailing breezes.</p> <p>(3) In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to contour and configuration of the parcel to be divided, to local climate, and to other design and improvement requirements. Such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning ordinances.</p> <p>(4) The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building, when no new structures are added.</p> <p>(5) For the purposes of this section, the term “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.</p>	
<p><b>23.24.030.10 IMPROVEMENT STANDARDS – DESIGN ADJACENT TO THOROUGHFARES.</b></p> <p>The design of subdivisions adjacent to thoroughfares shall be as recommended by the General Plan and as determined by the zoning board. The following principles and standards shall be observed:</p> <p>(1) Street and lot layouts in residential subdivisions shall be designed to minimize the effect of the adjacent thoroughfare traffic.</p> <p>(2) The number of streets intersecting thoroughfares shall be held to a minimum. Wherever practicable, such intersections shall be spaced not less than one thousand feet apart.</p> <p>(3) Frontage roads, where required, shall conform to the standards specified herein. Such roads shall enter thoroughfares by means of “bulb” type intersections capable of storing at least two cars between the frontage road and the thoroughfares.</p>	<p><b>This is not an objective standard.</b></p>

<p>(4) Frontage roads shall be separated from thoroughfares by a permanently landscaped strip, not less than ten feet in width. The subdivider shall plant such parkways with low-maintenance landscaping and shall provide automatic irrigation systems to water all plantings effectively. The subdivider shall maintain all plantings and shall replace any dead or diseased planting material for a period of ninety days from the city council improvement-acceptance date.</p> <p>(5) Where frontage roads are not required, residential lots abutting a thoroughfare will normally be required to be served by a street paralleling the thoroughfare, at a minimum lot depth of one hundred and twenty-five feet therefrom, or by a series of cul-de-sacs. In such case, a wall or fence or landscaping strip, or a combination thereof, as approved by the director of planning, shall be required at the property lines adjacent to the thoroughfare.</p> <p>(6) When any lot abuts two streets, one of which is a thoroughfare, the subdivider may be required to execute and deliver to the city an instrument, deemed sufficient by the city attorney, waiving access rights from the lot to the thoroughfare.</p>	
<p><b>23.24.030.11 IMPROVEMENT STANDARDS – GRADES, CURVES, SIGHT DISTANCES.</b></p> <p>Grades, curves, and sight distances shall be in accordance with the standard specifications and shall be subject to the approval of the city engineer.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map is required to make this determination. Submit a Tentative Map.</p>
<p><b>23.24.030.12 IMPROVEMENT STANDARDS – CURBS, SIDEWALKS, PEDESTRIAN AND BICYCLE ACCESS, AND BUS STOPS.</b></p> <p>The following principles and standards shall apply to the design and the installation of curbs, sidewalks, and pedestrian ways.</p> <p>(a) Vertical-type curbs and gutters shall be required in all subdivisions.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map and Improvement Plans are required to make this determination.</p>

<p>(b) Sidewalks shall normally be required on both sides of the street in any subdivision and shall normally be located within the street right-of-way, except as otherwise provided herein.</p> <p>(c) A paved, or otherwise improved, pedestrian way, not less than ten feet wide may be required, through unusually long blocks or when necessary to provide access to schools, shopping centers, transportation, or other community facilities.</p> <p>(d) All proposed bikeways shall conform to the design and construction standards contained in the city of Santa Cruz bikeway study. When not located in the public right-of-way, bikeways shall be maintained by the homeowners' association.</p> <p>(e) Should the subdivision be on an existing or planned transit route, a bus stop pullout may be required; if so, it shall be designed according to Santa Cruz Metropolitan Transit District specifications. Bicycle-locking facilities shall also be provided at these locations.</p>	
<p>Santa Cruz Bikeway Study requirements:</p> <ul style="list-style-type: none"> <li>- Active Transportation Plan is update of 1980 and 2008 Bikeway studies</li> <li>- Pg 47 – Visions, Goals, Policies</li> </ul> <p>As projects advance and/or are developed, these goals, objectives, and policies should be referenced to guide both private development and public projects to ensure that plans and projects in Santa Cruz implement the full measures and intention of the Plan elements.</p> <p>1.3. Require new development to implement the planned bicycle and pedestrian network.</p> <p>2.7 Sidewalks shall have the appropriate width for their use. Commercial districts require wider sidewalks designed as part of the public space and foreground for the buildings.</p>	
<p><b>23.28.010 DEDICATION.</b></p>	<p><b>The project conflicts with this objective standard.</b></p>



<p>As a condition of approval of a final map or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, alleys, and including access rights and abutters' rights, drainage, public greenways, scenic easements, public utility easements, coastal access easement or dedicatory, and other public easements or rights-of-way. In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. Improvements shall be in accordance with Chapter 23.24 of this title.</p>	<p>A Tentative Map and Improvement Plans are required to make this determination.</p>
<p><b>23.28.020.1 PARK LAND AND OPEN SPACE DEDICATION – REQUIREMENTS.</b></p> <p>As a condition of approval of a final subdivision map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes, at the time and according to the standards and formula contained in this title. The land, fees, or combinations thereof, are to be used only for the purpose of providing park or recreational facilities to serve the subdivision. Usable open space shall be composed of land that offers natural advantages for the type of facilities to serve the subdivision. Usable open space shall be composed of land that offers natural advantages for the type of facilities proposed to serve the area. Except in the case of condominium conversions, which shall be exempt from dedication requirements, the subdivider shall provide one of the following:</p> <ul style="list-style-type: none"> <li>(a) Dedication of all lands to be provided for usable open space.</li> <li>(b) The dedication of any portion of proposed usable open space lying within the boundaries of the subdivision, plus a fee to fulfill the requirements of this title as herein described.</li> </ul>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map and Improvement Plans are required to make this determination.</p>

<p>(c) A fee in lieu of such dedication shall be required, when no portion of the proposed usable open space is planned to be located within the limits of the subdivision.</p> <p>(d) Only the payment of a fee may be required in the case of a subdivision of fifty or fewer parcels.</p> <p>(e) The reservation of permanently maintained private usable open spaces which meet the requirements of this title.</p>	
<p><b>23.28.025 INCLUSIONARY REQUIREMENT.</b></p> <p>1. Every proposed subdivision in which the development potential of the site is two or more new parcels shall provide housing units for lower and/or median-income households, and/or dedicate lots and/or provide payment of an in-lieu fee to the city for the benefit of the lower median-income housing program as required in Part 1, Inclusionary Housing Requirements, of Chapter 24.16 of the Municipal Code and the affordable housing guidelines adopted by council resolution.</p> <p>2. If an existing dwelling unit is retained on one of the parcels resulting from a subdivision, then that parcel would not be counted as a new parcel for the purposes of this section.</p> <p>3. The city council, in its sole discretion, may defer the inclusionary requirement of this section until such time as the housing development application for the newly created parcel or parcels is submitted to the city for consideration, at which time inclusionary housing requirements in accordance with Chapter 24.16 of the Municipal Code will be imposed as a condition of application approval.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>A Tentative Map and Improvement Plans are required to make this determination.</p>
<p><b>General Plan 2030 – project consistent with many goals in the GP but not many objective standards here...</b></p>	
<p>HA1.2.2 Require preparation of archaeological investigations on sites proposed for development within areas identified as “Highly Sensitive” or “Sensitive” on the “Areas of Archaeological Sensitivity” and “Historical Archaeology Sensitivity” maps, except for exempt uses</p>	<p><b>The project conflicts with this objective standard.</b></p>

<p>within “Sensitive” areas as described below, prior to approval of development permits. The investigation shall include archival research, site surveys and necessary supplemental testing as may be required, conducted by a qualified archaeologist. The significance of identified resources shall be ascertained in accordance with CEQA definitions, and impacts and mitigation measures outlined if significant impacts are identified, including, but not limited to recovery options and onsite monitoring by an archaeologist during excavation activities. A written report describing the archeological findings of the research or survey shall be provided to the City. Allow minor projects with little excavation to be exempt from this requirement for preparation of an archaeological assessment within the “High Sensitivity” areas. Minor projects generally involve spot excavation to a depth of 12 inches or less below existing grade, or uses that have virtually no potential of resulting in significant impacts to archeological deposits. Exempt projects may include: building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.</p>	<p>Portions of the three parcels mapped as “highly sensitive” or “sensitive”. An archaeological reconnaissance report is required.</p>
<p>HA1.2.3 The City shall notify applicants within paleontological sensitive areas of the potential for encountering such resources during construction and condition approvals that work will be halted and resources examined in the event of encountering paleontological resources during construction. If the find is significant, the City should require the treatment of the find in accordance with the recommendations of the evaluating paleontologist. Treatment may include, but is not limited to, specimen recovery and curation or thorough documentation.</p>	<p><b>This requirement is not applicable.</b></p> <p>Not shown on map CR-2 as sensitive for paleontological resources.</p>
<p>CD4.2.1 Where possible, site buildings at the street frontage and place parking areas away from street corners and to the rear of buildings.</p>	<p><b>This requirement is not applicable.</b></p>
<p>CD4.2.3 Underground utilities when major road improvement or reconstruction is proposed, if possible.</p>	<p><b>This requirement is not applicable.</b></p>



CD4.3.3 Protect existing significant vegetation and landscaping that provides scenic value along with wildlife habitat and forage.	<p><b>This requirement is not applicable.</b></p> <p>No significant vegetation or landscaping to protect on the site.</p>
LU1.2.1 Environmental review for specific projects shall be accompanied by sufficient technical data and reviewed by appropriate departments.	<p><b>This requirement is not applicable.</b></p> <p>Projects that comply with SB35 are not subject to CEQA.</p>
LU3.7.1 Allow and encourage development that meets the high end of the General Plan Land Use designation density unless constraints associated with site characteristics and zoning development standards require a lower density.	<b>This is not an objective standard.</b>
M1.1.2 Connect activity centers with pedestrian and bicycle paths.	<b>This is not an objective standard.</b>
M1.1.3 Implement pedestrian and bicycle improvements that support transit ridership.	<b>This is not an objective standard.</b>
M1.4.1 Assure that right-of-way acquisition and street design will support pedestrian and bike improvements and transit.	<b>This is not an objective standard.</b>
M2.1.3 Implement pedestrian, bike, mass transit, and road system improvements through the Capital Improvements Program	<p><b>The project conflicts with this objective standard.</b></p> <p>Provide improvement plans. Plans must show all off-site and public improvements required.</p>
M4.1.5 Where there are proposed or existing plan lines, require developments to dedicate land for rights-of-way, and require that sidewalks be added or repaired within, and in the area adjacent to, new developments.	<p><b>The project conflicts with this objective standard.</b></p> <p>Provide improvement plans. Plans must show all off-site and public improvements required.</p>
M4.1.8 Remove or reduce obstructions and sidewalk tripping hazards, ensure accessibility to the physically disabled and elderly, and improve amenities along existing and potential pedestrian paths and walkways.	<p><b>The project conflicts with this objective standard.</b></p> <p>Provide improvement plans. Plans must show all off-site and public improvements required.</p>

M4.1.9 Require landscaping in the development, replacement, and repair of sidewalks, including the placement of trees on private property and/or in tree wells on sidewalks.	<p><b>The project conflicts with this objective standard.</b></p> <p>Provide improvement plans. Plans must show all off-site and public improvements required, including sidewalks and street trees.</p>
HZ3.1.6 Require evaluation of noise mitigation measures for projects that would substantially increase noise	<b>This is not an objective standard.</b>
HZ3.1.9 Limit truck traffic in residential and commercial areas to designated truck routes.	<b>This is not an objective standard.</b>
HZ3.2.1 Apply noise and land use compatibility table and standards to all new residential, commercial, and mixed-use proposals, including condominium conversions in accordance with standards set forth in the Land Use-Noise Compatibility Standards Figure 2.	<p><b>The project conflicts with this objective standard.</b></p> <p>Submit a noise study to confirm compliance with noise requirements.</p>
HZ3.2.2 Establish Ldn noise level targets of 65 dBA for outdoor activity areas in new multifamily residential developments.	<p><b>The project conflicts with this objective standard.</b></p> <p>Submit a noise study to confirm compliance with noise requirements.</p>
HZ3.2.3 Require that interior noise in all new multifamily housing not exceed an Ldn of 45 dBA with the windows and doors closed (State of California Noise Insulation Standards) and extend the requirement to single-family homes	<p><b>The project conflicts with this objective standard.</b></p> <p>Submit a noise study to confirm compliance with noise requirements.</p>
HZ6.2.1 Require engineering geology reports when, in the opinion of the City's planning director, excavation and grading have the potential for exposure to slope instability or the potential to create unstable slope or soil conditions.	<b>This is not an objective standard.</b>
HZ6.3.1 Adopt new State-approved California Building Codes (CBC) and require that all new construction conform with the latest edition of the CBC	<b>This requirement is not applicable.</b>
HZ6.3.6 Require site specific geologic investigation(s) by qualified professionals for proposed development in potential liquefaction areas shown on the Liquefaction Hazard Map to assess potential	<b>This requirement is not applicable.</b>

liquefaction hazards, and require developments to incorporate the design and other mitigation measures recommended by the investigation(s).	
NRC7.1.4 Require new development to provide for passive and natural heating and cooling opportunities, including beneficial site orientation and dedication of solar easements.	<b>The project conflicts with this objective standard.</b>  Plans must show how project provides for passive and natural heating and cooling opportunities.
Chapter 4: Land Use – Residential Densities Residential uses are encouraged as part of mixed-use developments in commercial districts. The residential density for these projects is controlled by the commercial district development standards in the Zoning Ordinance and Building Code.	<b>The project conflicts with this objective standard.</b>  The base plans submitted do not reflect a CC zone district fully conforming project. Provide a base plan analysis that reflects a fully conforming development project in the CC zone district.

<b>Eastside Business Area Improvement Plan</b>	
<b>Chapter III - Water Street Entry Zone</b>	
Goal: To create an entry to the Eastside Business District that preserves the natural attributes of the zone.	<b>This is not an objective standard.</b>
Guidelines:  Appropriate uses would include high density residential, restaurants, and medical or garden office (office complexes characterized by landscaped terraces, common courtyards, etc.). Avoid uses with high parking requirements.	<b>This is not an objective standard.</b>
Encourage uses which benefit and enhance the creek.	<b>This is not an objective standard.</b>



Encourage architectural styles that are harmonious with the residential and natural character of the setting.	<b>This is not an objective standard.</b>
Locate parking areas to the rear of parcels to retain the scale and character of the area.	<b>This is not an objective standard.</b>
Protect the sense of existing natural vegetation, creek, and cliff.	<b>This is not an objective standard.</b>
The Pedestrian Live/Work Zone incorporates four of the eight Urban Design Character Zones, including the Triangle Zone, the Main Street Zone (Water Street), the Main Street Zone (Soquel West) and the Central Zone. The key characteristic of these zones is that they feature storefront development of a pedestrian scale. The greatest strengths of the Pedestrian Live/Work Zone are its human scale, intimate neighborhood character, and variety of businesses and architectural styles. The architectural recommendations have been developed to support these strengths.	<b>This is not an objective standard.</b>
Promote a continuous, zero setback, building facade line, which reinforces the overall pedestrian character of these areas;	<b>This is not an objective standard.</b>
Encourage mixed-use architecture with residential and artist studios above street level commercial/retail spaces;	<b>This is not an objective standard.</b>
Preserve, restore and maintain historic (fig. 6-2) and landmark buildings (Rio Theater) and facades;	<b>This requirement is not applicable.</b>  The property is not listed on the City's Historic Building Survey.
Design architectural elements that provide human scale and design interest at the pedestrian level;	<b>This is not an objective standard.</b>

Locate parking at the rear of the site, combine individual parking areas, and create city parking lots;	<p><b>The application is consistent with this requirement.</b></p> <p>The majority of parking is located underground out of view, with minimal at-grade parking located at the rear of the site.</p>
Create walkways and private outdoor pedestrian spaces between building clusters, which promote a safe area for neighborhood life and identity.	<p><b>The application is consistent with this requirement/ This is not an objective standard.</b></p> <p>Creating walkways and private outdoor pedestrian spaces between building cluster is an objective standard that is being met.</p> <p>Promoting a safe area for neighborhood life and identity is not an objective standard.</p>
Encourage recessed entries ( <i>figs. 6-3AB</i> ), interesting building bases or wainscots, attached planter boxes (fig. 6-4), awnings (fig. 6-5)	<b>This is not an objective standard.</b>
Foster diversity in building heights, character, roof lines and details, while encouraging a consistent horizontal edge at display windows, awnings and doorways; (fig. 6-6);	<b>This is not an objective standard.</b>
Define a distinct rhythm of storefronts by breaking long continuous facades into smaller regular intervals, which can be achieved through the addition of a variety of elements (ie awnings, pilasters, reveal lines, paint color etc.;	<b>This is not an objective standard.</b>
Integrate signage into the architectural building elements (ie. on awnings, projecting signs or banner signs ( <i>figs. 6-7, 6-8</i> ), or part of a building architectural detail and make them of an appropriate scale for the building facade (fig. 6-9);	<p><b>The project conflicts with this objective standard.</b></p> <p>The project plans do not provide elevations drawings nor sign plans, so it cannot be determined if this objective standard is being met.</p>
Discourage multiple signs on a single business which are repetitive in nature (fig 6-10), confusing signs which are difficult to read and/or too small in scale for auto traffic (fig. 6-11), and limit temporary signs	<b>This is not an objective standard.</b>

indicating sales and promotions (fig. 6-12), in particular large temporary signs which are used to attract motorists (fig. 6-13);	
Promote signage on both facades of corner buildings which face the street when it does not negatively impact the adjacent residence. (fig. 6-14);	<b>This is not an objective standard.</b>
Fabricate and install signs of appropriate scaled letters and signage cabinets, also all street addresses should be easily seen by motorists (fig. 6-15):	<b>This is not an objective standard.</b>
Encourage removal of abandoned or non-conforming signage, especially upon change of occupancy;	<b>This requirement is not applicable.</b>
Discourage pole signs, roof signs, animated or moving signs (including flashing, rotating etc.), billboards or oversized signs, inflated signage or balloons, signs with luminescent paint, freestanding sandwich boards (particularly in public right of way (fig. 6-16), and plastic flags;	<b>This is not an objective standard.</b>
Encourage expansive and attractive display windows which will remain lit in the evening to create interest, warmth, safety and night time window shopping (Fig. 6-17):	<b>This is not an objective standard.</b>
Use construction materials at the building base, which are consistent with the facade design, and adjacent facades and which do not detract from the existing details of the building (tile is particularly encouraged);	<b>This is not an objective standard.</b>
Promote facade downlight and/or sconce light which will add texture and detail to facades at night (fig. 6-18);	<b>This is not an objective standard.</b>
Encourage a variety of colors for individual facades and to accentuate building details when appropriate to the architectural style of the facade;	<b>This is not an objective standard.</b>
Encourage the use of high quality, graffiti- resistant paints;	<b>This is not an objective standard.</b>



Design and create specific areas for trash and service which are hidden from public view wherever possible, and avoid location in view of adjacent residential properties;	<b>This is not an objective standard.</b>
Follow appropriate laws, codes and ordinances when improving any building and include the necessary elements and details to insure barrier-free design (call the City of Santa Cruz Building Department for information).	<b>The application is consistent with this requirement.</b>  The project will be required to meet appropriate laws, codes, and ordinances as part of the building plan check process.

<b>Municipal Code</b>	<b>City Analysis of Compliance with Standards</b>
<b>SCMC 24.16 Part 1: Inclusionary Housing Requirements</b>	
<b>State Density Bonus – Affordable Housing Provisions</b>	
<b>Government Code – GOV</b>	
<b>Title 7. Planning and Land Use [65000-66499.58]</b>	
<b>Division 1. Planning and Zoning [65000-66301]</b>	
<b>Chapter 4.3 Density Bonuses and Other Incentives [65915-65918]</b>	
<b>65915</b>	
(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:	<b>The project complies with this objective standard.</b>  This is guiding language related to the applicant selecting one of the six specified housing types (affordable, senior, foster youth, etc) in order to qualify for a State Density Bonus. Applicant has chosen Very Low Income (B).
(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.	<b>This requirement is not applicable.</b>  Applicant has opted to provide units at Very Low Income.

<p>(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.</p>	<p><b>The project complies with this objective standard per the State affordable housing tax credit application that was submitted to the City.</b></p> <p>Applicant will provide more than 5% of the total units in the housing development for Very Low Income households. Project already has a conditional commitment for 54 Project-based subsidy vouchers from the Housing Authority of the County of Santa Cruz.</p>
<p>(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.</p>	<p><b>This requirement is not applicable.</b></p> <p>Applicant has opted to provide units at Very Low Income.</p>
<p>(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.</p>	<p><b>This requirement is not applicable.</b></p> <p>Applicant has opted to provide units at Very Low Income.</p>
<p>(E) Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.</p>	<p><b>This requirement is not applicable.</b></p> <p>Applicant has opted to provide units at Very Low Income.</p>
<p>(F) (i) Twenty percent of the total units for lower income students in a student housing development that meets the following requirements: (I) All units in the student housing development will be used exclusively for undergraduate, graduate, or professional</p>	<p><b>This requirement is not applicable.</b></p> <p>Applicant has opted to provide units at Very Low Income.</p>

students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city, county, or city and county that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.

(II) The applicable 20-percent units will be used for lower income students. For purposes of this clause, "lower income students" means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, as described in subclause (I), or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government shall be sufficient to satisfy this subclause.

(III) The rent provided in the applicable units of the development for lower income students shall be calculated



<p>at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.</p> <p>(IV) The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.</p> <p>(ii) For purposes of calculating a density bonus granted pursuant to this subparagraph, the term "unit" as used in this section means one rental bed and its pro rata share of associated common area facilities. The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years.</p>	
<p>(G) One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.</p>	<p><b>This requirement is not applicable.</b></p> <p>Applicant has opted to provide units at Very Low Income, and is not pursuing a 100% Affordable Housing project.</p>
<p>(b)(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), (D), (E), (F), or (G) of paragraph (1).</p>	<p><b>The application is consistent with this requirement.</b></p> <p>Applicant has indicated that the project shall provide affordable units as per subparagraph B (Very Low Income).</p>
<p>(b)(3) For the purposes of this section, "total units," "total dwelling units," or "total rental beds" does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>The calculation for required affordable units in this project does not include the bonus units granted through State Density Bonus.</p>

<p>(c) (1)  (A) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>An Affordable Housing Agreement will be executed with the City and recorded to document these requirements.</p>
<p>(c) (B)  (i) Except as otherwise provided in clause (ii), rents for the lower income density bonus units shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.</p>	<p><b>The application is consistent with this requirement.</b></p> <p>An Affordable Housing Agreement will be executed with the City and recorded to document these requirements.</p>
<p>(ii) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), rents for all units in the development, including both base density and density bonus units, shall be as follows:  (I) The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.  (II) The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.</p>	<p><b>This requirement is not applicable.</b></p> <p>Applicant has opted to provide units at Very Low Income, and is not pursuing a 100% Affordable Housing project.</p>
<p>(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law.</p>	<p><b>This requirement is not applicable.</b></p> <p>This project is a rental residential project.</p>

<p>(f) For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).</p>	<p><b>The application is consistent with this requirement.</b></p> <p>Applicant has indicated that the project shall provide affordable units as per subparagraph B (Very Low Income).</p>																								
<p>(f) (2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:</p> <table border="1"> <thead> <tr> <th>Percentage Very Low Income Units</th><th>Percentage Density Bonus</th></tr> </thead> <tbody> <tr><td>5</td><td>20</td></tr> <tr><td>6</td><td>22.5</td></tr> <tr><td>7</td><td>25</td></tr> <tr><td>8</td><td>27.5</td></tr> <tr><td>9</td><td>30</td></tr> <tr><td>10</td><td>32.5</td></tr> <tr><td>11</td><td>35</td></tr> <tr><td>12</td><td>38.75</td></tr> <tr><td>13</td><td>42.5</td></tr> <tr><td>14</td><td>46.25</td></tr> <tr><td>15</td><td>50</td></tr> </tbody> </table>	Percentage Very Low Income Units	Percentage Density Bonus	5	20	6	22.5	7	25	8	27.5	9	30	10	32.5	11	35	12	38.75	13	42.5	14	46.25	15	50	<p><b>The project conflicts with this objective standard.</b></p> <p>Applicant must submit revised base density unit plans to conform to base density unit standards and density bonus provisions. Then the base density can be used to confirm compliance with this section.</p>
Percentage Very Low Income Units	Percentage Density Bonus																								
5	20																								
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13	42.5																								
14	46.25																								
15	50																								
<p>(f)(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to</p>	<p><b>The project conflicts with this objective standard.</b></p>																								



require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.	Applicant must submit revised base density unit plans to conform to base density unit standards and density bonus provisions. Then the base density can be used to confirm compliance with this section.
<b>Case Law</b>	
<b>2013 – Latinos Unidos del Valle de Napa y Solano v. County of Napa</b>	
Summary – Legal Case which held that Inclusionary units qualify as affordable units for purposes of the Density Bonus Law. The case confirmed that the density bonus is a financial tool available to help developers achieve city and county inclusionary housing requirements. (source: <a href="https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2021.pdf">https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2021.pdf</a> )	<p><b>The application is consistent with this requirement.</b></p> <p>The project proposal locates all affordable units together in a single building due to financing requirements for State affordable housing tax credits.</p>

**Objective City of Santa Cruz Standards  
Applicable to the 831 Water Street Project  
Public Works**

<b>Municipal Code</b>	<b>City Analysis of Compliance with Standards</b>
<b>Title 15: Streets and Sidewalks</b>	
<p><b>15.04.010 OFFICIAL GRADES.</b></p> <p>For the purpose of establishing grades and determining comparative elevations within the city, all such grades and elevations shall be hereafter referred to the datum plane used by the United States Coast and Geodetic Survey, and bench marks established by said Coast</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

and Geodetic Survey within the city boundaries shall be considered official bench marks of the city.	
<p><b>15.04.020 POINT OF GRADE ESTABLISHED.</b></p> <p>Unless otherwise expressly provided, the grade established by any ordinance or resolution now in force and effect, or which may be hereafter passed and adopted, as the curb grade of any street or as the grade of the middle line of any street in this city, shall be on a straight line from one point of grade fixed by such ordinance or resolution to the next point of grade fixed thereby. This rule shall apply to each consecutive point of grade fixed by any such ordinance or resolution.</p> <p>The term “point of grade” means the station at which a grade elevation is designated in any such ordinance or resolution.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>15.08.030 PERMIT – REQUIRED.</b></p> <p>No person shall commence work on the construction, alteration, repair or removal of any curb, gutter, sidewalk, driveway or disabled access ramp on any street, alley or lane in the city unless a written permit therefore shall have been first obtained from the director of public works. All permits for construction, alteration, repair or removal of any driveway shall be posted conspicuously on the work where practical.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>15.08.040 PERMIT – RULES ON APPLICATION.</b></p> <p>(a) Any person requesting a permit for the construction shall first file a written application therefore with the director of public works. Such application shall be made in quadruplicate on a standard city form provided for that purpose, and shall include:</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>(1) The name of the contractor proposing to do the work;</p> <p>(2) The name and address of the owner of the property abutting the street where the work is proposed;</p> <p>(3) The exact location of the proposed work, giving the street address or legal description of the property involved;</p> <p>(4) A detailed plan showing the exact dimensions of the abutting property and the exact dimensions and location of all existing or proposed driveways and other pertinent features within the limits of the frontage of said property and the abutting properties where, in the judgment of the director of public works, such plan is necessary;</p> <p>(5) The plan shall also show the location of buildings, loading platforms or off-street parking facilities being served or to be served by such driveway approach.</p> <p>(b) The director of public works may require, at his or her discretion, the filing of any other information when, in his or her opinion, such information is necessary to properly enforce the provisions of this chapter;</p> <p>(c) No plan shall be approved nor permit issued where it appears that the proposed work, or any part thereof, conflicts with the provisions of this title or any other section of this code; nor shall the issuance of a permit be construed as a waiver of the zoning section of this code and shall conform to the Official Master Plan of the city;</p> <p>(d) Pursuant to Government Code Section 53080.5, the city of Santa Cruz is hereby authorized to require any applicant for a permit to file with the city a certificate of insurance evidencing coverage for bodily injury or property damage liability as a condition to issuance of the permit.</p>	
<p><b>15.12.010 DECLARATION OF POLICY.</b></p>	<p><b>The project conflicts with this objective standard.</b></p>



<p>It is declared to be the policy of the city of Santa Cruz that the improvement and development of property adjacent to a city street which is substandard, and which does not meet the standards of street improvements adopted by the city, is contrary to the best interest of the city of Santa Cruz and its inhabitants for the preservation of public health, welfare and safety, and that the city council has found that the improvement of such substandard city streets, to the standard of street improvement adopted by the city, as a condition precedent to the improvement or development of property abutting thereon, is an effective measure to provide for the safety and welfare of the inhabitants of the city.</p>	<p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>15.12.020 PURPOSE AND SCOPE.</b></p> <p>In enacting the provisions of Sections 15.08.050 through 15.08.070 and Chapters 15.12, and 15.24, the city council hereby finds that this city has experienced, and will continue to experience, great increases in population, area growth, and land development for high activity purposes, the direct result of which is and will be to rapidly render the previously existing streets and highways inadequate in width and development to provide minimum acceptable safety to the users, and service capacity to the lands being developed, and therefore the public's being denied streets and highways of minimum standards for safe and convenient vehicular and pedestrian access and travel.</p> <p>Therefore, the provisions hereof are intended officially to define the requirements, policies and procedures for the acquisition of public rights-of-way and for the construction of public improvements in connection with the improvement and development of property, in order to:</p> <p>(1) Supplement and insure conformity to the zoning ordinance, the Subdivision Map Act, and other improvement ordinances of the city, and to extend the basic requirements thereunder, to apply to land development in which no subdivision is involved;</p> <p>(2) Protect the vested interest of the public in the pre-existing capacity of city streets and highways, and to provide for private participation by those specially benefiting therefrom</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>in the widening and improvement of streets and highways, and to provide for private participation by those specially benefiting therefrom in the construction of the necessary utilities and the widening and improving of streets and highways when the same become necessary by reason of development of abutting property;</p> <p>(3) Protect the public health, public safety and general welfare of the general public.</p>	
<p><b>15.12.050 ESTABLISHMENT OF STREET STANDARDS.</b></p> <p>The standard and requirements hereinafter set forth are hereby established as the street improvement standards of the city of Santa Cruz, and shall apply to each existing street in the city and to each new street hereafter constructed within the city.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p><b>City Standard Details &amp; City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</b></p>
<p><b>15.12.060 ENUMERATION OF STANDARD IMPROVEMENTS – APPROVAL REQUIRED.</b></p> <p>The standard improvements required for each of the streets in the city shall consist of street paving, concrete curbs, gutters and sidewalks, access ramps, sanitary sewers and connections thereto necessary to serve adjacent property, storm drains and catch basins, water mains and service connections necessary to serve adjacent property, fire hydrants, street lighting standards, and such other specific improvements as may be required to meet the conditions created by any particular development. All of such improvements shall be constructed and installed in accordance with the city of Santa Cruz standard specifications and design, subject to the inspection of and to the satisfaction of the director of public works of the city.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p><b>City Standard Details &amp; City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</b></p>

<p><b>15.12.070 DEDICATIONS TO PROVIDE REQUIRED RIGHT-OF-WAY WIDTHS.</b></p> <p>Whenever a building, structure, or improvement for which a permit is sought falls within the provisions of Section 15.12.030, and must meet the requirements of Sections 15.08.050 through 15.08.070 and Chapters 15.12, and 15.24, and the parcel of property upon which such building, structure, or improvement is located, or is to be located does not front upon a public street with sufficient right-of-way to construct improvements required by Sections 15.08.050 through 15.08.070 and Chapters 15.12, and 15.24, prior to the issuance of such building permit the owner of said property shall dedicate a portion of the property front necessary to provide the required right-of-way width to construct said improvements.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project plans must include a dedicated right turn lane required by the General Plan (see Chapter 10.85 in table below)</p>
<p><b>15.20.010 STANDARD PLANS FOR SIDEWALKS AND DRIVEWAY APPROACHES.</b></p> <p>All sidewalks and driveway approaches in the sidewalk area shall be constructed in accordance with the standard plans and specifications and subsequent amendments thereto on file in the office of the director of public works, reference to which is hereby made for further particulars. The director of public works, or his/her authorized representative, shall specify in the permit or written approval to be issued under Chapters 15.04, 15.08, 15.20, 15.28, 15.32, 15.34 and 15.48, which particular standard plan shall be used on each sidewalk and driveway to be constructed and such construction shall conform to the standard plans, as specified by the director of public works in the said permit to be issued, and said sidewalk and driveway shall be so maintained in strict compliance therewith.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p><b>City Standard Details &amp; City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</b></p>
<p><b>15.20.030 SPECIFICATIONS ON FILE.</b></p> <p>All the work shall be done according to specifications for sidewalks and driveway approach construction on file in the office of the director of public works, reference to which is hereby made for further particulars.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of</p>



	<p>approval prior to building permit issuance.</p> <p><b>City Standard Details &amp; City Standard Specifications attached:</b>  <b>Exhibit PW-A</b>  <b>Exhibit PW-B</b></p>
<p><b>15.20.040 RULES AND REGULATIONS – LIABILITY OF LANDOWNERS TO PUBLIC.</b></p> <p>Every driveway hereafter constructed, altered or repaired in the sidewalk area shall conform to the regulations set forth in Sections 15.20.050 through 15.20.090, 15.20.210 and 15.20.220. Additionally, all existing driveways and abandoned driveway approaches in the sidewalk area are subject to the terms of Sections 15.20.070, 15.20.210 and 15.20.220.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p><b>City Standard Details &amp; City Standard Specifications attached:</b>  <b>Exhibit PW-A</b>  <b>Exhibit PW-B</b></p>
<p><b>15.20.050 LOCATION.</b></p> <p>(a) No driveway shall be so located as to create a hazard to pedestrians or motorists, or invite or compel illegal or unsafe traffic movements.</p> <p>(b) Unless otherwise approved by the director of public works, all driveways, including the wings or returns, shall be confined within lines perpendicular to the curbline and extend to the property lines.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval.</p> <p>The project will be required to provide adequate decision sight distances to all driveways to ensure</p>

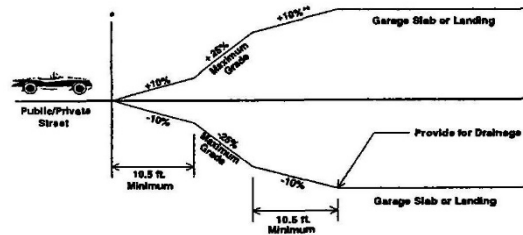
(c) No driveway shall be constructed in such manner as to be a hazard to any existing street lighting standard, utility pole, traffic regulating device, or fire hydrant. The cost of relocating any such street structure set forth above, when necessary to do so, shall be performed only through the person holding authority for the particular structure involved and at the expense of the person requesting the change.

#### 24.14.030 SLOPE REGULATIONS

a. Building permit applications for new structures on slopes of ten percent or greater shall include an accurate topographic map. The map shall contain contours of two-foot intervals for slopes of twenty percent grade.

#### 2. Driveway Design Standards.

- a. Driveways shall be designed with existing contours to the maximum extent feasible.
- b. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight.
- c. Driveways shall have a maximum grade of twenty-five percent as illustrated in the



following diagram:

\* Back edge of standard city driveway.

safe and efficient arterial operations.

Design Speed is 30 MPH, avoidance maneuver E requires 620-feet for adequate sight distance, or as required pursuant to the AASHTO A *Policy on Geometric Design*.

Provide detailed improvement plans prepared by a licensed California Civil Engineer.

\*\* All percentages are measured from the edge of standard city driveway.

d. Driveways within slopes that are thirty percent or greater shall require an exception listed in Section [24.14.040](#).

M3.2.2 Ensure safe and efficient arterial operations.

AASHTO Decision Sight Distance Table:

Metric						US Customary					
Design speed (km/h)	Decision sight distance (m)					Design speed (mph)	Decision sight distance (ft)				
	Avoidance maneuver						Avoidance maneuver				
	A	B	C	D	E	A	B	C	D	E	
50	70	155	145	170	195	30	220	490	450	535	620
60	95	195	170	205	235	35	275	590	525	625	720
70	115	235	200	235	275	40	330	690	600	715	825
80	140	280	230	270	315	45	395	800	675	800	930
90	170	325	270	315	360	50	465	910	750	890	1030
100	200	370	315	355	400	55	535	1030	865	980	1135
110	235	420	330	380	430	60	610	1150	990	1125	1280
120	265	470	360	415	470	65	695	1275	1050	1220	1365
130	305	525	390	450	510	70	780	1410	1105	1275	1445
						75	875	1545	1180	1365	1545
						80	970	1685	1260	1455	1650

Avoidance Maneuver A: Stop on rural road— $t = 3.0$  s  
Avoidance Maneuver B: Stop on urban road— $t = 9.1$  s  
Avoidance Maneuver C: Speed/path/direction change on rural road— $t$  varies between 10.2 and 11.2 s  
Avoidance Maneuver D: Speed/path/direction change on suburban road— $t$  varies between 12.1 and 12.9 s  
Avoidance Maneuver E: Speed/path/direction change on urban road— $t$  varies between 14.0 and 14.5 s

**Exhibit 3-3. Decision Sight Distance**

(d) Every driveway must provide access to something definite on private property, requiring the entrance of vehicles, except as otherwise specifically provided elsewhere in this code.



<p>(e) No driveway shall be constructed to any lot, the building or improvements of which are so constructed as to prevent the passage of vehicles from such driveway to such lot.</p>	
<p><b>15.20.060 SIZE AND NUMBER.</b></p> <p>(a) Except as otherwise provided herein, the total width of any driveway, or driveways, constructed to any parcel of land from any public street shall not exceed thirty feet, including the wings or returns, the measurement being made at the curblane.</p> <p>(b) Except as may otherwise be required by the Americans With Disabilities Act or similar statutes, the total width of all driveways, including wings or returns, for any one ownership on any one street in any commercial or any industrial zone shall not exceed fifty percent of the frontage of the ownership along that street measured at the curblane of the street.</p> <p>(c) Except as may otherwise be required by the Americans With Disabilities Act or similar statutes, the total width of all driveways, including wings or returns, for any one ownership on any one street in any residential zone shall not exceed forty percent of the frontage of the ownership along that street measured at the curblane of the street.</p>	<p><b>Consistent with the objective standards.</b></p>
<p><b>15.20.070 ABANDONMENT OR ALTERATION.</b></p> <p>(a) Any driveway approach which has become abandoned, discontinued or unused through a change of the conditions for which it was originally intended, or which, for any reason, has become unnecessary, shall be closed and the owner or the successor in interest of such owner shall be obligated to restore said driveway approach and such additional area as may be designated by the director of public works at the property owner's expense with a standard curb, gutter and sidewalk section to be constructed according to the city's specifications.</p> <p>An abandoned driveway approach which is not restored as required in this chapter is hereby deemed to be not in compliance with Section 15.20.210 of this code. Where a driveway is not in compliance with Section 15.20.210, the owner of the land abutting the</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p><b>City Standard Details &amp; City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</b></p>

subject driveway approach shall be personally liable for injuries incurred by members of the public pursuant to Section 15.20.220 of this code.

In order to assure reconstruction of driveway approaches under this chapter, all relevant provisions and procedures described in Section 15.20.210 of this code and Chapter 22 of Division 7, Part 3, of the Streets and Highways Code and related provisions may be enforced by the city

Any action taken by the director of public works pursuant to this section or any other section of this code to restore an abandoned driveway approach is discretionary. Neither this section nor any other section of this code shall be construed as creating a duty or obligation on behalf of the city to restore abandoned driveway approaches. The city shall not incur any liability, either to the adjacent landowner or to the public, arising out of its alleged failure to restore, or failure to properly restore, abandoned driveway approaches.

(b) Whenever the total width of driveways on a single street exceeds the limits specified in subsections (b) and (c) of Section 15.20.060, said driveways shall be made to conform to the provisions of this chapter in the event of any of the following changes:

- (1) Any alteration or repair of such existing driveways;
- (2) Any construction of additional driveways or the alteration or repair of any driveways in the ownership when the ownership has frontage on two or more streets,
- (3) Any “change of use” of the ownership, as defined in Section 15.08.010.

Upon the application for a permit to alter or repair any one or more of the driveways, as aforesaid, the director of public works may require such changes in any or all of the

<p>driveways of that ownership as he may deem necessary for the better movement of traffic or to provide better protection to pedestrians.</p> <p>Where a single ownership is developed into more than one unit of operation, each sufficient in itself to meet the requirements of off-street parking and loading, as required by the zoning ordinance, and where the director of public works determines that the safety of pedestrians or vehicular traffic is not endangered, the requirements outlined above shall be construed to apply to each separate unit of operation rather than to the entire ownership.</p> <p>There shall be not more than two driveways on one street for any one ownership except where a single ownership is developed into more than one unit of operation, each sufficient in itself to meet the requirements of off-street parking and loading as required by the zoning ordinance, and where the necessity for separate access to the street is evident. In such cases, there shall be not more than two driveways on one street for any one unit of operation.</p>	
<p><b>15.20.080 PROVISIONS BASED ON EXISTING CONDITIONS.</b></p> <p>Where standard curbs and gutters of portland cement concrete are existing or are to be constructed in conjunction with driveways, the following provisions shall apply to the driveway construction:</p> <p>(1) When portland cement concrete sidewalks are existing, driveways shall be placed from the curbline to the existing sidewalk line, and shall be constructed of portland cement concrete. When that section of sidewalk in line with the proposed driveway is in poor condition and determined by the director of public works to be unsafe, the driveway section shall be constructed of portland cement concrete through the sidewalk section to the property line. Any portion of the remaining sidewalk which is in poor condition shall be repaired or replaced. In either case, driveways shall be extended to the property line with portland cement concrete.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p><b>City Standard Details &amp; City Standard Specifications attached:</b>  <b>Exhibit PW-A</b>  <b>Exhibit PW-B</b></p>



<p>(2) Whenever any driveway is constructed to cross an existing sidewalk which has been determined by the director of public works to differ in grade from the existing sidewalk grade, the driveway shall nevertheless be placed at the established grade, and shall be constructed of portland cement concrete through the sidewalk sections to the property line. If the existing sidewalk is below or above the established grade, an approved temporary concrete sidewalk patch shall be installed on each side of the driveway approach. The length and width of the temporary patch to be constructed shall be specified by the director of public works, and the remaining frontage shall be improved by the construction of a monolithic concrete curb and gutter section.</p> <p>(3) When driveways are constructed, the following improvements shall be required in connection with such driveway approach construction:</p> <p>Where the existing roadway is at the established grade line or if it is practical to establish the gutter grade, the construction of standard curbs and gutters of portland cement concrete along the ultimate edge of the pavement, as determined by the director of public works, shall be continuous between any two driveways for one ownership. Standard curbs and gutters of portland cement concrete shall also be continuous between the driveways and lines extended from the property corners perpendicular to the curbline. Where a single ownership is developed into more than one unit of operation each sufficient in itself to meet the requirements of off-street parking and loading as required by the zoning ordinance, the requirements for curbs and gutters as outlined above shall be construed to apply to each separate unit of operation rather than to the entire ownership. Construction of the driveways shall be as outlined in subsection (1) of this section.</p>	
<p><b>15.20.100 DRAINAGE OF SURFACE WATER.</b></p> <p>Building permit applications for commercial and multifamily residential development shall include detailed drainage plans for the review and approval of the director of public works.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of</p>

<p>In addition to the information required under Section 15.08.040 for application for a permit, the plot plan shall show the details of grading, drainage and surfacing, including the surfacing material to be used. Such plan shall be in compliance with the provisions of Chapter 16.19 and all other applicable provisions of the Municipal Code.</p> <p>All such paved or hard surfaced areas shall be provided with approved catch basins or drainage so as to dispose of all water that may fall upon such areas. Under no circumstances shall concentrations of water be allowed to run across a sidewalk area. All drainage provisions shall be of such design as to carry surface water to the nearest practical storm sewer or other means of disposal approved by the director of public works.</p> <p>No person shall construct or alter any such storm drainage structure without having first obtained a written authorization therefore from the director of public works.</p> <p>No permit shall be issued until the proposal has been approved by the director of public works and, where necessary, by the director of planning and community development or the director's designee.</p>	<p>approval prior to building permit issuance.</p> <p>The project must meet the California Water Board Rules and Regulations.</p>
<p><b>15.20.130 BARRIERS.</b></p> <p>Whenever any area on private property is used for the purpose of parking automobiles, trucks or other vehicles, whether for the sale of such vehicles, public parking, or for other reasons, adequate barriers shall be provided to prevent the parking of vehicles in such a manner that they overhang the property line. Such barrier shall be constructed as directed by the director of public works.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>15.24.010 CONDITIONS OF BUILDING PERMIT.</b></p> <p>No building permit shall be issued, and no person shall be entitled to the issuance of a building permit, for the construction of a new building, structure, used or intended to be used for a one-family or two family or other than a one-family or a two-family dwelling, or for additions to, alteration or remodeling of a building or structure on such property which</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of</p>

<p>will alone, or in combination with any prior addition, remodeling or alteration within the immediately preceding year, either increase the conditioned floor space by fifty-percent for a one-family or two family or increase the area of conditioned floor space by 500 square feet or more, or increase the area of conditioned floor space of a building other than one family or two family dwelling by twenty-five percent or more, unless plans for street and utility improvements meeting the requirements of Sections 15.08.050 through 15.08.070 and Chapters 15.12, and 15.24 are filed with and approved by the director of public works.</p> <p>Whenever the owner, lessee, agent or other person applies for a building permit for the construction of, or improvement to, a one-family or a two-family dwelling or commercial building upon any parcel of property situated within the city, and adjacent to a substandard public street, and the building or improvement for which a permit is sought falls within the provisions of Section 15.12.030 and must therefore meet the requirements of Sections 15.08.050 through 15.08.070 and Chapters 15.12, 15.16 and 15.24, upon otherwise being qualified to construct the building or improvement upon the lot, piece or parcel of real property, the owner thereof shall provide for the construction of concrete curbs, gutters, sidewalks and disabled access ramps along and upon the frontage or frontages of all city streets adjacent to the boundaries of the lot, piece or parcel of real property upon which the improvements are to be made.</p>	<p>approval prior to building permit issuance.</p>
<p><b>15.24.020 COMPLIANCE WITH CONDITIONS.</b></p> <p>It shall be deemed that the owner has adequately complied with the requirements for such concrete curbs, gutters and sidewalks by any of the following methods.</p> <p>(1) Actual construction of concrete curbs, gutters, sidewalks and disabled access ramps by a duly licensed contractor, prior to the issuance certificate of occupancy or completion all building permit inspections;</p> <p>(2) Meet the requirements set forth in Section 15.24.030.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p><b>City Standard Details &amp; City Standard Specifications attached:</b>  <b>Exhibit PW-A</b>  <b>Exhibit PW-B</b></p>



<p><b>15.24.040 MATCHING PAVING REQUIRED.</b></p> <p>The owner, lessee, or agent obtaining a building permit conditioned upon the installation of concrete curbs and gutters in accordance with this chapter shall also install such paving as may be necessary to match the elevation and grade of the concrete gutter so installed with the existing street. The work shall be performed to the satisfaction of the director of public works, by a contractor duly licensed to perform such paving, and the paving required shall consist of not less than six inches of approved crusher-run base material and two inches of plant-mix surfacing.</p> <p>Should the director of public works determine in any particular case that it would be in the public interest, and that it would be in furtherance of the public convenience, safety and welfare that such matching paving be deferred due to unusual conditions of topography or for other good cause, the director of public works may require, as an alternative to the requirement of installation of matching paving, that the owner of the property execute an agreement with city, prior to the issuance of a building permit, which agreement shall be on the terms and conditions, and in substantially the form of the agreement set forth in Section 15.16.030 and which shall provide that such paving work will be deferred on the terms set forth in the agreement.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p><b>City Standard Details &amp; City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</b></p>
<p><b>15.24.070 ALLEYS.</b></p> <p>Where it is shown on the building plans, submitted as part of a building permit application that the garage and driveway are accessible to a public alley, the applicant shall provide for the asphalt concrete paving of the alley to the satisfaction of the city engineer, along the frontage of the public alley adjacent to the lot or parcel of real property upon which the building or improvements are to be made. In addition, if, in the opinion of the city engineer, a plan is necessary for the orderly improvement of the alley, the applicant shall provide an alley improvement plan for the entire length of the alley, to the nearest intersecting street, to the satisfaction of the director of public works.</p>	<p><b>This objective standard does not apply.</b></p>
<p><b>15.28.010 STREET CUTTING – PERMIT REQUIRED.</b></p>	<p><b>The project conflicts with this objective standard.</b></p>

<p>No person shall open, excavate or dig any trench, or opening in any public street in the city, without first obtaining the written permission of the director of public works to do so.</p>	<p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>15.28.020 APPLICATION AND FEES.</b></p> <p>Any person desiring to open, excavate, or dig any trench or opening as aforesaid shall, before obtaining permission from the director of public works as aforesaid, sign a written application therefore and shall pay to the city of Santa Cruz in advance a permit fee as determined by city council resolution.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p><b>Exhibit PW-C RESOLUTION NO. NS-29,484</b></p>
<p><b>15.28.040 TECHNICAL PROVISIONS OF THE STANDARD SPECIFICATIONS AND STANDARD PLANS.</b></p> <p>Construction of utilities, excavating and backfilling streets and replacing pavement surfacing within public streets shall be performed in accordance with the technical provisions of the Standard Specifications and Standard Plans of the City of Santa Cruz.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p><b>City Standard Details &amp; City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</b></p>
<p><b>16.08.020 DISCHARGE TO SANITARY SEWER.</b></p> <p>All wastewater shall be discharged to public sewers except as provided in this chapter, in Chapter 6.20, and in Chapter 16A of the California Plumbing Code, as adopted by reference</p>	<p><b>The project conflicts with this objective standard.</b></p>

in Title 18. Septic tanks and cesspools are not allowed within city boundaries except as specified in Chapter 6.20.	The project will be required to meet this standard as a condition of approval prior to building permit issuance.
<p><b>16.08.030 DISCHARGE OF STORM WATER.</b></p> <p>No user shall discharge or cause to be discharged any storm waters, surface waters, roof runoff, subsurface drainage, or groundwater to any sanitary sewer except as specifically allowed by the director.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>16.08.040 DISCHARGE INTO THE STORM DRAIN SYSTEM.</b></p> <p>No user shall cause the discharge of non-storm water runoff to enter the storm drain system except in accordance with Chapter 16.19, Storm Water and Urban Runoff Pollution Control.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>16.08.050 DISCHARGE OF SWIMMING POOL/HOT TUB WATER.</b></p> <p>Swimming pool and hot tub water shall be discharged into the sanitary sewer system. Water quality and discharge rate must meet all requirements of this chapter.</p>	<b>This objective standard will apply if a swimming pool or hot tub is proposed.</b>
<p><b>16.08.140 INTERCEPTORS.</b></p> <p>(1) The director may require a commercial discharger of wastewater to install an interceptor. Required interceptors shall be of a type and capacity approved by the director.</p> <p>(a) Installation. The interceptor shall be installed as required by the California Plumbing Code and by the city. The interceptor shall be installed so that it is at all times easily accessible for inspection, sampling, cleaning, and removal of intercepted wastes. The director may require that interceptors have a sampling box installed. The sampling box</p>	<b>This objective standard will apply if a restaurant use is proposed.</b>



<p>shall be located so that it is at all times easily accessible for inspection and sampling. The interceptor and sample box shall be constructed in such a manner as to exclude the entrance of surface water and storm water. The interceptor shall be situated on the user's premises unless the director approves installation in the public street or sidewalk area.</p> <p>(b) Cleaning and Repairs.</p> <p>(i) The interceptor shall be cleaned, maintained, and repaired by the owner or operator at his/her own expense. Cleaning shall require that the entire contents of an interceptor be pumped out and disposed of at a facility designed to handle such waste. Pumped interceptor contents shall never be discharged into any drainage piping, public or private sewer. A record of interceptor cleaning and maintenance or copies of interceptor pumping receipts must be maintained on site for a twelve-month period and made available for inspection upon request by the city's representative.</p> <p>(ii) Prior written approval from the director must be obtained prior to the use of chemicals, bacteria or other agents to dissolve grease or otherwise clean or treat grease interceptors.</p> <p>(iii) When it is determined that repairs to either the interceptor itself or to the external plumbing are necessary, such repairs shall be completed within thirty days of notification or sooner if the director determines that delay may result in interference with the POTW.</p> <p>(c) Building Remodels. Buildings remodeled for uses requiring interceptors shall be subject to the aforementioned regulations. Abandoned interceptors shall be emptied and filled as required for abandoned septic tanks, according to the California Plumbing Code and the city.</p>	
<p><b>16.08.190 FOOD SERVICE FACILITIES.</b></p> <p>(1) Grease Interceptors.</p>	<p><b>This objective standard will apply if a food service facility is proposed.</b></p>

<p>(a) Food service facilities meeting the requirements of this subsection shall be exempt from the animal and vegetable oil and grease limit of Section 16.08.110.</p> <p>(b) Food service facilities shall have an interceptor if oil or grease may, in the opinion of the director, be discharged to the sanitary sewer. The interceptor type and capacity shall be approved by the director.</p> <p>(c) Interceptors shall be installed, cleaned, maintained, and repaired in accordance with this chapter and as required by the director.</p> <p>(d) A dishwasher shall not be connected to an interceptor unless approved by the director.</p> <p>(e) New and existing businesses or facilities and building remodels shall comply with this chapter. A completed grease trap/interceptor questionnaire form must be submitted to the director prior to commencing construction of new facilities or remodeling.</p> <p>(2) Garbage grinders shall not be connected to the sanitary sewer.</p> <p>(3) New and remodeled food service facilities, that use or will use kitchen floor mats, shall provide an enclosed area for washing mats. Such an enclosure shall drain to the sanitary sewer. The enclosure shall have drain screens to retain particles larger than one-half inch, which shall not be discharged to the sanitary sewer. The enclosure shall be constructed so that storm water may not flow into the area and that wastewater may not flow out. The director may require such enclosures to be connected to an interceptor.</p>	
<p><b>16.12.120 SEWAGE SYSTEM EXTENSION AND CONNECTION CHARGES AND FEES.</b></p> <p>Sewer service connections may be made only by or under the authority of the city, and under the supervision and to the satisfaction of the director of public works. Such connections shall be made only upon the filing of an application or a request therefor with</p>	<p><b>This objective standard does not apply to this project.</b></p>

<p>the department of public works, the payment of the prescribed charges, and subject to the following conditions:</p> <p>(a) The engineering, design and construction shall be in accord with the standard specifications of the city of Santa Cruz department of public works.</p> <p>(b) The construction work shall be performed by a licensed and bonded contractor selected by the property owner or by the authorized agent of the property owner, and approved by the department of public works.</p> <p>(c) The construction work shall be subject to inspection and supervision of the department of public works.</p> <p>(d) The cost of design, engineering, surveys, construction, inspection, installation, maintenance and repair shall be borne by the property owner. Charges and fees for the extension of sewer lines, and for connections to the city sewerage system, shall be established by the city council by resolution.</p>	
<p><b>16.12.130 SEWER MAIN EXTENSIONS CONSTRUCTED AND PAID FOR BY PROPERTY OWNERS.</b></p> <p>When for any reason the city does not extend sewer mains to serve property located within the city, the owner of such property, or an agent authorized by the owner, may apply to the director of public works for permission to construct such sewer main extensions as may be necessary to serve the property. Permission may be granted by the director if he finds that the public convenience and necessity will be served by the proposed sewer main extension, but such permission shall be subject to the following conditions:</p> <p>(a) The engineering, design and construction work shall be in accord with the standard specifications of the city of Santa Cruz department of public works</p>	<p><b>This objective standard does not apply to this project.</b></p>



<p>(b) The construction work shall be performed by a licensed contractor selected by the property owner or by the authorized agent of the property owner, and approved by the department of public works.</p> <p>(c) The construction work shall be performed pursuant to a sewer main extension agreement between the city, the property owner and the licensed contractor. The form of the agreement must be approved by resolution of the city council; and an agreement between specific parties shall not become effective until approved and signed by the city manager.</p> <p>(d) The construction work shall be subject to inspection and supervision by the city engineer.</p> <p>(e) The cost of design, engineering, surveys, construction, inspection, and necessary environmental documents shall be borne by the property owner. The sewer main extension agreement may provide for reimbursement of actual approved costs to the property owner from sewer connection charges paid to the city by those who subsequently connect with the sewer main extension paid for by the property owner.</p> <p>(f) The sewer main extension, when completed, and approved by the department of public works, shall become the property of the city of Santa Cruz.</p>	
<p><b>16.19.030 ILLICIT DISCHARGES PROHIBITED.</b></p> <p>No person shall install, maintain or use any connection to the storm drain system which is used to discharge to the storm drain system in violation of this code. All connections to the storm drain system that provide for a discharge from inside any building are prohibited.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>16.19.100 PROHIBITED DISCHARGES FROM INDUSTRIAL OR COMMERCIAL ACTIVITY</b></p> <p>(a) The following list of discharges from industrial/commercial activities shall be considered prohibited unless permitted under a separate NPDES permit or as allowed by</p>	<p><b>The project conflicts with this objective standard.</b></p>

<p>BMPs published or approved by the city public works department. This list is based on Section 16.19.030 but is not an exhaustive list of prohibited discharges to the storm drain system:</p> <ul style="list-style-type: none"> <li>(1) Water from the cleaning of gas stations, vehicle service garages, or other types of vehicle service facilities;</li> <li>(2) Water, cleansers, or solvents from the cleaning of vehicles, machinery or equipment, and other such commercial and industrial operations;</li> <li>(3) Water from the washing or rinsing of vehicles containing soap, detergents, solvents, or other cleaners;</li> <li>(4) Water from the washing or rinsing of vehicles, with or without soap, from auto body repair shops;</li> <li>(5) Water from the cleaning or rinsing of vehicle engine, undercarriage, or auto parts cleaning;</li> <li>(6) Vehicle fluids;</li> <li>(7) Mat wash water from food service facilities;</li> <li>(8) Food and kitchen cleaning water from food service facilities;</li> <li>(9) Leakage from dumpsters or trash containers;</li> <li>(10) Water from the cleaning or rinsing of garbage dumpster areas and areas where garbage is stored or contained;</li> </ul>	<p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
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<p>(11) Water from pressure washing, steam cleaning, and hand scrubbing of sidewalks, gutters, plazas, alleyways, outdoor eating areas, steps, building exteriors, walls, driveways, and other outdoor surfaces;</p> <p>(12) Wastewater or cleaning fluids from carpet cleaning;</p> <p>(13) Swimming pool and spa water;</p> <p>(14) Wash out from concrete trucks;</p> <p>(15) Runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored, except as allowed by Chapter 6.50 of this code;</p> <p>(16) Super-chlorinated water normally associated with the disinfection of potable water systems.</p>	
<p><b>16.19.110 INDUSTRIAL/COMMERCIAL SOURCES REQUIRED TO OBTAIN AN NPDES PERMIT.</b></p> <p>(a) Any industrial/commercial facility that is required to have a NPDES permit shall retain the following documents on-site and make them immediately available to the director:</p> <p>(1) A copy of a permit or notice of intent to comply with a general permit to discharge storm water associated with industrial activity as submitted to the State Board or report of waste discharge as submitted to a Regional Board of jurisdiction.</p> <p>(2) A waste discharge identification number issued by the State Board or copy of the NPDES permit issued by a Regional Board.</p> <p>(3) A SWPPP monitoring program plan or group monitoring plan.</p> <p>(4) Storm water quality data.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>



(5) Evidence of facility self-inspection as required by the NPDES permit.	
<p><b>16.19.130 MANDATORY BEST MANAGEMENT PRACTICES.</b></p> <p>Any owner, occupant, or user of any property, or any person conducting activities within the city shall comply with any mandatory BMPs listed in the latest BMP manual published by the public works department and the following mandatory BMPs:</p> <p>(a) If water is used to remove paint or graffiti for building exteriors, walls, steps, signs, and other surfaces, the wastewater and paint particles may not be discharged to the street or storm drain system. If blasting or sanding is used to remove paint or graffiti, the paint particles, blasting material, sand, or dust may not be allowed to reach the storm drain system.</p> <p>(b) Paintbrushes, paint spray guns, paint trays or containers, and paint cans may not be cleaned or rinsed into the street or storm drain system.</p> <p>(c) Objects including, but not limited to, motor vehicles, motor vehicle parts, machinery, and equipment that contain grease, oil, or hazardous substances shall be placed in a confined area in order to contain leakage, spillage and discharges, or stored in such condition so that grease, oil or hazardous substances do not contact urban runoff.</p> <p>(d) Areas susceptible to runoff shall have debris removed by sweeping or another equally effective measure on a regular basis.</p> <p>(e) Waste not contained in receptacles shall be covered and located so as to prevent contact with urban runoff.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>16.19.140 BEST MANAGEMENT PRACTICES FOR CONSTRUCTION ACTIVITY.</b></p> <p>Any construction project, including those undertaken under any permit or approval granted pursuant to Titles 15, 18, and 24 of this code, shall implement best management practices (BMPs) including the city's mandatory BMPs as detailed in the latest BMP manual published</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of</p>

<p>by the city's public works department. BMPs shall be maintained in full force and effect during the duration of the project.</p>	<p>approval prior to building permit issuance.</p> <p>The project must meet the California Water Board Rules and Regulations.</p>
<p><b>16.19.150 BEST MANAGEMENT PRACTICES FOR INDUSTRIAL/COMMERCIAL ACTIVITIES.</b></p> <p>Any construction project, including those undertaken under any permit or approval granted pursuant to Titles 15, 18, and 24 of this code, shall implement best management practices (BMPs) including the city's mandatory BMPs as detailed in the latest BMP manual published by the city's public works department. BMPs shall be maintained in full force and effect during the duration of the project.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>The project must meet the California Water Board Rules and Regulations.</p>
<p><b>16.19.160 BEST MANAGEMENT PRACTICES FOR BUSINESSES NOT COVERED BY STATE PERMIT.</b></p> <p>All business activities shall implement mandatory BMPs as detailed in the latest BMP manual published by the city's public works department.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>The project must meet the California Water Board Rules and Regulations.</p>

<p><b>18.45.015 CONSTRUCTION SITE MANAGEMENT.</b></p> <p>(1) - (15)</p> <p>(1) The city's mandatory Best Management Practices (BMP's), as published by the city's public works department and/or planning department, shall be maintained in full force and effect for the duration of any permitted grading project.</p> <p>(2) Erosion and sediment control BMP's shall be in place and implemented, as appropriate under Section 18.45.110, prior to commencing grading or vegetation removal. Such measures shall be maintained on all disturbed areas in order to prevent a net increase of sediment load in a site's storm water discharge relative to pre-construction levels.</p> <p>(3) During the rainy season, erosion control measures must also be located at all appropriate locations along the site's perimeter and at all inlets to the storm drain system. Effective methods to protect storm drain inlets include sand bag barriers, heavy rubber mats to cover and seal the inlet, and approved sediment traps or basins.</p> <p>(4) All on-site erosion control measures and structural devices, both temporary and permanent, shall be properly installed and maintained. If damaged during construction, they shall be promptly repaired or reinstalled.</p> <p>(5) Unless granted a specific exemption grading operations shall be conducted in phases in order to reduce the amount of disturbed areas and exposed soil at any one time. Unless specifically approved on the project's Erosion Control Plan, clearing, excavation, and grading shall not be conducted during rainy weather. All rainy season grading must be in accordance with Section 18.45.040 of this chapter. An exception may be granted for minor clearing or grading that does not present a hazard and is approved by the building official.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
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| <p>(6) Clearing limits, easements, setbacks, sensitive or critical areas, trees, drainage courses, and buffer zones must be delineated to prevent excessive or unnecessary disturbances and exposure prior to construction.</p> <p>(7) Use one or more of the following to reduce the erosion potential from bare, exposed, or disturbed soil: filter fabric, erosion control blankets, geo-textiles, mulching, seeding, vegetation planting, or other appropriate cover material. If vegetative cover is used, a uniform vegetative cover with a minimum of seventy percent coverage must be established.</p> <p>(8) Access roads and entrances must be constructed to minimize the tracking of soil, mud, or hazardous materials into the roadway or into storm drains. Shaker roads and/or wash down facilities for construction vehicles must be installed on any site greater than one acre and on a case-by-case basis for smaller sites. Shaker road design and maintenance must be approved by either city public works or inspection services staff prior to installation. Mud, dirt, gravel, sand and other materials tracked or dropped on city streets must be cleaned up to prevent washing into storm drains. Heavy equipment that is not rubber wheeled or smooth-tracked, must be off-loaded on the construction site, not in the street.</p> <p>(9) Cleared vegetation may not be disposed of in a creek, gully or waterway.</p> <p>(10) Sediment or pollutant laden water may not be discharged into the storm drain system. De-watering operations must be pre-approved by the city public works department (and county environmental health department if containing hazardous contaminants).</p> <p>(11) Leaks, spills and drips of hazardous materials and chemicals must be contained and cleaned up as quickly as possible to minimize run off or soak in. This includes fuel and motor oil, hydraulic fluid, and glycol based anti-freeze from vehicles. Encountered abandoned fuel/oil tanks (and their contents) must be removed in a manner consistent with methodology approved by both the city of Santa Cruz and county environmental health department.</p> |  |
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<p>(12) Paint and paint thinner may never be discharged into the storm drain system. Paint brushes, paint spray guns, paint trays or containers, and paint cans may not be cleaned or rinsed into the street or storm drain system.</p> <p>(13) Concrete, cement, and masonry products may never be discharged into the storm drain system. Concrete, cement, and masonry mixing containers and tools may not be washed or rinsed into the street or storm drain system. If a concrete transit mixer is used, a suitable washout box, excavation or self-washing mixer able to contain the waste material shall be provided on-site.</p> <p>(14) Store materials, including stockpiles and excavation spoils, under cover and protected from wind, rain, and runoff. Stockpiles may never be stored on a street or alley. Paints, chemicals, solvents, and other hazardous materials must be stored inside or within a shed with double containment.</p> <p>(15) Discarded building materials and demolition wastes must never be left in a street, gully, or waterway. Dispose of all wastes properly including leftover paint and chemicals. When the job is completed, collect and properly dispose of all unused or waste materials. Never leave or abandon materials or excavation spoils onsite. Usable leftover materials should be recycled or donated as appropriate and appropriately separated from unusable/non-recyclable garbage and debris. Ensure that nothing has “drifted” towards the street, gutter, or catch basin.</p>	
<p><b>18.45.030 GENERAL GRADING PERMIT REQUIREMENTS.</b></p> <p>No person shall do any excavation, filling, clearing and/or erosion control work without first having obtained a permit from the city, except as exempted in subsection (1)(a) through (i), below. Cumulative grading as defined in Section 18.45.020 shall be taken into account when considering which type of grading permit (regular or engineering) to issue or if an exemption is appropriate. A separate grading permit shall be obtained for each site and may cover both excavations and fills.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p><b>18.45.035 SPECIFIC APPLICATION REQUIREMENTS.</b></p> <p>(1) - (3)</p> <p>Grading in excess of five thousand cubic yards shall be performed in accordance with the approved plan of an erosion control specialist and shall be designated as “engineered grading.” Grading involving less than five thousand cubic yards shall be designated as “regular grading,” unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.</p> <p>(1) Engineered Grading Requirements. Application for a grading permit shall be accompanied by a minimum of three sets of plans, two sets of specifications, and supporting data consisting of an engineering soils report and engineering geology report. Log borings shall be as specified by the engineer. The building official may require additional borings in questionable soils. The plans and specifications shall be prepared and signed by an individual licensed by the state of California to prepare such plans or specifications.</p> <p>Specifications shall contain information covering construction and material requirements. Log borings may be cross-referenced to scale plans as to actual site location; however, a detail of each boring taken shall be contained in the report.</p> <p>Plans shall be drawn to scale in either blueprint or photocopy form and shall be suitable for the purpose intended, sufficient in clarity to indicate the nature and extent of the work proposed, and show in detail that they will conform to the provisions of this chapter and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work, the name and address of the owner, and the person by whom they were prepared, as indicated by their affixed registration seal and original (wet) signature.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
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The plans shall include the following information:

- (a) General vicinity of the proposed work site;
- (b) Property limits, delineated by length and bearing, accurate contours of existing ground, and details of terrain and area drainage. Properties within one thousand feet of a riparian corridor and draining thereto shall indicate the presence of such corridor in relation to the property;
- (c) Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction. Such details shall be clearly distinguishable from existing contour indications. Contours shall be normally detailed in two-foot increments, except for very large areas, which may use five-foot major contours. (Only the five-foot lines need be labeled if intermediate contour lines are also used.) Smaller details, such as building pads, roadways and driveways, shall be contoured as necessary using one-foot increments. In all cases, topography shall be indicated at least twenty feet from any proposed structure, even if such contours appear on an adjoining parcel.

Elevations shall be detailed in actual feet above sea level. A basis of bearings and elevations shall accompany each plan set;

- (d) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains;
- (e) Location of any buildings or structures on the property where the work is to be performed, and the location of any buildings or structures on land of adjacent owners which are within fifteen feet of the property or which may be affected by the proposed grading operations;

(f) Recommendations included in the soils engineering report and/or the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference;

(g) The dates of the soils engineering and engineering geology reports, together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

(2) Soils Engineering and Engineering Geology Report. The soils engineering report required by subsection (1) shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, and design criteria for corrective measures, including buttress fills, when necessary, and an opinion on the adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

The engineering geology report required by subsection (1)(g) shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and an opinion on the adequacy for the intended use of sites to be developed by the proposed grading as affected by geologic factors.

(3) Regular Grading Requirements. Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

(a) General vicinity of the proposed site;

(b) Limiting dimensions and depth of cut and fill;

<p>(c) Location of any buildings or structures where work is to be performed and the location of any buildings or structures within fifteen feet of the proposed grading;</p> <p>(d) Location of construction best management practices (BMPs) as required by the city's mandatory storm water BMP manual, as published by the city's public works department.</p> <p>The provisions of Section 303 of the Uniform Building Code are applicable to grading permits. The building official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.</p> <p>The building official may require professional inspection and testing by an approved special inspector. When the building official has reason to believe that geologic factors may be involved, the grading will be required to conform to engineered grading standards.</p>	
<p><b>18.45.040 WINTER (RAINY SEASON) GRADING RESTRICTIONS.</b></p> <p>(1) - (4)</p> <p>The rainy season shall be generally considered to occur between October 15th and April 1st of each year in the city of Santa Cruz.</p> <p>(1) Grading shall not occur during the rainy season on or within ten feet of any slope greater than thirty percent.</p> <p>(2) Grading on slopes between ten percent and thirty percent may be approved throughout the rainy season provided an erosion control system approved by an erosion-control specialist is in place and the project does not present a hazard. No such grading may take place if precluded by the conditions of any discretionary zoning permit.</p> <p>(3) Grading may be allowed on slopes of less than ten percent during winter months, provided positive erosion-control methods are placed to prevent off-site movement of materials.</p> <p>(4) All grading or other land disturbance, regardless of the time of year or weather conditions, shall employ best management practices (BMP's) as prescribed in this chapter.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>18.45.080 CUTS AND FILLS.</b></p>	<p><b>The project conflicts with this objective standard.</b></p>



<p>(1) General. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts and fills shall conform to the provisions of this section.</p> <p>Minor cuts and fills not intended to support structures or other surcharges may be approved in the absence of an approved soils report or have additional provisions waived by the building official on a case-by-case basis.</p> <p>(2) Cut Slopes. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than two horizontal to one vertical, unless the permittee furnishes a soils engineer or an engineering geology report, or both, stating the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.</p> <p>(3) Retained Cuts. As provided in Section 301(b)5 of the Uniform Building Code, retaining walls not over four feet in height measured from the bottom of the footing to the top of the wall are exempt from permit requirements. If such a wall is subjected to a surcharge, such as a structure or vehicle load, sufficient engineering shall be provided to demonstrate the adequacy of such a retaining wall to perform the function as designed and either an inclusive grading permit or building permit must be obtained depending upon the amount and depth of soil moved.</p> <p>Cuts, regardless of height, which tend to alter the natural drainage of property and accelerate erosion, concentrate runoff, or otherwise create a hazardous condition, shall be reviewed by an engineer and permits obtained as provided for in this chapter.</p> <p>(4) Fill Slopes. Fill slopes shall not be constructed on natural slopes steeper than 2 to 1. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill and, where slopes are steeper than 2 to 1 and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 5 to 1 shall be at least ten feet wide. The area beyond the toe of the fill shall be sloped for sheet overflow or a</p>	<p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>The project must meet the California Building Code.</p>
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paved drain shall be provided. Such drains shall be constructed with energy dissipaters and shall discharge into an approved area. When fill is to be placed over a cut, the bench under the toe of fill shall be at least ten feet wide, but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

(5) Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock, broken concrete, asphalt, or similar irreducible materials with a maximum dimension greater than twelve inches shall be buried or placed in fills. In areas where leaching of oil may be detrimental to the quality of the water table, permission shall first be obtained from the water department before placing any asphaltic materials. No soils containing hazardous or toxic material of any kind may be used as fill within the city limits.

Exception. The building official may permit placement of larger rock when the soils engineer devises a method of placement and continuously inspects its placement and approves the fill stability. The following shall also apply:

(a) Prior to issuance of a grading permit, provisions shall be made to separate organic materials, such as tree stumps and brush, as well as large rocks. An area for stockpiling shall be delineated on the grading plans as well as provisions for their disposition.

(b) Rock greater than twelve inches in size may be placed a minimum of ten feet under the surface of the finish grade. Soils shall be compacted in short lifts around such materials to assure adequate filling around the large rock and preventing voids.

(6) Compaction. All fills shall be compacted to a minimum relative density of 90%. The top eighteen inches may be excepted when no load is expected, and the slope does not exceed 2 horizontal to 1 vertical.

<p>(7) Slope. The maximum slope of fill surfaces shall not exceed 2 horizontal to 1 vertical or steeper than is safe, whatever occurs first. Batter walls using only large aggregate may be accepted with proper engineering.</p>	
<p><b>18.45.100 DRAINAGE AND TERRACING.</b></p> <p>Drainage plans shall be prepared as provided in Section 24.14.050 of this code.</p> <p>(1) – (5)</p> <p>(1) Terraces. Terraces at least six feet in width shall be established at not more than thirty-foot intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than sixty feet and up to one hundred and twenty feet in vertical height, one terrace at approximately mid-height shall be twelve feet in width. Terrace widths and spacing for cut-and-fill slopes greater than one hundred and twenty feet in height shall be designated by the civil engineer and approved by the building official. Suitable access shall be provided to permit proper cleaning and maintenance.</p> <p>Swales or ditches on terraces shall have a minimum gradient of 5% and must be paved with reinforced concrete not less than three inches in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of one foot and a minimum paved area of five feet.</p> <p>A single run of swale or ditch shall not collect runoff from a tributary area exceeding thirteen thousand five hundred square feet (projected horizontally) without discharging into a down drain.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>



(2) Subsurface Drainage. Cut-and-fill slopes shall be provided with subsurface drainage as necessary for stability.

(3) Disposal of Drainage. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive down drains and other devices.

Building pads shall have a drainage gradient of 2% minimum toward approved drainage facilities unless waived by the building official.

Exception. The gradient from the building pad may be 1% if all of the following conditions exist throughout the permit boundary area:

- (a) No proposed fill area greater than ten feet in maximum depth;
- (b) No proposed finish cut or fill slope faces have a vertical height in excess of ten feet;
- (c) No existing slope faces, which have a slope face steeper than 10 horizontal to 1 vertical have a vertical height in excess of ten feet.

(4) Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above the slopes toward the cut has a drainage path greater than forty feet measured horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of twelve inches and a minimum paved width of thirty inches, measured horizontally across the drain. The slope of drain shall be approved by the building official.

(5) Oil Separators. Interceptor drains receiving runoff from paved areas likely to be fouled with motor oil or grease shall be equipped with approved-type oil separators prior to discharge into any waterway.

<p><b>18.45.110 EROSION CONTROL.</b></p> <p>In addition to the erosion control requirements outlined in Section 24.14.060 (Erosion hazard areas), the following shall apply to all cut-and-fill slopes:</p> <p>The faces of cut-and-fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting, use of armor rock, terracing, water breaks, check dams, cribbing, rip rap, or combinations thereof. The protection for the slopes shall be installed as soon as practicable and prior to calling for final inspection. During the approach of the rainy season, the contractor performing the work shall be prepared to install temporary measures as required to protect exposed areas until permanent measures can be taken. Where cut slopes are not subject to erosion, due to the erosion resistant character of the materials, such protection may be omitted with the permission of the building official.</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p><b>Resolution NS 29,484 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING RESOLUTION NO. NS-29-231 PERTAINING TO THE MASTER FEE SCHEDULE.</b></p> <p><b>Public Works Inspection Fees</b></p> <p><b>City of Santa Cruz Unified Master Fee Schedule.</b></p> <p><b>RESOLUTION NO. NS-29,484</b></p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p><b>Exhibit PW-C RESOLUTION NO. NS-29,484</b></p>
<p><b>10.16.010 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES</b></p> <p>(a) The city traffic engineer is hereby authorized to install, maintain, and remove any traffic-control device necessary to regulate, guide or warn traffic, and make effective the provisions of this title (Chapters 10.04 through 10.80) or the California Vehicle Code. These</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to provide adequate transportation</p>

<p>installations or removals shall be based on sound traffic engineering principles and practices. Traffic-control devices shall be installed or removed in accordance with standards, limitations, and rules as set forth in this title (Chapters 10.04 through 10.80), or by city council ordinance or resolution, or any applicable provision set forth in the California Vehicle Code.</p> <p><b>10.85.020 INTENT AND PURPOSE</b></p> <p>(a) The city council of the city of Santa Cruz declares that:</p> <p>(1) Adequate capital transportation improvements and facilities are needed to protect and advance the health, safety, and general welfare of the city's citizens;</p> <p><b>10.08.060 CITY TRAFFIC ENGINEER</b></p> <p>The office of city traffic engineer is hereby established The director of public works shall serve as city traffic engineer, and he shall exercise the powers and duties as provided in this title and in the traffic ordinances of this city Whenever the city traffic engineer is required or authorized to place or maintain official traffic-control devices or signals, he may cause such devices or signals to be placed or maintained.</p> <p><b>10.08.070 POWERS AND DUTIES OF CITY TRAFFIC ENGINEER – DELEGATION</b></p> <p>It is the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city. Whenever, by the provisions of Chapters 10.08 through 10.60 a power is granted to the city traffic engineer or</p>	<p>improvements based on a city initiated traffic study.</p>
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<p>a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him.</p>	
<p><b>10.16.040 INSTALLATION OF TRAFFIC SIGNALS</b></p> <p>(a) The city traffic engineer is hereby directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.</p> <p>(b) The city traffic engineer shall ascertain and determine the locations where such signals are required by field investigation, traffic counts and other traffic information as may be pertinent and his determination therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California Maintenance Manual issued by the Division of Highways of the State Department of Public Works.</p> <p>(c) Whenever the city traffic engineer installs and maintains an official traffic signal at any intersection, he shall likewise erect and maintain at such intersection street name signs clearly visible to traffic approaching from all directions unless such street name signs have previously been placed and are maintained at any said intersection.</p> <p>CA MUTCD table with minimum sight distance:</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>The project will be required to provide a minimum of 215 feet of sight distance to all traffic signals and devices pursuant to Table 4D-2 of the CA MUTCD.</p>

**Table 4D-2. Minimum Sight Distance for Signal Visibility**

85th-Percentile Speed	Minimum Sight Distance
20 mph	175 feet
25 mph	215 feet
30 mph	270 feet
35 mph	325 feet
40 mph	390 feet
45 mph	460 feet
50 mph	540 feet
55 mph	625 feet
60 mph	715 feet

Note: Distances in this table are derived from stopping sight distance plus an assumed queue length for shorter cycle lengths (60 to 75 seconds).

#### 10.28.030 EMERGING FROM ALLEY, DRIVEWAY, OR BUILDING

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or driveway.

**The project conflicts with this objective standard.**

The project will be required to meet this standard as a condition of approval prior to building permit issuance.

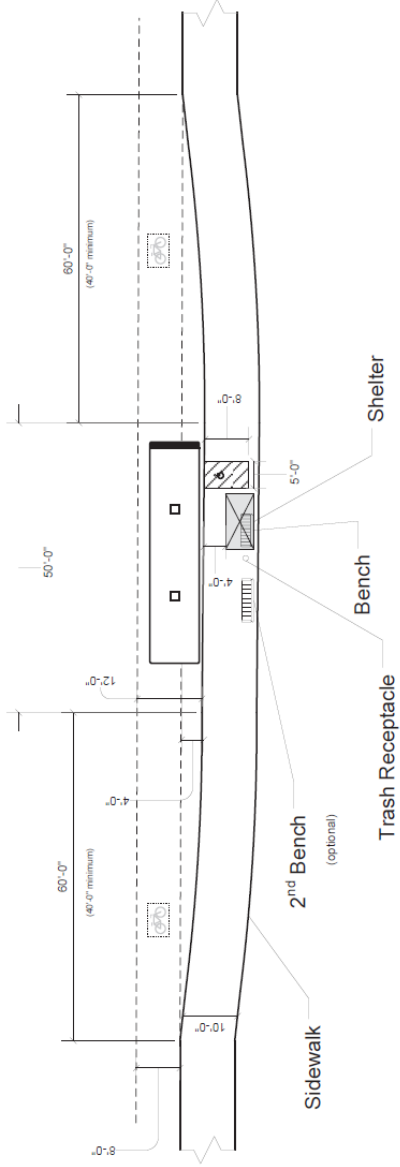
The project will be required to provide adequate stop controls to ensure vehicles emerging from driveways stop prior to driving onto a sidewalk. At a minimum, stop sign and stop bar.

<p><b>10.46.090 COMPLIANCE MEASURES FOR RESIDENTIAL DEVELOPMENTS OF TWENTY-FIVE OR MORE UNITS IN A SINGLE APPLICATION</b></p> <p>Applications for residential developments in which twenty-five or more housing units are proposed shall meet the following criteria:</p> <p>(4) Provide bus pull-outs, transit stops, shelters and amenities as part of the site plan;</p> <p>M2.4.11 Provide safe and secure links to transit</p> <p>M2.4.12 In coordination with the transit district, require development along arterial streets to provide adequate and accessible bus shelters, with curb cuts leading to the shelter and to destination and loading platforms. Cf. PR1.6.3.</p> <p>Santa Cruz Metro Design Standards:</p>	<p><b>The project conflicts with this objective standard.</b></p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>The project will be required to provide ADA compliant bus shelter and bus bay for the high quality transit corridor.</p>
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# Typical Bus Stop Layout Attachment A With Shelter – Bus Bay and Bicycle Lane

Appendix C-8

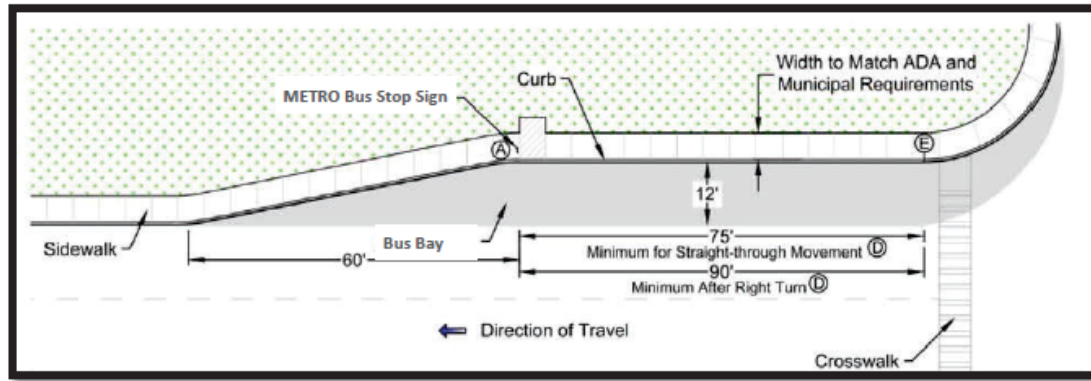


12A.49

Scale: 1/240" = 1'



Far Side Bus Bay:



## Chapter 10.85 TRAFFIC IMPACT FEES FOR CAPITAL PROJECTS

### 10.85.010 AUTHORITY

The ordinance codified in this chapter is enacted pursuant to the Mitigation Fee Act, California Government Code Section [66000](#) et seq., and to the Charter City authority provided by the Constitution of the State of California.

### 10.85.020 INTENT AND PURPOSE

(a) The city council of the city of Santa Cruz declares that:

- (1) Adequate capital transportation improvements and facilities are needed to protect and advance the health, safety, and general welfare of the city's citizens;
- (2) The city of Santa Cruz provides transportation improvements, facilities and services for residents, businesses, visitors, and employees within the city;

**The project conflicts with this objective standard.**

The project will be required to meet this standard as a condition of approval prior to building permit issuance.

The project will be required to dedicate right-of-way and construct the southbound right turn lane on North Branciforte as included in the City adopted resolution NS-28,574. Existing, dedicated southbound bike lane shall remain in place.

They can be attached. But as a reminder, the most important thing the TIF requires here is that the

<p>(3) New development within the city will create an additional burden on the existing transportation system;</p> <p>(4) In order to implement the goals and objectives of the Santa Cruz general plan, to mitigate the impacts caused by new and anticipated development identified in the general plan, and maintain acceptable levels of traffic service within the city, traffic mitigation projects contemplated by and described in the general plan must be constructed;</p> <p>(5) The city council has determined that a traffic impact fee is needed in order to finance these capital improvements and to pay for new development's fair share of the acquisition and improvement construction costs and other costs necessary or convenient to insure conformity to or implementation of the general plan;</p> <p>(6) In establishing the fee described in the following sections, the city council has found the fee to be consistent with the general plan.</p> <p>(b) This chapter applies to fees charged as a condition of development approval to defray the cost of certain transportation improvements required to serve new development within designated areas of the city of Santa Cruz. This chapter does not replace normal subdivision map exactions or other measures required to mitigate site specific impacts of a development project including, but not limited to, mitigations imposed pursuant to the California Environmental Quality Act; regulatory and processing fees; fees required pursuant to a development agreement; funds collected pursuant to a reimbursement agreement that exceed the developer's share of public improvement costs; or assessment district proceedings, benefit assessments, or taxes.</p> <p>(c) Fees collected pursuant to this chapter are not intended to replace or limit requirements to provide mitigation of traffic impacts not mitigated by the traffic impact fee, created by a specific project, and imposed as conditions of approval upon development projects as part of the development review process.</p>	<p>developer must provide the southbound right turn lane on North Branciforte. The TIF resolution clearly states it as a mitigation measure.</p> <p><b>Exhibit PW-D resolution NS-28,574</b></p>
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#### **10.85.040 TRAFFIC IMPACT FEE**

(a) A traffic impact fee is hereby established to be assessed in connection with the issuance of any development permit for development in areas of the city designated by city council resolution. In accordance with the general plan, the fee shall be used to pay costs associated with the mitigation of traffic impacts attributable to the development that is the subject of the permit. The city council shall, in a city council resolution, set forth the specific amount of the fee, describe the benefit and impact areas on which the traffic impact fee is imposed, list the specific capital improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationship between this fee and the various types of new developments, and set forth time for payment.

(b) To the extent that the traffic impact fee includes components for financing projects already included in fees collected under other city ordinances, such other fees, when paid, shall be a credit against the appropriate components of the traffic impact fee. To the extent that some or all of the project financing or to be financed by the traffic impact fee are financed through a community facilities district, special assessment district or other financing mechanism, participation in such other financing mechanism shall be a credit against the appropriate component of the traffic impact fee.

(c) As described in the fee resolution, this traffic impact fee shall be paid by each developer either prior to issuance of a building permit or prior to issuance of a certificate of occupancy of the commercial or industrial project or the respective dwelling units in a residential project, or at such earlier time permitted by law, as set forth in, if applicable, Government Code Section [66007](#) or successor legislation.

From Resolution NS-28,574:

Intersection	Control	Cumulative Delay	Cumulative Mitigation	Mitigated LOS	Mitigated Delay	Estimated Cost
#2930 Pacific/Water-Mission	Signal	24.8				
#2931 River/Water	Signal	49.4				
#2932 Ocean/Washburn-Keenan	Signal	13.3				
#2933 Ocean/Water	Signal	172.7	Ebnd 2l, 2t, 1r, wbnd 1l, 2t, 1r, nbnd 1l, 2t, 1r, sbnd 2l, 2t, 1r	F	135.1	\$ 4,000,000
#2934 Market/Water	Signal	34.2				
#2935 N. Branciforte/Water	Signal	76.1	Add ebnd l, nbnd r & sbnd r	E	57.2	\$ 2,000,000
#2936 Seabright/Water	Stop	OVER	Extend TWLTL & add nbnd r	E	40.4	\$ 100,000
#2937 Morrissey/Soquel/Water	Signal	43.2				
#2938 Fredenck/Soquel	Signal	55.7	Add nbnd r overlap	D	38.5	\$ 250,000
#2939 Hagemann-Trevethan/Soquel	Signal	11.4				
#2940 Park/Soquel	Signal	20.6				
#2941 Capitola Rd/Soquel Av	Signal	25.4				
#2942 La Fonda Av/Soquel Av	Signal	10.8				
#2943 California Ave/Bay	3-way stop	188.5	Allow nbnd t free	E	38.3	\$ 250,000
#2944 California St/Bay	3-way stop	OVER	Allow sbnd t free	B	13.9	\$ 250,000
#2945 California St/Laurel St	Signal	33.5				
#2946 Chestnut/Laurel	Signal	31.9				
#2947 Center/Laurel	Signal	25.3				
#2948 Cedar/Laurel	2-way stop	27.3				
#2949 Pacific/Laurel	Signal	46				
#2950 Front/Laurel	Signal	41.8				
#2951 Front/Metro Center	Signal	2.6				
#2952 Front/Cathcart	Signal	9				
#2953 Front/Soquel	Signal	33.3				
#2954 Front/Cooper	Signal	9.7				
#2955 River St/Soquel	Signal	19.1				
#2956 Riverside-Dakota/Soquel	Signal	7.5				
#2957 Ocean St/Soquel Av	Signal	51.3				
#2958 Branciforte/Soquel	Signal	67	Esbnd 1 l, 1 t, 1 r, wsbnd 1 l, 1 r, no split phase	C	24.8	\$ 250,000
#2959 Seabright/Soquel	Signal	42.4				
#2960 San Lorenzo Blvd/Broadway(Laur	Signal	19.2				
#2961 Ocean St/Broadway	Signal	95.1	Prohibit lfts from Ocean	D	38.2	\$ 50,000
#2962 S Branciforte/Broadway	Signal	18.2				
#2963 Seabright/Broadway	Signal	29.7				

#### 24.12.250 BIKE PARKING REQUIREMENTS

1. Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy, except when the project property is located within the Parking District Number 1.

2. Bike Spaces and Type Required. Bicycle parking facilities' quantity and type shall be provided in accordance with the following schedule, with fractional quantity requirements for bike parking over one-half to be rounded up. Each bicycle parking space shall be no less than six feet long by two feet wide and shall have a bicycle rack system in compliance with the bike rack classifications listed in subsection (3). Fractional amounts of the type of parking facilities may be shifted as desired:

		Number of Bicycle Parking Spaces Required	Classification
a.	Commercial, industrial, office, retail, service		20% Class 1 80% Class 2
	Number of auto parking spaces	2 + 15% of auto parking requirement	
b.	Multifamily residential (3 or more units)	1 space per unit	100% Class 1 garages or secure accessible indoor areas count One space per four units Class 2
c.	Public or commercial recreation	35% of auto parking	10% Class 1 90% Class 2

**The project conflicts with this objective standard.**

The project will be required to meet this standard as a condition of approval prior to building permit issuance.

The project will be required to have adequate bike parking spaces and types.

24.12.250 part 2(a)- If using Gov Code § 65913.4 to prohibit the application of parking requirements, project requires two Class 2 bicycle parking spaces for the commercial component. These are not currently shown on the plans.

24.12.250 part 2(b)- the project requires one Class 1 parking space per multifamily unit and one Class 2 bicycle parking space per four units for multifamily projects. For this 145 unit project, that results in 145 Class 1 bicycle parking spaces and 36 Class 2 bicycle parking spaces. Currently, the plan set shows 108 bicycles in "bike shacks" on page B1.1



d.	Schools	1 space per 3 students	100% Class 2 secured, covered
e.	Park-and-ride lots and transit centers	35% of auto parking	80% Class 1 20% Class 2
f.	Lodging	1 space per 5 units	10% Class 1 90% Class 2

### 3. Classification of Facilities.

- a. “Class 1 bicycle facility” means a locker, individually locked enclosure or supervised area within a building providing protection for each bicycle therein from theft, vandalism and weather.
- b. “Class 2 bicycle facility” means a stand or other device constructed so as to enable the user to secure by locking the frame and one wheel of each bicycle parked therein. Racks must be easily usable with both U-locks and cable locks. Racks should support the bikes in a stable upright position so that a bike, if bumped, will not fall or roll down. Racks that support a bike primarily by a wheel, such as standard “wire racks,” are damaging to wheels and thus are not acceptable. (See Bikes are Good Business design guidelines.)

### 4. Location and Design of Facilities.

- a. Bicycle parking should be located in close proximity to the building’s entrance and clustered in lots not to exceed sixteen spaces each.
- b. Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frame or other components.
- c. Bicycle parking facilities should be located in highly visible, well-lighted areas to minimize theft and vandalism.

The calculations on Sheet B0.2 are incorrect and should be updated to reflect the accurate requirements.

Sheet B1.1 shows two adjacent “bike shacks” that accommodate 108 bicycles. There are no details included on how these “shacks” meet the requirements of Class 1 bike parking to be either a “locker, individually locked enclosure or supervised area within a building providing protection therein from theft, vandalism, and weather” as set forth in SCMC 24.12.250 part 3(a).

None of the required Class 2 bicycle parking spaces for the multifamily component are currently shown on the plan set. These 36 spaces shall comply with SCMC 24.12.250 part 4 and be clustered in groups of no more than 16 bicycle parking spaces, be located in highly

- d. Bicycle parking facilities shall be securely anchored to the lot surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
- e. Bicycle parking facilities shall not impede pedestrian or vehicular circulation, and should be harmonious with their environment both in color and design. Parking facilities should be incorporated whenever possible into building design or street furniture.
- f. Racks must not be placed close enough to a wall or other obstruction so as to make use difficult. There must be sufficient space (at least twenty-four inches) beside each parked bike that allows access. This access may be shared by adjacent bicycles. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least six feet to the front or rear of a bike parked in the facility.
- g. Paving is not required, but the outside ground surface shall be finished or planted in a way that avoids mud and dust.
- h. Bike parking facilities within auto parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops, poles or other similar features.

#### 5. Variation to Requirements.

- a. Substitution of Car Parking with Bike Parking. New and preexisting developments may reduce up to ten percent of their parking requirement with the provision of unrequired additional bike parking, as long as the spaces are conveniently located near the entrance. This parking reduction must yield at least six bike parking spaces per converted auto space.
- b. Where the provision of bike parking is physically not feasible the requirements may be waived or reduced to a feasible level by the zoning administrator in accordance with city bike parking standards for existing buildings.

visible and well lit areas, be securely anchored, have a minimum of 24" beside each bicycle and aisles of at least 6'. Any bicycle parking within auto parking areas shall be separated from autos by a physical barrier. All bike parking shall not impede pedestrian circulation.

**6.12.050 STORAGE OF RECEPTACLES.**

Containers or receptacles must be stored in a manner which facilitates a safe and sanitary condition and which does not impose a barrier to efficient and physically safe collection by city collection crews as determined by the director of public works. All receptacles or containers shall be stored in a manner as to prevent their contents from being scattered or carried by wind or water in a fashion which causes the accumulation of litter or an unsightly, unsafe or unsanitary condition to exist.

All containers or receptacles containing acceptable wastes or recyclables produced by any commercial or industrial establishment shall be placed for collection at a convenient and accessible place on the premises of the producer, unless special permission is obtained from the director of public works to place the containers or receptacles on public property.

Development permit applications for all industrial, institutional, commercial, professional office and residential developments having more than two units in each structure shall be reviewed by the director of public works to assure that sufficient space is provided in accordance with this section.

In all cases of dispute or complaints concerning the place where refuse or receptacles shall be placed while awaiting the removal of their contents and the same is not specifically fixed by this chapter, the director of public works shall forthwith designate the place and such decision shall be final.

**The project conflicts with this objective standard.**

The project will be required to meet this standard as a condition of approval prior to building permit issuance.

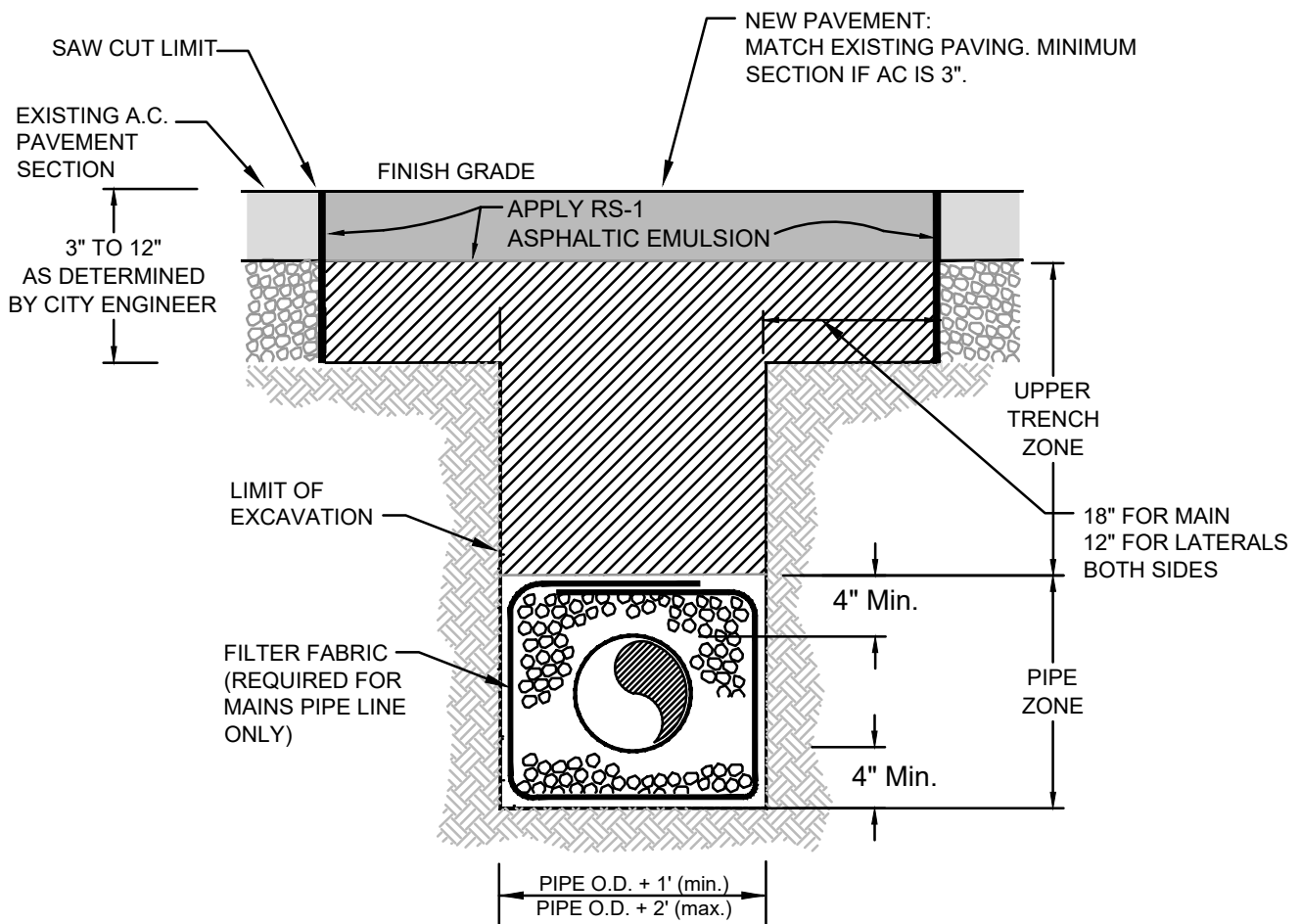
**City Standard Details & City Standard Specifications attached: Exhibit PW-E**





## Standard Details

- |   |   |
|---|---|
| 1. <a href="#"><u>Pipe Trench Detail</u></a>          | 11. <a href="#"><u>Valley Gutter</u></a>                      |
| 2. <a href="#"><u>Sewer Lateral</u></a>               | 12. <a href="#"><u>Curb &amp; Berm</u></a>                    |
| 3. <a href="#"><u>Standard Manhole</u></a>            | 13. <a href="#"><u>Survey Monument</u></a>                    |
| 4. <a href="#"><u>Manhole Frame &amp; Cover</u></a>   | 14. <a href="#"><u>Sidewalk Obstruction</u></a>               |
| 5. <a href="#"><u>Terminal Cleanout</u></a>           | 15. <a href="#"><u>Tree Planting Detail</u></a>               |
| 6. <a href="#"><u>Catch Basin (Type B)</u></a>        | 16. <a href="#"><u>Electrolier (Type 1)</u></a>               |
| 7. <a href="#"><u>Oil &amp; Sediment Trap</u></a>     | 17. <a href="#"><u>Decorative Street Lighting</u></a>         |
| 8. <a href="#"><u>Curb, Gutter &amp; Sidewalk</u></a> | 18. <a href="#"><u>Sign Installation</u></a>                  |
| 9. <a href="#"><u>Driveway Approach</u></a>           | 19. <a href="#"><u>Typical Parking Meter Installation</u></a> |
| 10. <a href="#"><u>Sidewalk Curb Drain</u></a>        | 20. <a href="#"><u>Bioretention Facility</u></a>              |



## NOTES:

**THIS DETAIL APPLIES TO ALL EXCAVATIONS IN CITY STREETS OR SIDEWALKS.**

**1. PIPE ZONE BACK FILL SHALL BE:**

- A.  $\frac{3}{4}$ " CRUSHED OR ANGULAR ROCK WITH 100% PASSING 1", 90-100% PASSING  $\frac{3}{4}$ ", 0-30% PASSING NO. 4 SIEVE, AND 0-10% PASSING NO. 8 SIEVE.
- B. ROCK SHALL BE ENVELOPED WITH FILTER FABRIC FOR MAIN PIPE ONLY.

**2. UPPER TRENCH MATERIAL SHALL BE:**

- A. CLSM (2 SACK CEMENT SAND SLURRY); OR
- B. CLASS 2 AGGREGATE BASE PER CALTRANS SPECIFICATIONS.

IF AGGREGATE BASE IS USED THE UPPER 2' SHALL BE COMPACTED TO 95% RELATIVE COMPACTION. REMAINING MATERIAL SHALL BE COMPACTED TO 90%. A CIVIL ENGINEER HIRED BY THE CONTRACTOR MUST CERTIFY THAT COMPACTION REQUIREMENTS ARE MET.

**3. SHOVEL-SLICE PIPE BEDDING UNDER THE HAUNCHES OF THE PIPE.**

**4. ALL TRAFFIC STRIPPING MUST BE REINSTALLED PER CALTRANS STANDARDS.**

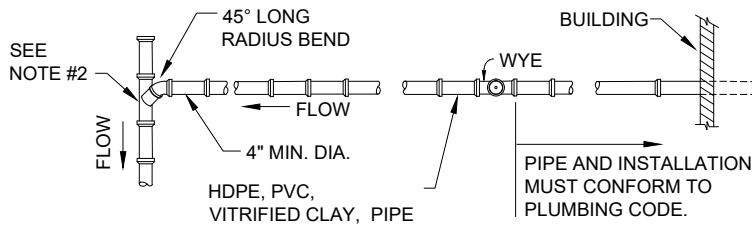


CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

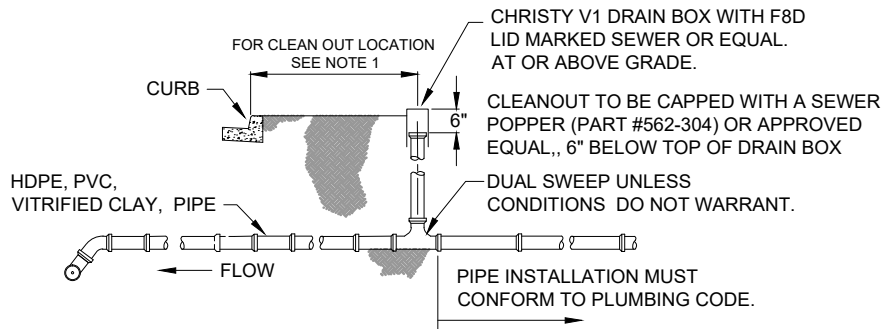
## SEWER PIPE TRENCH DETAIL

CITY ENGINEER: \_\_\_\_\_

DATE:	MARCH 2011
SCALE:	NONE
DWG NO.	1 OF 20



**TOP VIEW**



**SIDE VIEW**

**NOTES:**

1. LOCATE CLEANOUT BOX IN SIDEWALK OR DRIVEWAY. IF THERE IS NO SIDEWALK LOCATE CLEANOUT 10" TO 12" BEHIND FACE OF CURB. IF LOCATED IN A DRIVEWAY, BOX SHALL HAVE A TRAFFIC RATED LID.
2. LATERAL CONNECTIONS:
  - A) **LATERAL CONNECTION TO 6" MAIN PIPELINE** : REPLACE A PORTION OF MAIN WITH A MANUFACTURED WYE.
  - B) **LATERAL CONNECTION TO 8" AND 10" MAIN PIPELINE**: CORE DRILL AND USE A ROMAC "CB" SEWER SADDLE OR USE A NDS FLEXIBLE SADDLE WHEN RECONNECTING AT EXISTING LATERAL CONNECTION LOCATION.
  - D) **LATERAL CONNECTION TO 12" AND LARGER MAIN PIPELINE** , WITH APPROVAL BY THE PUBLIC WORKS INSPECTOR, THE CONTRACTOR SHALL CORE DRILL AND USE INSERTA TEE INSTALLED BY CERTIFIED *INSERTA TEE*™ INSTALLER.
3. ANY PIPE REPAIR COUPLING SHALL BE *FERNCO* SHEER BAND WITH 24 GAUGE STAINLESS STEEL BANDS AND SHEAR BAND OR APPROVED EQUAL.
4. PIPE SHALL BE:
  - A) HDPE - SOLID WALL SDR 26, OR
  - B) PVC SDR 26 GASKET SEWER PIPE ASTM 3034, OR
  - C) VITRIFIED CLAY SEWER PIPE ASTM C 700, WITH COMPRESSION JOINT ASTM C 425
5. PROVIDE THREE FEET OF COVER UNLESS PROPER SLOPE TO SEWER MAIN DICTATES LESS COVER.
6. IF CONNECTION TO MAIN PIPELINE IS GREATER THAN 8 FEET DEEP USE A CHIMNEY CONNECTION FULLY SUPPORTED WITH A 2-SACK SLURRY.
7. SLOPE SHALL NOT BE LESS THAN  $\frac{1}{4}$ " PER FOOT.
8. A MINIMUM OF 2" OF BEDDING SHALL BE PROVIDED. FOLLOW CITY TYPICAL PIPE TRENCH DETAIL.
9. IF THE RIM OF ANY FIXTURE ( IN THE BUILDING ) IS BELOW THE ELEVATION OF THE NEXT UPSTREAM SEWER MANHOLE COVER, THEN A BACKWATER VALVE IS REQUIRED. VALVE SHALL BE LOCATED BETWEEN THE BUILDING AND CLEANOUT. USE *CLEAN CHECK* BACK FLOW PREVENTION DEVICE OR APPROVED EQUAL.
10. ALL PIPES REHABILITATED WITH THE LINING PROCESS SHALL BE TELEVISED TO SHOW THE FULL LENGTH OF LINING AND THE CONNECTION AT THE MAIN. INSPECTION SHALL BE PERFORMED WHILE THE PUBLIC WORKS INSPECTOR IS ON SITE, OR A TAPE OR DVD SHALL BE PROVIDED TO THE INSPECTOR FOR REVIEW.



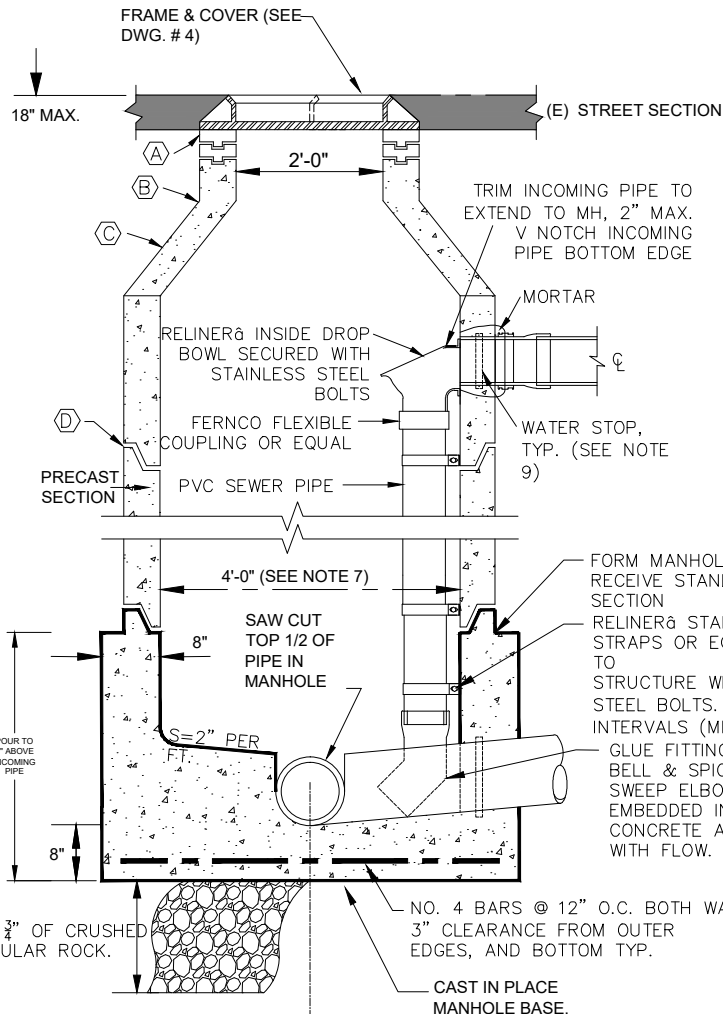
CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

## SEWER LATERAL

CITY ENGINEER: \_\_\_\_\_

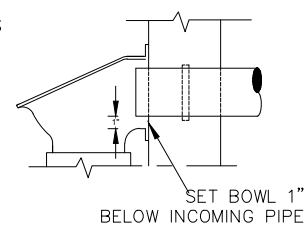
DATE:	AUGUST 2009
SCALE:	NONE
DWG NO.	2 OF 20





- (A) PRECAST ADJUSTMENT RINGS
- (B) USE OF ECCENTRIC CONES WILL ONLY BE ALLOWED WITH SPECIAL APPROVAL BY THE ENGINEER. IF USED, VERTICAL WALL SHALL BE SITUATED OPPOSITE OUTLET PIPE
- (C) PRECAST TAPERED SECTION
- (D) 2" WIDE RAMNEK OR APPROVED EQUAL (TYP. ALL JOINTS).

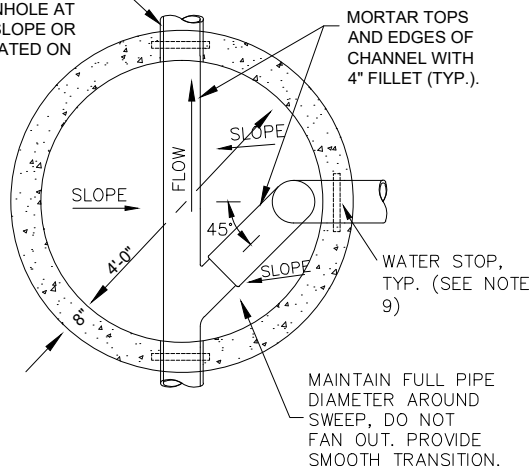
#### INSTALLATION DETAIL



#### NOTES:

1. MANHOLE BASE SHALL BE CAST IN PLACE (SIX SACK 3/4" ROCK MIX) OR PRECAST REINFORCED CONCRETE. IF PRECAST ALTERNATIVE IS USED, CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF EACH MANHOLE TO THE ENGINEER FOR APPROVAL.
2. MANHOLE BASES SHALL BE CAST OR PLACED AGAINST 12" OF CRUSHED STONE.
3. SHELF SHALL BE VERTICAL FROM PIPE SPRINGLINE TO HEIGHT OF CROWN. THE SHELF (SLOPED AT 2" / FT.) SHALL HAVE A BROOM FINISH.
4. VERTICAL PIPE AND TAPER SECTIONS TO BE REINFORCED CONCRETE A.S.T.M. C-76 CLASS II.
5. FOR SANITARY SEWERS PROVIDE DROP INLET WHERE GRADE OF ENTERING LINE IS 24" OR MORE ABOVE THE FLOW LINE OF THE SEWER MANHOLE.
6. HOUSE LATERALS ARE NOT TO CONNECT TO THE MANHOLE WITHOUT THE PERMISSION OF THE CITY ENGINEER.
7. MANHOLES WITH PIPE GREATER THAN 24" SHALL HAVE DIAMETER OF 5'-0".
8. FALSE CHANNELS SHALL BE INSTALLED AS NEEDED TO ALLOW INSERTION OF VIDEO CAMERA INTO PIPES.
9. PRESS-SEAL GASKET CORPORATION, WS SERIES WATERSTOP GROUTING RINGS OR APPROVED EQUAL TO BE INSTALLED.

BEFORE POURING BASE, PIPE SHALL BE LAID THROUGH MANHOLE AT THE PROPER SLOPE OR GRADES INDICATED ON PLANS.

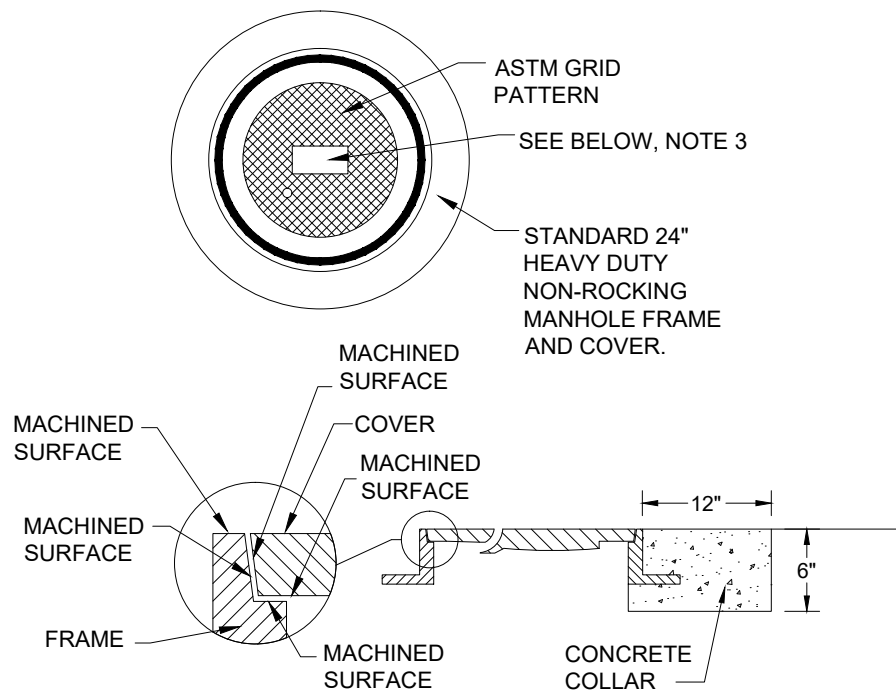


CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

## STANDARD MANHOLE

CITY ENGINEER: \_\_\_\_\_

DATE: FEBRUARY 2011  
SCALE: NONE  
DWG NO. 3 OF 20



### NOTES:

1. FRAME AND COVER SHALL BE BY THE SAME MANUFACTURER. FOUNDRY NAME SHALL BE STAMPED ON FRAME AND COVER. FRAME AND COVER TO BE PHEONIX IRON WORKS CAT No. P-1090, OR D & L SUPPLY No.A-1024, OR APPROVED SUBMITTED EQUAL.
2. FRAMES & COVERS SHALL BE FULLY MACHINED ON A TOTAL OF FIVE SURFACES TO ENSURE INTERCHANGABILITY AND A CLOSE, QUIET FIT. MACHINED VERTICAL SURFACES SHALL BE SLOPED.
3. COVER SHALL BE MARKED "SANITARY SEWER" OR "STORM DRAIN" AS APPROPRIATE.
4. COVER SURFACE SHALL BE SKID RESISTANT PER ASTM SPECIAL PUBLICATION.
5. ALL CASTINGS SHALL BE DIPPED IN ASPHALT PAINT.
6. ALL MATERIAL USED IN MANUFACTURING SHALL CONFORM TO ASTM SPECIFICATION A159-64T-G3000 OR OF UNITED STATES GOVERNMENT SPECIFICATION QQ1-653, MANUFACTURED UNDER U.S. PATENT No. 3289556.
7. STORM DRAIN MANHOLES SHALL HAVE OPEN PICKHOLES. SANITARY SEWER MANHOLE COVERS SHALL HAVE CLOSED PICKHOLES. BOTTOM GASKETS MAY BE REQUIRED BY CITY ENGINEER ON SANITARY SEWER MANHOLE COVERS TO PREVENT INFILTRATION.
8. APPROXIMATE WEIGHT COMPONENTS: COVER - 140lbs.  
FRAME - 130 lbs.  
TOTAL - 270 lbs.

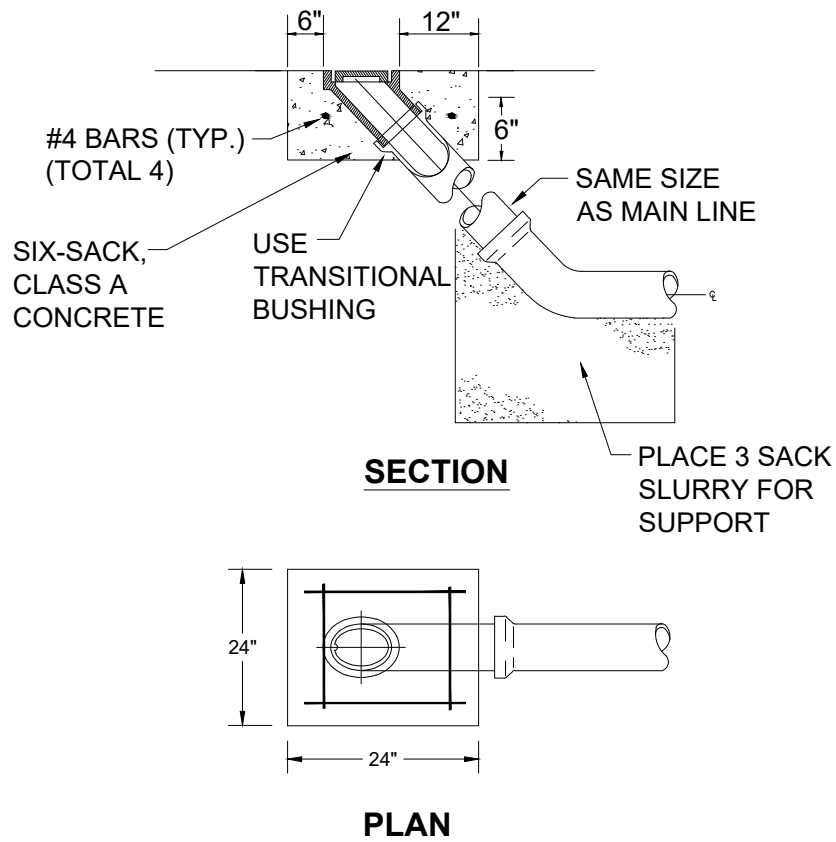


CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

## MANHOLE FRAME AND COVER

CITY ENGINEER: \_\_\_\_\_

DATE:	APRIL 2003
SCALE:	NONE
DWG NO.	4 OF 20



### NOTES:

1. USE OF TERMINAL CLEANOUT WILL ONLY BE ALLOWED FOR 6" AND 8" SEWER MAIN PIPELINE.
2. WHEN IN ROADWAY, TOP OF FLUSHING BRANCH TO BE LEVEL WITH PAVEMENT IN OTHER LOCATIONS, TOP OF FLUSHING BRANCH TO BE 2" ABOVE SURROUNDING GRADE.
3. FRAME AND COVER TO BE: D&L SUPPLY MODEL H6520 OR APPROVED EQUAL.
4. USE 1 SACK CEMENT / SAND SLURRY WITH AN UNCONFINED COMPRESSIVE STRENGTH OF NO LESS THAN 50 PSI AND NO MORE THAN 150 PSI.



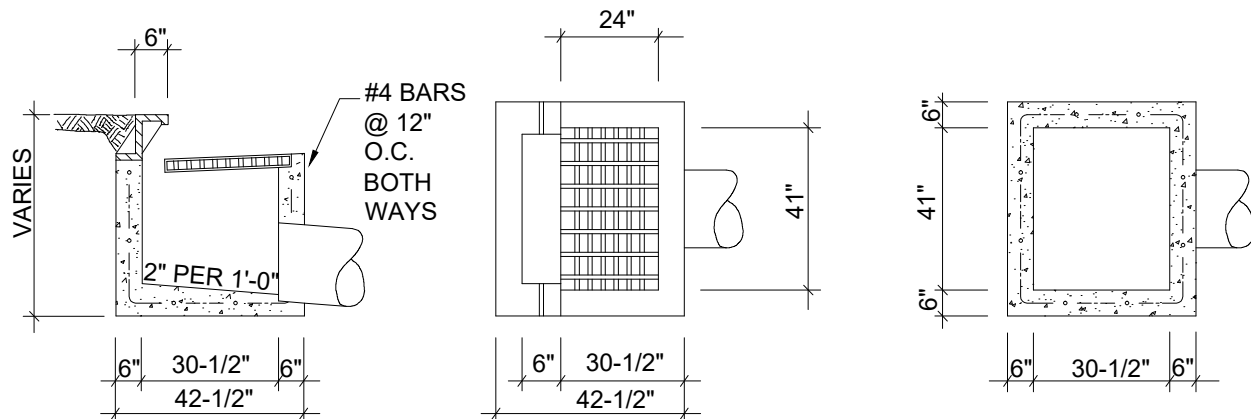
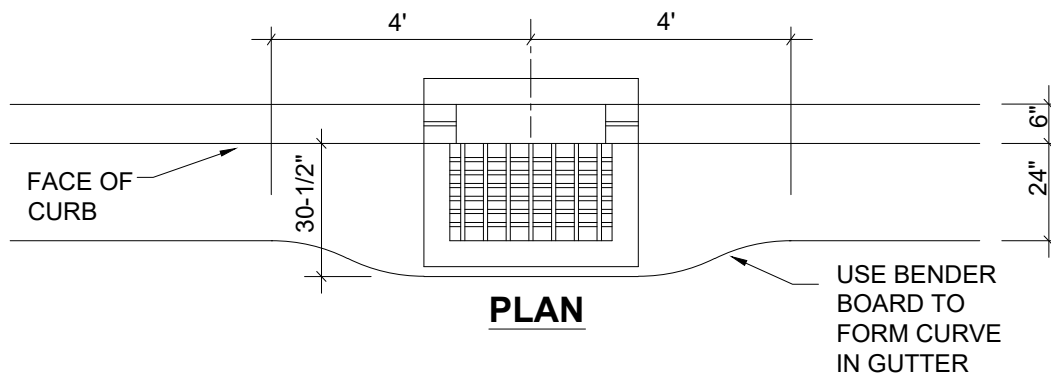
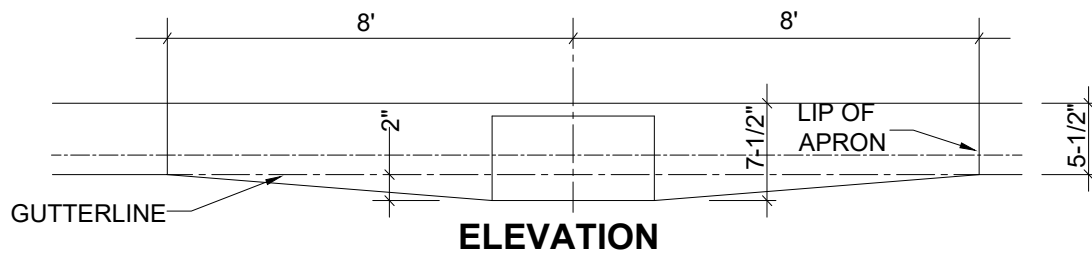
CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

## TERMINAL CLEANOUT

CITY ENGINEER: \_\_\_\_\_

DATE:	APRIL 2003
SCALE:	NONE
DWG NO.	5 OF 20





### NOTES:

1. Rear-opening hood to be South Bay Foundry Cast Iron Hood item # C2010.
2. Frame & grate to be hot dipped galvanized steel, Heavy Traffic Bicycle Proof South Bay Foundry grate item # E2020, frame item # E2060.
3. Gutter flowline shall drop 2" minimum from 8' on each side of catch basin.
4. Frame & grate to be State Bicycle Proof Grate Type 24-13.

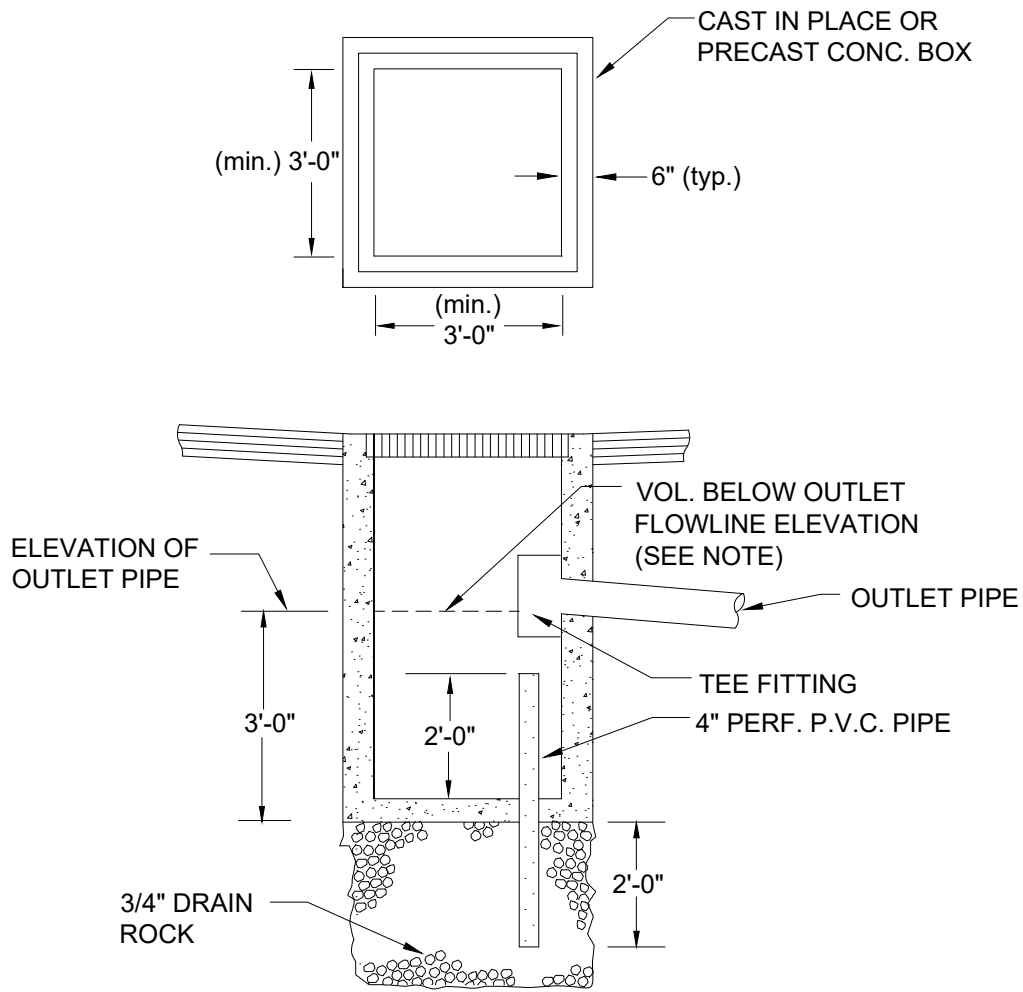


CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

## CATCH BASIN (TYPE B)

CITY ENGINEER: \_\_\_\_\_

DATE: APRIL 2003  
SCALE: NONE  
DWG NO. 6 OF 20



### SECTION

## SILT & GREASE TRAP STORM DRAIN INLET IN PAVED AREA

**NOTE:** SUMP SHALL BE SIZED TO PROVIDE 1 CU. YD. OF VOLUME PER ACRE OF PAVED AREA.



CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

## OIL AND SEDIMENT TRAP

CITY ENGINEER: \_\_\_\_\_

DATE:	APRIL 2003
SCALE:	NONE
DWG NO.	7 OF 20



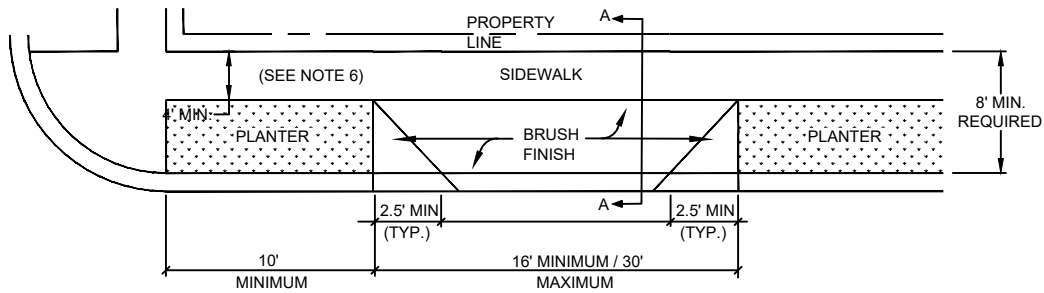
1. ALL CONCRETE TO BE SIX SACK, CLASS "A" PLANT MIXED PCC.
2. COMPACT SUBBASE SOIL TO 95% RELATIVE COMPACTION AT OPTIMUM MOISTURE CONTENT TO A DEPTH OF 6".
3. STANDARD CURB, GUTTER AND SIDEWALK SHALL BE A MONOLITHIC POUR UNLESS CURB AND GUTTER ARE EXISTING.
4. IF ANY CURB, GUTTER OR SIDEWALK ARE EXISTING, DOWEL INTO EXISTING CONCRETE EVERY 24". USE 18" LONG #4 DOWELS, INSERT 4" INTO CURB. BEND DOWEL AT BACK OF CURB AS SHOWN.
5. SCORE SIDEWALK EVERY 4 FT. PLACE EXPANSION JOINTS EVERY 60 FEET WITH DEEP JOINTS EVERY 12 FT.
6. WIDTH OF A.C. CONFORM SHALL BE A MINIMUM OF 2 FEET. A.C. CONFORM SHALL BE A MINIMUM OF 6" THICK ON TOP OF 6" OF CLASS II A.B.
7. CITY ENGINEER MAY REQUIRE MODIFICATIONS OF MINIMUM WIDTH TO CONFORM TO SURROUNDING NEIGHBORHOOD.



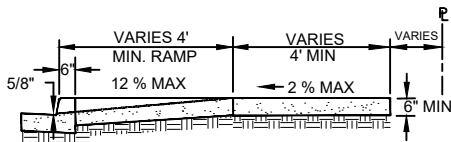
1. PROPERTIES THAT HAVE A 6 FT. OR GREATER PROPERTY LINE SETBACK FROM THE STREET WILL BE REQUIRED TO INSTALL A LANDSCAPE STRIP BETWEEN THE BACK OF CURB AND SIDEWALK.
2. SLOPE SIDEWALK AND LANDSCAPING STRIP TOWARD CURB AT 1/4" / FT. (2%) MAX.
3. FOR DRIVEWAY APPROACH CONSTRUCTION SEE CITY DETAIL 9 OF 23 TYPE "A" DRIVEWAY WITH PLANTER.



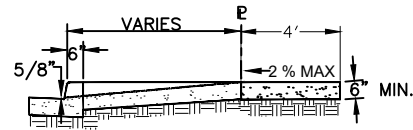




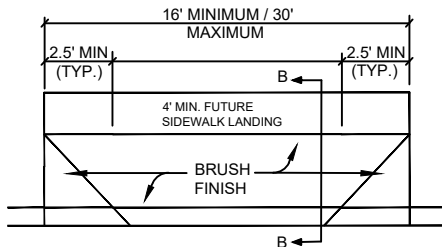
**PLAN**  
**TYPE "A" DRIVEWAY WITH PLANTER**  
**AND 8' OR WIDER SIDEWALK**



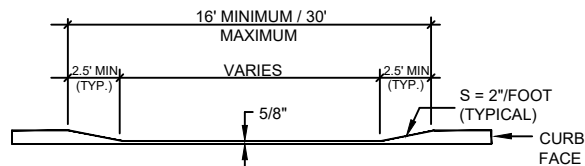
**SECTION A-A**



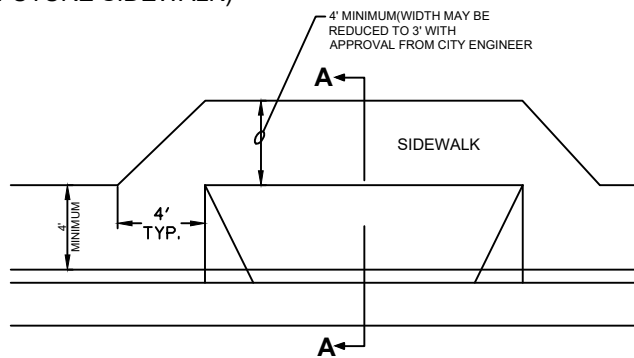
**SECTION B-B**



**PLAN**  
**TYPE "B" DRIVEWAY**  
**(WITH FUTURE SIDEWALK)**



**TYPICAL ELEVATION**  
**TYPE A, B & C DRIVEWAY**



**PLAN**  
**TYPE "C" DRIVEWAY**

**NOTES:**

1. SIDEWALK AREA ADJACENT TO DRIVEWAY APPROACH SHALL HAVE A  $\leq 2\%$  CROSS SLOPE

2. ALL CONCRETE TO BE SIX SACK, CLASS "A" CONCRETE.

3. ALL CONCRETE SHALL BE REINFORCED WITH #4 BARS AT 18" O.C. BOTH WAYS OR WELDED WIRE MESH 4"x4" W4XW4

4. MAINTAIN 2" OF COVER FOR REINFORCEMENT.

5. NATIVE SUBBASE SHALL BE COMPACTED. IF MATERIAL IS SILT OR CLAY IT SHALL BE "FIRM" ACCORDING TO ASTM. OTHERWISE EXCAVATE TO 12" BELOW FINISH GRADE AND REPLACE WITH CLASS II AGGREGATE BASE AND COMPACT.

6. WIDTH MAY BE REDUCED TO 3' WITH APPROVAL FROM THE CITY ENGINEER.

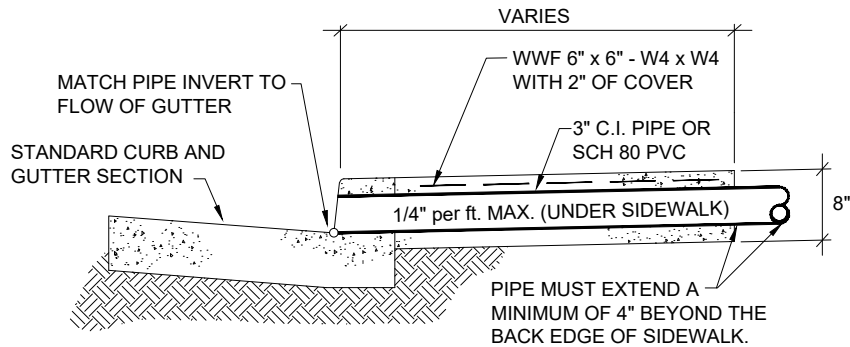


CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

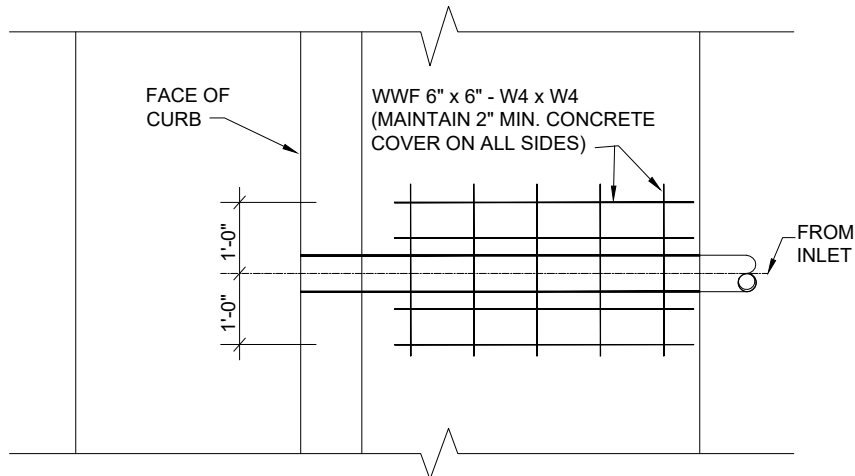
**DRIVEWAY APPROACH**

CITY ENGINEER: \_\_\_\_\_

DATE: APRIL 2003  
SCALE: NONE  
DWG NO. 9 OF 20



## SECTION



## NOTES:

## PLAN

1. TYPICAL CONSTRUCTION FOR CURB DRAIN WHEN USED WITH CITY STANDARDS CURB, GUTTER AND SIDEWALK SECTION.
2. 8" THICK SIDEWALK WILL EXTEND A MINIMUM OF 1'-0" EACH SIDE OF PIPE.
3. MAY CORE DRILL EXISTING CURB.

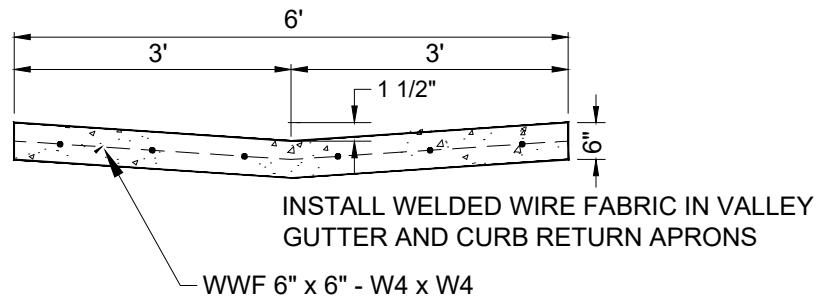


CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

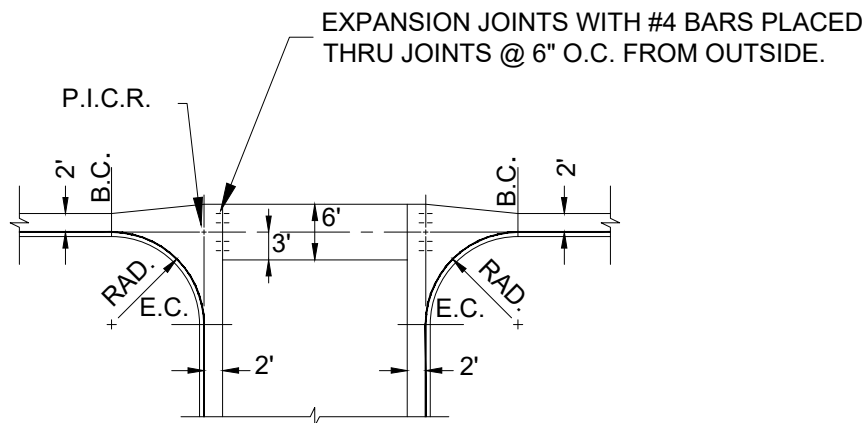
## SIDEWALK CURB DRAIN

CITY ENGINEER: \_\_\_\_\_

DATE:	APRIL 2003
SCALE:	NONE
DWG NO.	10 OF 20



## VALLEY GUTTER - SECTION



## VALLEY GUTTER - PLAN

### NOTES:

1. FLOW LINE MUST BE CHECKED IN THE PRESENCE OF THE CITY ENGINEER OR THE CITY INSPECTOR.
2. DO NOT PLACE CONCRETE UNTIL FORMS HAVE BEEN INSPECTED AND APPROVED BY THE CITY ENGINEER, OR THE CITY INSPECTOR.
3. ALL CONCRETE TO BE SIX SACK, CLASS "A"



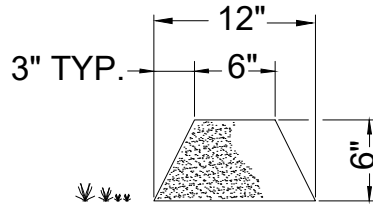
CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

## VALLEY GUTTER

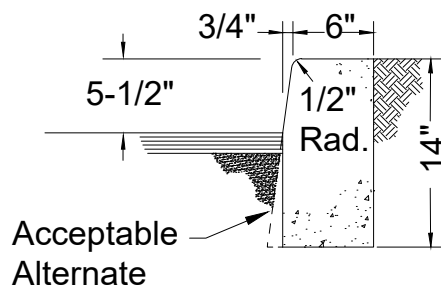
CITY ENGINEER: \_\_\_\_\_

DATE: APRIL 2003  
SCALE: NONE  
DWG NO. 11 OF 20





STANDARD A.C. BERM



CURB TO MATCH  
STANDARD CURB AND GUTTER

**NOTES:**

1. CONCRETE TO BE SIX-SACK, CLASS "A".
2. ALL DIMENSIONS ARE TRUE, ALLOWANCE FOR NOMINAL MEASURE HAS BEEN GIVEN.
3. PLACE EXPANSION JOINTS EVERY 60 FEET, COLD JOINTS EVERY 20 FEET.
4. FOR A.C. BERM, TYPE "B" ASPHALT CONCRETE WILL BE USED WITH A MAXIMUM AGGREGATE SIZE OF 1/4 INCH.
5. APPLY RS-1 ASPHALTIC EMULSION BELOW A.C. BERM

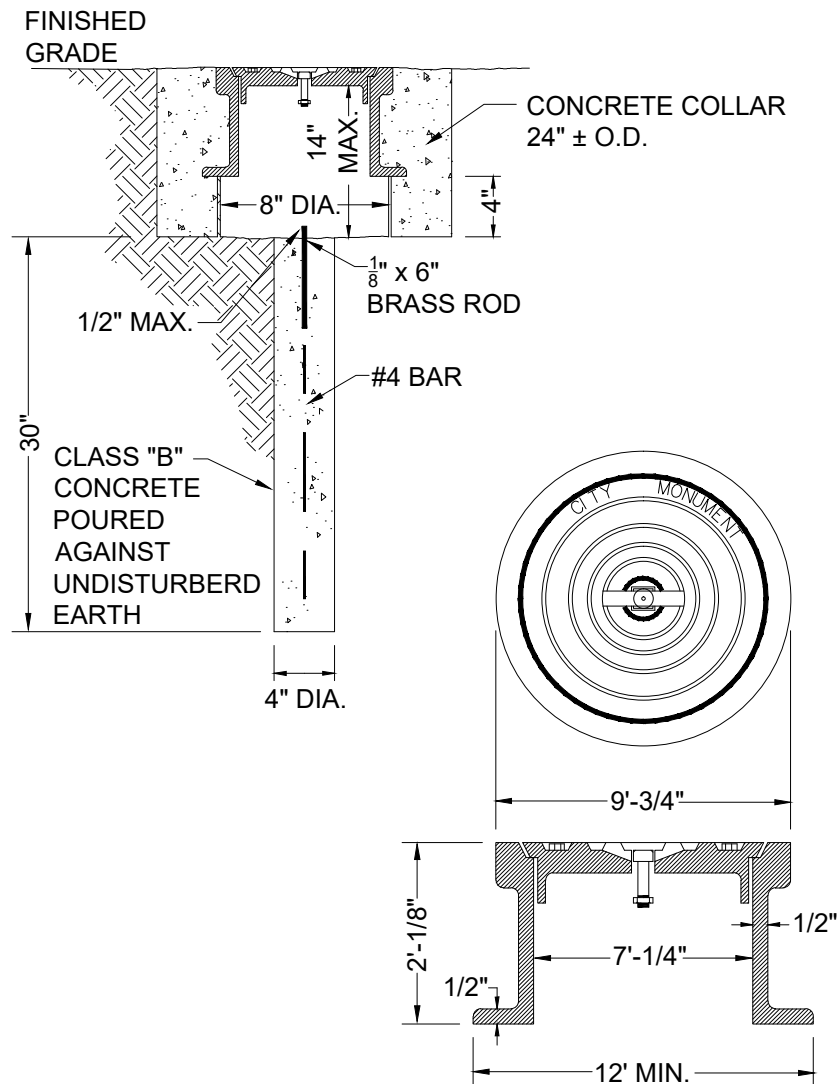


CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

**CURB AND BERM**

CITY ENGINEER: \_\_\_\_\_

DATE:	APRIL 2003
SCALE:	NONE
DWG NO.	12 OF 20



### NOTES:

1. RING AND COVER TO BE CAST IRON - PHOENIX IRON WORKS CAT. No. P-2001.
2. MINIMUM WEIGHT OF RING AND COVER; 55 LBS.
3. FRAME AND COVER TO BE PLACED BY CONTRACTOR ONLY. PINKERTON FOUNDRY No. A - 578 OR APPROVED EQUAL.

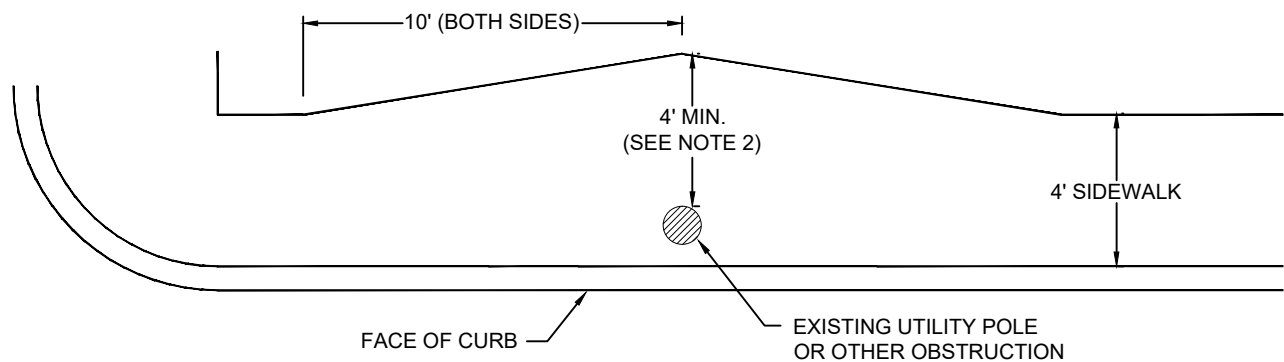


CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

## SURVEY MONUMENT

CITY ENGINEER: \_\_\_\_\_

DATE:	APRIL 2003
SCALE:	NONE
DWG NO.	13 OF 20



## SIDEWALK TRANSITION AT OBSTRUCTION

### NOTE:

1. PROVIDE A 4' CLEAR SIDEWALK PER THIS DETAIL AT ALL UTILITY POLES OR OTHER OBSTRUCTIONS WHICH CANNOT BE PLACED BEHIND THE SIDEWALK.
2. WIDTH BEHIND OBSTRUCTION MAY BE REDUCED TO 3' WITH APPROVAL FROM THE CITY ENGINEER.



CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

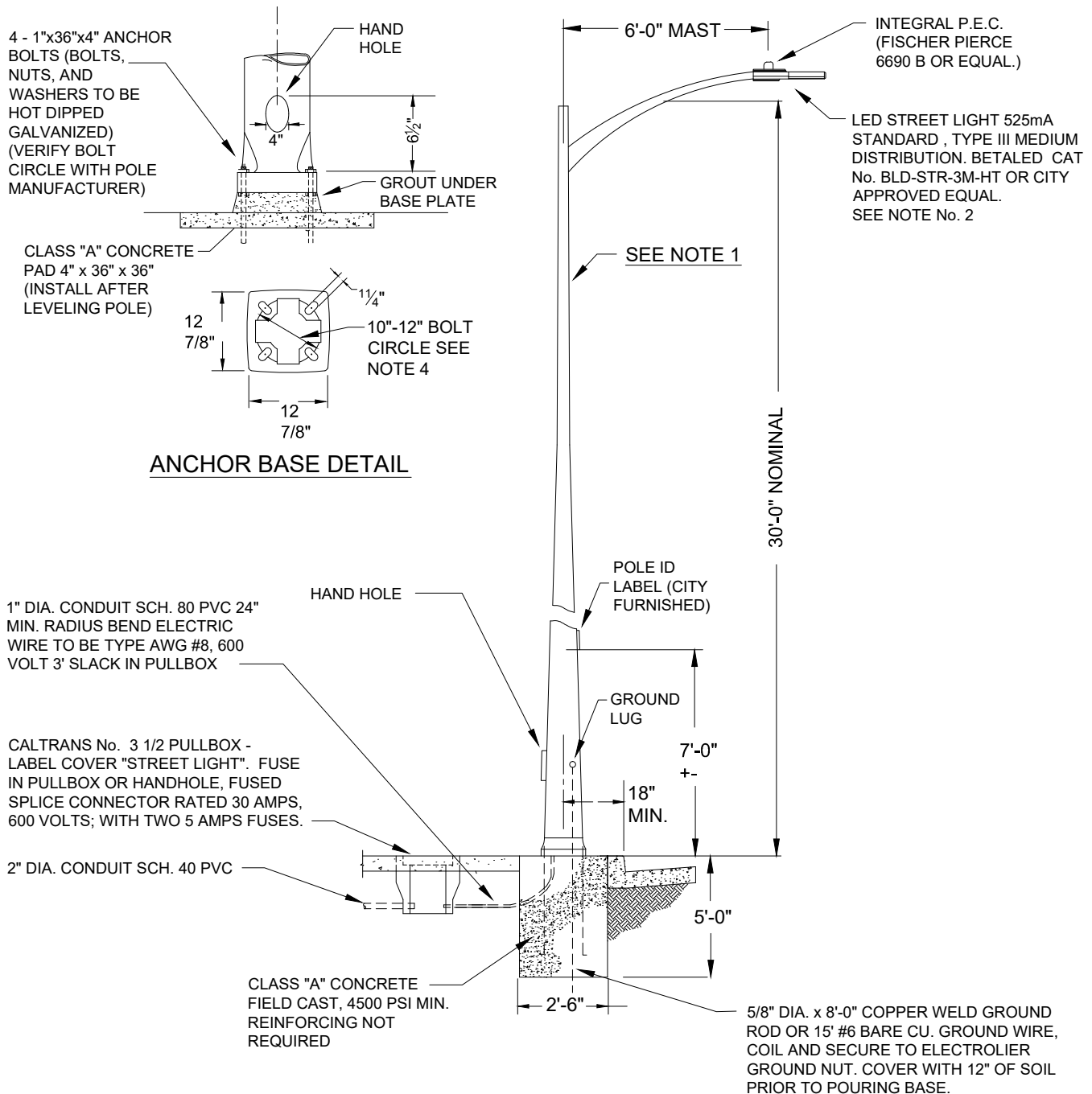
## SIDEWALK OBSTRUCTION

CITY ENGINEER: \_\_\_\_\_

DATE:	APRIL 2003
SCALE:	NONE
DWG NO.	14 OF 20







#### NOTES:

1. HAPCO ALUMINUM ALLOY POLE AND MAST ARM /TAPERED ELLIPTICAL SINGLE ARM CAT. NO. 21-585-SINGLE, OR CAT. NO. 22-585-DOUBLE, OR APPROVED EQUAL.
2. ALL INSTALLATIONS TO BE IN COMPLIANCE WITH CURRENT CALTRANS STANDARD PLANS.
3. VERIFY DIMENSIONS OF ANCHOR BASE FROM TEMPLATE FURNISHED WITH POLE ORDER.
4. BOLT EXPOSED ABOVE BASE NUT 1/4" - 3/8".
5. MAINTAIN 4' MINIMUM CLEARANCE BETWEEN EDGE OF POLE AND BACK OF WALK.



CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

## ELECTROLIER (TYPE 1)

CITY ENGINEER: \_\_\_\_\_

25.330

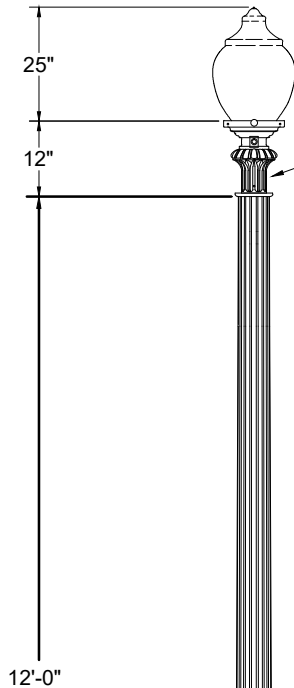
DATE: NOV. 2011

SCALE: NONE

DWG NO. 16 OF 20

### **LUMINAIRE SPECIFICATIONS:**

LAMPING: 100W HPS  
VOLTAGE: 240V  
BALLAST: Multi-Tap Ballast  
SOCKET: Mogal  
DISTRIBUTION: Internal Refractors For Type III  
WIRE TYPE: 12 ga. THHN from Fixture to Hand Hole

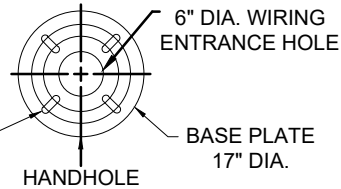


LUMINAIRE FITS ON 3" O.D. X 3" LONG  
ALUMINUM TENON RETAINED WITH 3  
SET SCREWS

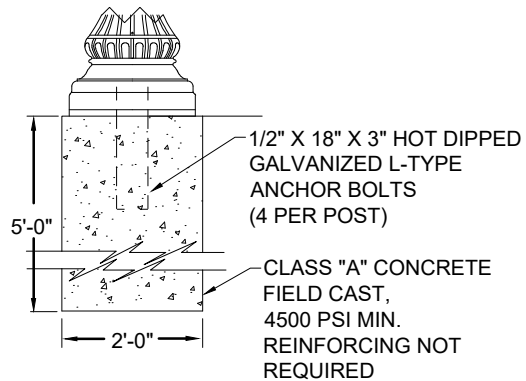
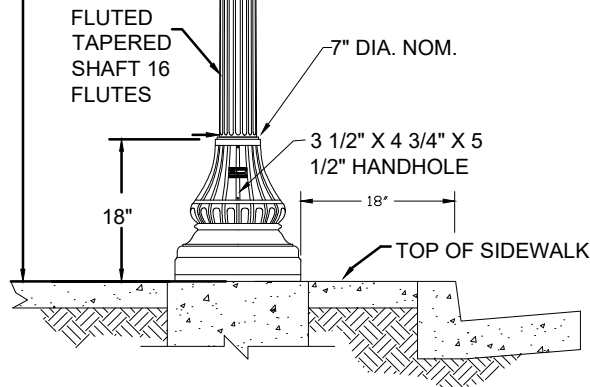
### **LAMP POST SPECIFICATIONS**

STYLE: Washington Style  
HEIGHT: 12' +/-  
COLOR: Pantone #497C  
FINISH: Semi-Gloss  
MATERIAL: Fiberglass Reinforced Composite  
BASE: 17" Diameter  
ACCESS DOOR: Located In Base  
GROUND STUD: See Street Light Standard Detail

13/16" W X 1 13/16"  
LONG SLOTS  
(TYP 4 PLACES)  
EQUALLY SPACED  
ON A 10" TO 12"  
BOLT CIRCLE



### **ANCHOR PLATE DETAIL**



### **FOUNDATION DETAIL**

**NOTE:**  
MAINTAIN 4' MINIMUM CLEARANCE BETWEEN  
EDGE OF LIGHT AND BACK OF WALK.



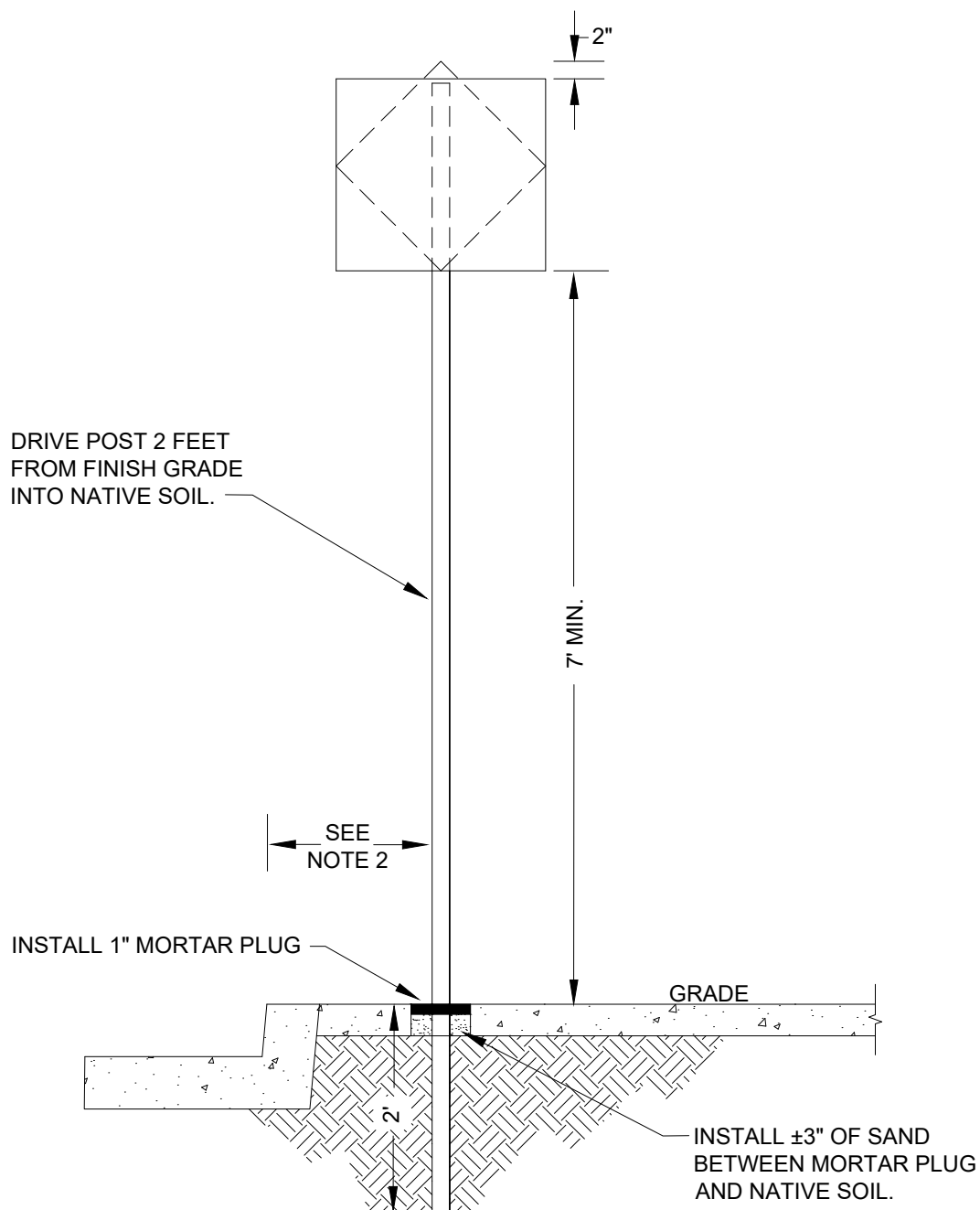
CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

## **DECORATIVE STREET LIGHTING**

CITY ENGINEER: \_\_\_\_\_

DATE: APRIL 2003  
SCALE: NONE  
DWG NO. 17 OF 20





### NOTES:

1. SIGN POST SHALL BE 2" X 2" UNISTRUT "TELESPAR" SOLID TUBING OR APPROVED EQUAL.
2. INSTALL POST SO THAT THE EDGE OF SIGN IS SET BACK 6 INCHES FROM FACE OF CURB
3. LOW PROFILE ALTERNATIVE IS 2' BELOW GRADE WITH 5' TO TOP OF SIGN (NOT ALLOWED IN PEDESTRIAN AREAS).
4. MAINTAIN 4' MINIMUM CLEARANCE BETWEEN EDGE OF POST AND BACK OF WALK.
5. SIGN MAY BE MOUNTED OFF CENTER IN ORDER TO REDUCE DISTANCE BETWEEN SIGN POST AND CURB TO PROVIDE ADDITIONAL SIDEWALK CLEARANCE.



CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

## SIGN INSTALLATION

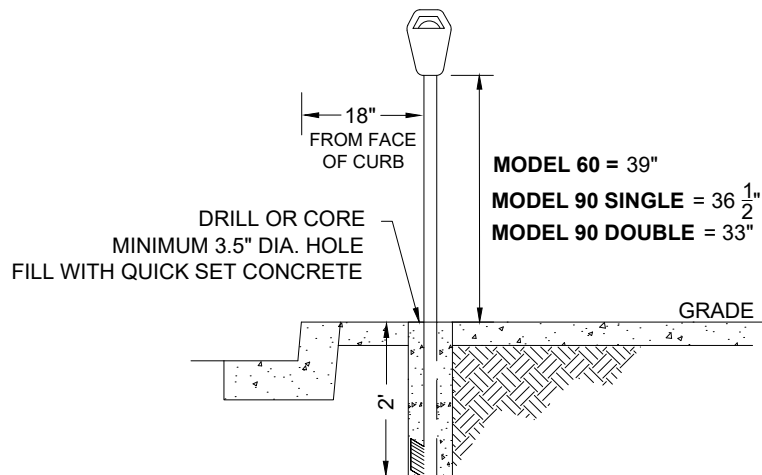
CITY ENGINEER: \_\_\_\_\_

25.332

DATE: MARCH 2011

SCALE: NONE

DWG NO. 18 OF 20



### NOTES:

1. PARKING METER POST SHALL BE 2" GALVANIZED WATER PIPE WITH 1" X  $\frac{1}{4}$ " X +/-3" FLAT STOCK WELDED AS A FIN. EXPOSED END SHALL BE SMOOTH AND FREE OF BURRS.
2. DISTANCE IS 18" FROM FACE OF CURB TO CENTER OF POLE.
3. MODEL INFORMATION PROVIDED BY CITY. PLEASE CONTACT PARKING MAINTENANCE FIELD CREW LEADER @ 420-5598.
4. MAINTAIN 4' MINIMUM CLEARANCE BETWEEN EDGE OF POST AND BACK OF WALK.

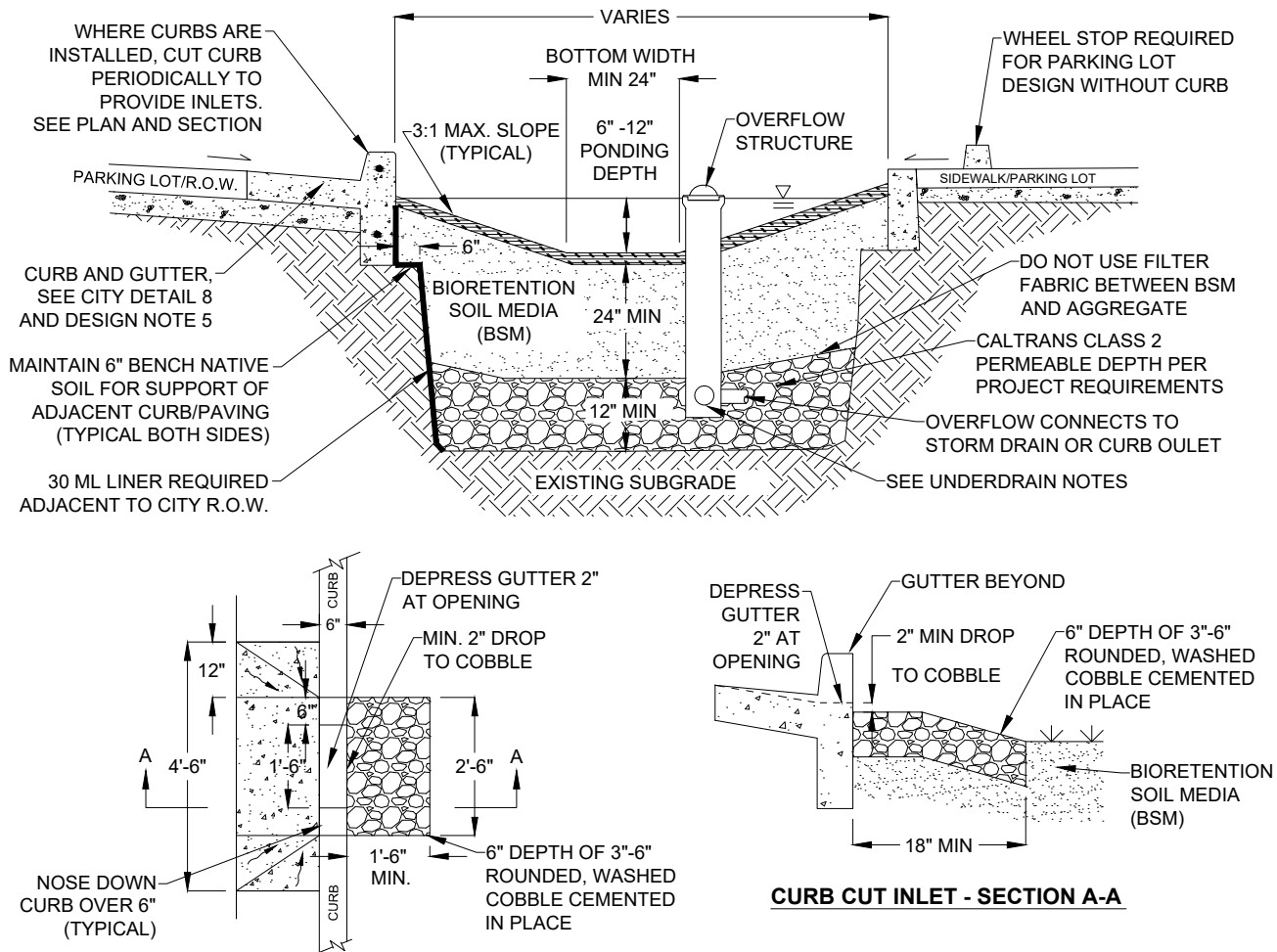


CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

### TYPICAL PARKING METER POLE INSTALLATION

CITY ENGINEER: \_\_\_\_\_

DATE:	APRIL 2003
SCALE:	NONE
DWG NO.	19 OF 20



**CURB CUT INLET - PLAN**

**DESIGN NOTES:**

1. FACILITY DESIGN AND SIZING SHALL MEET REQUIREMENTS IN CHAPTER 6B, STORM WATER BEST MANAGEMENT PRACTICES FOR PRIVATE AND PUBLIC DEVELOPMENT PROJECTS, OF THE BEST MANAGEMENT PRACTICES MANUAL FOR THE CITY'S STORM WATER MANAGEMENT PROGRAM.
2. MULCH DEPTH 2-3", USE OF MULCH BELOW PONDING HIGH WATER MARK IS OPTIONAL. PREFERRED MULCH TYPE: AGED, STABILIZED, NON-FLOATING.
3. MINIMIZE LONGITUDINAL SLOPE. MAXIMUM SLOPE OF BOTTOM: 6% WITH CHECK DAMS AND/OR STAIR STEPPING.
4. BIORETENTION SOIL MEDIA (BSM): MINIMUM INFILTRATION RATE 5 IN/HR. USE CONCRETE SAND (60-70%) MEETING ASTM C33 SPECIFICATIONS AND STABLE, WEED-FREE COMPOST (30-40%) MIXTURE.
5. MINIMUM CURB DEPTH ALONG CITY RIGHT-OF-WAY SHALL BE 24". STEEL REINFORCEMENT IS REQUIRED FOR PLANTER WALLS INSTALLED ALONG CITY RIGHT-OF-WAY.

**CONSTRUCTION NOTES:**

1. SCARIFY SUBGRADE BEFORE INSTALLING BIORETENTION AREA AGGREGATE AND BSM.
2. COMPACT EACH 6" LIFT OF BSM WITH LANDSCAPE ROLLER OR BY LIGHTLY WETTING. IF WETTING, ALLOW TO DRY OVERNIGHT BEFORE PLANTING.
3. DO NOT WORK WITHIN BIORETENTION AREA DURING RAIN OR UNDER WET CONDITIONS.
4. KEEP HEAVY MACHINERY OUTSIDE BIORETENTION AREA LIMITS.

**UNDERDRAIN NOTES:**

1. USE MIN. 4" DIA. PVC SDR36 PERFORATED PIPE. INSTALL NEAR THE TOP OF AGGREGATE LAYER WITH HOLES FACING DOWN.
2. UNDERDRAIN DISCHARGE SHALL BE NO LOWER THAN THE TOP OF THE AGGREGATE LAYER. UNDERDRAIN SLOPE MAY BE FLAT.
3. PROVIDE 4" MIN. DIAMETER CAPPED AND THREADED PVC CLEANOUT FOR UNDERDRAIN, WITH SWEEP BEND.



CITY OF SANTA CRUZ  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

CITY ENGINEER: \_\_\_\_\_

**BIORETENTION FACILITY**

DATE: MAY, 2013  
SCALE: NONE  
DWG NO. 20 OF 20



**CITY OF SANTA CRUZ**  
**DEPARTMENT OF PUBLIC WORKS**  
**DEPARTMENT OF PARKS AND RECREATION**  
**AND**  
**WATER DEPARTMENT**

**2002**

**STANDARD**  
**SPECIFICATIONS**

**Revised 10/9/02**

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**STANDARD PROVISIONS**

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**PART 1**



## **STANDARD PROVISIONS**

Whenever in these specifications and other contract documents, the following abbreviations and terms or pronouns in place of them are used, the intent and meaning shall be interpreted as follows:

### **ABBREVIATIONS**

AASHO	American Association of State Highway Officials
AAN	American Association of Nurserymen
ACI	American Concrete Institute
AGMA	American Gear Manufacturers Association
AIEE	American Institute of Electrical Engineers
AISI	American Iron and Steel Institute
AISC	American Institute of Steel Construction
ANSI	American National Standards Institute
AREA	American Railway Engineering Association
ASA	America Standards Association (United States of America Standards Instructions)
ASCE	American Society of Civil Engineers
ASHRAE	American Society of Heating, Refrigerating and Air Condition Engineers
ASME	American Society of Mechanical Engineers
ASTM	American Society of Testing Materials
AWS	American Welding Society
AWPA	American Wood Preserver's Association
AWWA	American Water Works Association
FS	Federal Specification
IEEE	Institute of Electrical and Electronic Engineers
NBFU	National Board of Fire Underwriters
NEMA	National Electrical Manufacturers Association
SAE	Society of Automotive Engineers
UL	Underwriters Laboratories

**Article** - a numbered portion of a title Section of the Specifications

**Bidder** - Any individual, firm, partnership, corporation or combination thereof, submitting a proposal for the work contemplated, acting directly or through a duly authorized representative.

**Council, City Council** - The City Council of the City of Santa Cruz.

**Contract** - The written agreement covering the performance of the work and the furnishing of labor; materials, tools, and equipment in the construction of the work. The Contract shall include the Notice of Contractors, Proposal, Drawings, Specifications, Addenda, and Contract Bonds; also, any and all written supplemental agreements amending or extending the work in a substantial and acceptable manner. Supplemental agreements are written agreements covering alterations, amendments, or extensions to the Contract and include Contract change orders.

**Contractor** - The person or persons, firm, partnership, corporation, or combination thereof, private or municipal, who have entered into a contract with the City.

**Days** - Working days, unless otherwise designated.

**City** - The City of Santa Cruz.

**Drawings** - The official drawings, working drawings, detail drawings, and supplemental drawings, or reproductions thereof, which show the location, character, dimensions, and details of the work to be done, and which are to be considered as part of the Contract.

**Director** - The Director of Water Department or Public Works Department acting either directly or through properly authorized agents, such agents acting within the scope of the particular duties delegated to them.

**Liquidated Damages** - The amount prescribed in the specifications, pursuant to the authority of Government Code Section 14376, to be paid to the City or to be deducted from any payments due or to become due the Contractor for each day's delay in completing the whole or any specified portions of the work beyond the time allowed in the Specifications.

**Plans, Constructions Plans** - The Drawings which are a part of the Contract.

**Proposal** - The offer of the Bidder for the work when made out and submitted on the prescribed Proposal Form, properly signed and guaranteed.

**Subcontractor** - The person or persons, firm, partnership, corporation, or combination thereof, private or municipal, who will perform work for the Contractor.

**Specifications** - The directions, provisions and requirements contained in the Standard Provisions, Special Provisions, and Technical Provisions.

**Work** - All the work specified, indicated, shown or contemplated in the Contract to construct the improvements, including all alterations, amendments or extensions thereto made by supplemental agreements or written orders of the Director.

**State Specifications** - Wherever in these Specifications reference is made to the "State Specifications," reference shall be to specifications entitled, "State of California, Department of Transportation, Standard Specifications," current edition, and which is incorporated herein and made a part hereof by reference. Where the terms "State" or the "Engineer" are used in the State Specifications, they shall be considered as meaning the "City" or "Director" as defined hereinabove.

**Special Provisions** - The special provisions are specific clauses setting forth conditions or requirements peculiar to the work and supplementary to the Standard Provisions and technical provisions.



## **SECTION 2**

### **PROPOSAL REQUIREMENTS AND CONDITIONS**

**2.01 OBTAINING PLANS AND SPECIFICATIONS:** Standard Specifications, Plans and Special Provisions may be obtained at the office of the Engineer, City Hall Annex, 809 Center Street, Room 201, Santa Cruz, CA 95060.

**2.02 CONTENTS OF PROPOSAL FORMS** - Prospective bidders will be furnished proposal forms which describe the contemplated construction and, where appropriate, show the approximate estimate of the quantities of the various kinds of work to be performed or materials to be furnished, with a schedule of items for which bid prices are asked. The unit prices or lump sum amounts bid shall include full compensation for furnishing all labor, materials, tools, and equipment and doing all work complete in place as shown on the Drawings or stipulated in the Specifications for that particular item of work.

**2.03 ESTIMATED QUANTITIES** - The quantities given in the Proposal are approximate only, being given as a basis for the comparison of Proposals, and the City does not, expressly or by implication, agree that the actual amount of work will correspond therewith, but reserves the right to increase or decrease the amount of any class or portion of the work, or to omit portions of the work, as may be deemed necessary or advisable by the Director. No allowance will be made for anticipated profit on work which is deleted or decreased.

**2.04 EXAMINATION OF DRAWINGS, SPECIFICATIONS, AND SITE OF WORK** - The Bidder shall examine carefully the site of the work contemplated and the Proposal, Drawings, and Specifications therefor. The submission of a Proposal will be conclusive evidence that the bidder has investigated and is fully aware of the conditions and difficulties to be encountered, of the character, quality and quantities of work to be performed and materials to be furnished, and of the requirements of the Proposal, Drawings, and Specifications; as to the nature and location of the work, the general and local conditions, particularly those bearing upon transportation, disposal, handling and storage of material, availability of labor, water, electric power, roads and uncertainties of weather, or similar physical conditions at the site; the conformation and conditions of the ground, the character and quality and quantity of surface and subsurface materials, including groundwater, to be encountered; the character of equipment and facilities needed preliminary to, and during the, prosecution of the work; and all other matters which can in any way affect the work or the cost thereof under this Contract. Any failure by the Contractor to acquaint themselves with all available information concerning these conditions will not relieve him/her from responsibility for estimating properly the difficulty or cost of successfully performing the work.

If there is any doubt as to the true meaning of any part of the plans, specifications, or other contract documents, or if discrepancies in, or omissions from, the drawings or specifications are found, a request should be made to the Director for an interpretation or correction thereof, which will be given in the form of addenda to all bidders, if time permits. Otherwise, in figuring the work, bidders shall consider that any discrepancies or conflict between drawings and specifications shall be governed by Article 5.17 of these specifications.

No payment shall subsequently be made to the Contractor because of error on his/her part or of negligence or failure to acquaint himself/herself with the existing conditions, limitations, or features of the site or requirements of the contract documents; or by reason of any estimate, tests, or representations of any officer, employee or agent of the City.

Where investigation of subsurface conditions has been made by the City in respect to foundation or other design, bidders may inspect the records of the City as to such investigation, including examination of samples and drill cores, if any. When logs of test borings showing a record of the data obtained by the City's investigation of subsurface conditions are made available, said logs represent only the opinion of the City as to the character of materials encountered in its test borings and are made available only for the convenience of bidders.

Investigations of subsurface conditions are made for the purpose of design, and the City assumes no responsibility whatever in respect to the sufficiency of test borings or accuracy of the log of test borings, of other preliminary investigations, or of the interpretation thereof. There is no guarantee expressed or implied that the conditions indicated are representative of those existing throughout the work, or any part of it, or that unforeseen developments may not occur.

Making such information available to bidders is not to be construed in any way as a waiver of the provisions of the first paragraph of this Article and bidders must satisfy themselves through their own investigations as to conditions to be encountered.

No information derived from such inspection of records or preliminary investigation made by the City, or from the Director, or from his/her assistants, or from the maps, Specifications, profiles, or Drawings will in any way relieve the Contractor from any risk or from properly fulfilling all the terms of the Contract. Records of such preliminary investigations as may have been made by the City may be inspected at the office of the Director, City Hall, Santa Cruz, California, 95060, or at such other locations as may be stated in the Notice to Contractors.

**2.05 PROPOSAL FORM** - The Proposal form furnished by the City, when filled out by the bidder and executed, shall be submitted as his/her Proposal. Neither the Proposal form nor any other portion of the Specifications shall be detached therefrom. Proposals submitted on forms detached shall be disregarded. All Proposals should give the prices proposed, both in writing and in figures in the respective spaces provided, and shall be signed by the bidder, who should fill out all blanks in the Proposal form as therein required. In the event of a discrepancy between writing and figures, the writing shall prevail over the figures.

A Copy of each addendum to the Specifications or drawings shall be attached securely to the Specifications containing the Proposal (refer to Article 2.12).

**2.06 QUERIES ON BIDDING** - Questions regarding the Specifications or Drawings or any other portion of the Contract or any addenda thereto shall be directed to the Director, at City Hall, Santa Cruz, California 95060, in writing. No interpretation of the meaning of the Specifications, Drawings, or other pre-bid documents will be made to any bidder orally.

**2.07 REJECTION OF PROPOSALS** - Proposals may be rejected if they show any alterations of form, additions not called for, conditional bids, incomplete bids, erasures, or irregularities of any kind. Proposals in which the prices, in the opinion of the City, are unbalanced, may be rejected.

When Proposals are signed by an agent, other than the officer or officers of a corporation authorized to sign contracts on its behalf, or a member of a partnership, a written authorization or Power of Attorney should be on file with the City prior to opening Proposals or submitted with the Proposal; otherwise, the Proposal may be rejected as irregular and unauthorized.

**2.08 PROPOSAL GUARANTEE** - All Proposals shall be presented under sealed cover and accompanied by one of the following forms of bidder's bond executed by an admitted surety, made payable to the City of Santa Cruz. The security shall be in an amount equal to at least 10 percent of the total contract price in the Proposal. A Proposal will not be considered unless one such form of bidder's security is enclosed with it.

A bidder's bond will not be accepted unless it substantially conforms to the bond form included with the Proposal form and is properly filled out and executed. If desired, the bond form included therein, properly filled out as directed, may be executed and used as the bidder's bond. Blanks conforming to this form may be obtained by request from the City.

**2.09 WITHDRAWAL OF PROPOSALS** - Any Proposal may be withdrawn at any time prior to the time fixed in the Notice to Contractors for the opening of Proposals only by written request for the withdrawal of the Proposal filed with the City Clerk. The request shall be executed by the bidder or his/her duly authorized representative. The withdrawal of a Proposal does not prejudice the right of the bidder to file a new Proposal. This article does not authorize the withdrawal of any Proposal after the time fixed in the Notice to Contractors for the opening of Proposals.

**2.10 PUBLIC OPENING OF PROPOSALS** - Proposals will be opened and read publicly at the time and place indicated in the Notice to Contractors.

**2.11 JOINT PROPOSALS** - If two or more bidders desire to bid jointly on a single project or desire to combine their assets for so doing, they shall file an affidavit of joint venture with the City in the form approved by the City Attorney and such affidavit of joint venture will be valid only for the specified project for which it is filed. If such affidavit of joint venture is not filed as aforesaid and approved by the City prior to the time for opening Proposals on the specified project for which it is submitted, a joint proposal submitted by the same bidders may be disregarded.

**2.12 DISQUALIFICATION OF BIDDERS** - More than one Proposal form from an individual, firm, partnership, corporation, or a combination thereof under the same or different names will not



be considered. If there is reason for believing that collusion exists among the bidders, none of the participants in such collusion will be considered for award for this Contract.

**2.13 ADDENDUM** - Addenda may be issued prior to opening of Proposals and shall become a part of the original Specifications and Drawings. The additions or changes contained in such addenda shall be considered by the bidder in preparation of his/her Proposal. These addenda will be sent to each prospective bidder at the address indicated in his/her application for a Proposal form. A copy of each addendum so issued shall be attached to the Specifications containing the Proposal submitted by the bidder to the City Clerk.

**2.14 LIST OF SUBCONTRACTORS** - The Contractor shall perform with his/her own organization and with workers under his/her immediate supervision work of a value not less than fifty percent (50%) of the value of all work embraced in the contract, except when certain items may be exempted by the Special Provisions from said fifty percent requirement.

In accordance with Chapter 2, Division 5, Title 1, of the Government Code of the State of California, Subletting and Subcontracting Fair Practices Act, each proposal shall have listed on the form provided with the proposal, (a) the name and the location of the place of business of each subcontractor who will perform work or labor or render service to the general Contractor in or about the construction of the work or improvement in an amount in excess of one-half of one percent (0.5%) of the general Contractor's total bid, and, (b) the portion of the work which will be done by each such subcontractor.

If a Contractor fails to specify a subcontractor for any portion of the work to be performed under this contract in excess of one-half of one percent of the total bid, s/he agrees to perform that portion him/herself.

**2.15 COMPETENCY OF BIDDER** - The bidder shall be licensed under the provisions of Chapter 9, Division 3, of the Business and Professions Code of the State of California to do the type of work contemplated in the project, and shall be skilled and regularly engaged in the general class or type of work called for under this contract.

It is the intention to award a contract only to a bidder who furnishes satisfactory evidence that s/he has the requisite experience and ability and that s/he has sufficient capital, facilities, and plans to enable him/her to prosecute the work successfully and promptly, and to complete it within the time stated in the contract.

To determine the degree of responsibility to be credited to a bidder, any relevant evidence will be considered that the bidder, or personnel guaranteed to be employed in responsible charge of the work, has satisfactorily performed other contracts of like nature and magnitude or comparable difficulty at similar rates of progress.

**2.16 RELIEF OF BIDDERS** - Attention is directed to the provisions of Government Code Section 14350 to 14353, inclusive, (subletting and Subcontracting Fair Practices Act), which sections are incorporated herein by this reference, concerning relief of bidders and in particular to

the requirement therein that if the bidder claims a mistake was made in his/her bid, the bidder shall give the City written notice within five (5) days after the opening of the bids of the alleged mistake, specifying in the notice in detail how the mistake occurred.

### **SECTION 3**

#### **AWARD AND EXECUTION OF CONTRACT**

**3.01 CONSIDERATION OF PROPOSALS** - After the proposals have been opened and read, they will be checked for accuracy and compliance with these Specifications. If the unit price and the total amount named for any item do not agree, the unit price will be considered as representing the Bidder's intention.

The right is reserved to reject any or all proposals; to waive an irregularity in a bid or bidding procedure; and to accept one schedule of a proposal and reject another, unless the bidder specifically stipulates to the contrary.

**3.02 AWARD OF CONTRACT** - The award of the Contract, if it be awarded, will be to the lowest responsible bidder whose Proposal complies with the requirements prescribed and who is licensed in accordance with law. Such award, if made, will be made within 30 days after the opening of the Proposals or as specified in the proposal or Special Provisions. If the lowest responsible bidder refuses or fails to execute the Contract, the City Council may award the Contract to the second lowest responsible bidder. Such award, if made, will be made within 45 days after the opening of the Proposals. If the second lowest responsible bidder refuses or fails to execute the Contract, the City Council may award the Contract to the third lowest responsible bidder. Such award, if made, will be made within 60 days after the opening of the Proposals. The periods of time specified above within which the award of contract may be made shall be subject to extension for such further period as may be agreed upon in writing between the City and the bidder concerned.

All proposals will be compared on the basis of the City's estimate of the quantities of work to be done.

**3.03 RETURN OF PROPOSAL GUARANTEES** - Within ten days after the award of the Contract to the lowest responsible bidder, the City will return the proposal guarantees, other than bidder's bonds, accompanying such of the Proposals as are not to be further considered in making the award. Retained proposal guarantees will be held until the contract has been finally executed after which all proposal guarantees, except bidder's bonds and any guarantees which have been forfeited, will be returned to the bidders whose Proposals they accompany.

**3.04 CONTRACT BONDS** - Prior to the execution of the Contract, the Contractor shall file with the City one or more surety bonds in the amounts and for the purpose noted below, duly executed by a solvent surety company satisfactory to the City, and (s)he shall pay all premiums and costs thereof and incidental thereto. The bonds shall contain a provision that the surety thereon waives the provisions of Section 2819 of the Civil Code of the State of California. Contractor and Surety shall warrant to the City that the Surety is licensed by the California Secretary of State to conduct business in the State of California and Surety shall provide proof of its authorization to conduct business in the State of California.

Each bond must be signed by both the Contractor and the Sureties.



The "Bond for Labor and Material " shall be in an amount of 100 percent of the contract price as determined from the prices in the Proposal form, and shall inure to the benefit of persons performing labor or furnishings materials in connection with the work of the proposed contract. This bond shall be maintained in full force and effect until all work under the Contract is completed and accepted by the City, and until all claims for materials and labor have been paid.

The "Bond for Faithful Performance" shall be in an amount of 100 percent of the contract price as determined from the prices in the Proposal form, and shall be so conditioned as to insure the faithful performance by the Contractor of all work under the Contract. It shall also insure the replacing of, or making acceptable, any defective materials or faulty work.

The Faithful Performance Surety Bond shall remain in effect to guarantee the repair and replacement of defective equipment, materials and work, discovered within one (1) year, after final payment has been accepted by the Contractor and the payment to the City of all damages sustained by it on account of such defects, discovered within one (1) year, or in lieu thereof, a bond equal to ten (10) percent of the full amount of the contract, may be substituted for the faithful performance bond upon completion and final acceptance and final payment for the work performed under the contract, which shall remain in effect for a period of one (1) year to guarantee the repair and replacement and payment of damage. In all respects, the substitute bond shall satisfy the requirements and conditions of the original Faithful Performance Bond.

Should any surety or sureties be deemed unsatisfactory at any time by the City, notice will be given the Contractor to that effect, and s(he) shall forthwith substitute a new surety or sureties satisfactory to the City. No further payment shall be deemed due or will be made under this Contract until the new sureties shall qualify and be accepted by the City.

All alterations, extensions of time, extra and additional work, and other changes authorized by these Specifications or any part of the Contract may be made without securing the consent of the surety or sureties on the contract bonds.

**3.05 EXECUTION OF CONTRACT** - The Contract shall be signed by the successful bidder and returned, together with the contract bonds, within ten days, not including Sundays and legal holidays, after the bidder has received the Contract for execution or as specified in the proposal or Special Provisions..

**3.06 FAILURE TO EXECUTE CONTRACT** - Failure of the lowest responsible bidder, the second lowest responsible bidder, or the third lowest responsible bidder to execute the Contract and file acceptable bonds as provided herein within ten days or as specified in the Proposal form or Special Provisions, not including Sundays and legal holidays, after such bidder has received the Contract for execution shall be just cause for the annulment of the award and forfeiture of the proposed guarantee.

### **3.07 CONTRACTOR'S INSURANCE -**

**3.07.01 General** - Without limiting the responsibility of the Contractor for damages as set forth in Article 7.18, the Contractor has obtained all insurance required under this Article, and such insurance has been approved by the City, nor shall Contractor allow any Subcontractor to commence work on any Subcontract until all insurance required of Contractor has been likewise obtained by the subcontractor, and such insurance is approved by the City. Approval of the insurance by City shall not relieve or decrease the liability of Contractor hereunder.

**3.07.02 - Type of Coverage** - Without limiting any of the other obligations or liability of Contractor, Contractor shall provide and maintain, until the work is completed and accepted by the City, the following minimum insurance coverages, unless otherwise specified in the particular specifications.

**Type of Coverage**

**Limits**

Workers compensation and Employer's Liability, including coverage under the United States Longshoremen's and Harbor Workers' Act, where applicable.

Statutory

Comprehensive general liability which shall include, or be endorsed to include, the following:

1. Cross Liability Coverage
2. Blanket Contractual Liability Coverage
3. Contractor's Protective Liability Coverage
4. Products and Completed Operations Coverage
5. Broad Form Property Damage Coverage
6. Explosion, collapse and Underground Property Damage Liability Coverage

Bodily Injury  
\$1,000,000 each  
accident;  
Property Damage  
\$500,000 each  
occurrence  
\$1,000,000

**Type of Coverage**

**Limits**

Automobile Liability Insurance covering all automobiles, trucks, tractors, trailers, motorcycles, or other automotive equipment, whether owned or rented by the Contractor, or owned by employees of the Contractor.

Bodily Injury  
\$1,000,000 each  
accident  
  
Property Damage  
\$5000,000 each accident

**3.07.03 INSURANCE PROVISION** - The insurance provided by the above insurance policies shall name as additional insured the City of Santa Cruz, its officer, agents, and employees and shall be primary insurance to the full limits of liability stated above to said additional insured. If said additional insured have other insurance against the loss covered by said policy, that other insurance shall be excess insurance only. The comprehensive general liability policy shall be endorsed to provide insurance to said additional insured with respect to omissions and supervisory acts or omissions, including passive negligence with respect to said work, and shall not be subject to reduction or cancellation without thirty (30) days prior written notice to the City of Santa Cruz.

In the event the work called for in this contract is to be performed as a joint project with the State of California, or a County, or any City within a County, or other agency, or is to be performed on lands under the jurisdiction of the State of California, or a County, or any City within a County, the policy of insurance required by paragraph 3.07.02, entitled "Type of Coverage" shall name the State of California, that County, and/or that City or other agency additional insured in addition to naming City and the statement contained in paragraph 3.07.03, entitled, "Insurance Provisions," shall be modified accordingly.



## **SECTION 4**

### **SCOPE OF WORK**

**4.01 WORK TO BE DONE** - The work to be done consists of furnishing all labor, methods or processes, implements, tools, machinery, construction equipment, materials of any kind, and installed manufactured equipment, except as otherwise specified herein to be furnished by the City or from sources provided by the City, which are required to construct in a good and professional manner all the work herein provided for.

**4.02 MAINTENANCE AND CLEAN-UP** - Throughout the construction period, the Contractor shall keep the site of the work in a neat and clean condition, shall dispose of any surplus materials in an approved manner off the site, keep debris out of drainage ditches, and maintain proper housekeeping practices to the satisfaction of the Director.

When any material is to be disposed of outside of the easement or street or highway right-of-way, the Contractor shall first obtain written permission from the owner on whose property the disposal is to be made. Disposal must conform to grading ordinances of the jurisdiction in which the work is performed.

Upon completion of the work, and prior to requesting final inspection, the Contractor shall thoroughly clean the site of the work of all rubbish, excess materials, falsework, temporary structures, and equipment, and all portions of the work shall be left in a neat and orderly condition. The final inspection, acceptance, and final payment will not be made until this has been accomplished.

**4.03 CHANGES** - The City may increase or decrease quantities of work to be done under the Contract, make revisions to the Drawings or Specifications, or require the performance of extra work and furnishing of materials therefor by the Contractor as the City requires for the proper completion or construction of the whole work contemplated. The City, at its option, may furnish said materials.

The changes will be set forth in written Contract Change Orders which specify the work to be done in connection with the changes, the basis of compensation for the work, and any adjustments of contract time. Such Change Orders shall be approved by the Director.

Upon receipt of an approved Contract Change Order, or of a written authorization from the Director setting forth a description of the change and agreed upon changes in contract price, the Contractor shall proceed with the work so ordered.

In the absence of an approved Contract Change Order or written authorization, the Contractor shall not be entitled to payment for any changed or extra work or any adjustment of Contract time.

When the changes increase or decrease the cost of the work, an adjustment of the Contract price will be made as set forth in the Change Order. At the option of the City, the work which is changed may be paid for on the basis of force account.

New and unforeseen items of work will be classed as extra work when the item cannot be covered by any of the various items or combination of items for which there is a bid price. The Contractor shall do such work and furnish such materials and equipment as may be required in writing by Director, but shall do no extra work except upon written order from the Director, and in the absence of such written order, (s)he shall not be entitled to payment for such extra work. All bills for extra work done in any month shall be filed in writing with the Director before the fifteenth of the following month. For such extra work, the Contractor shall receive compensation at the prices previously agreed upon in writing, or upon a failure to agree upon prices, (s)he shall be paid on force account. If the work is done on force account, compensation shall be in accordance with Article 9.04 of these Specifications. The City reserves the right to furnish any material deemed expedient and the Contractor shall have no claim for profit on the cost of such materials. All Contractors shall have no claim for profit on the cost of such materials. All extra work shall be adjusted daily upon report sheets furnished to the Director by the Contractor and signed by both parties, which daily reports shall thereafter be considered the true record of extra work done.

**4.04 PROTESTS** - If the Contractor considers any work demanded of him\her to be outside of the requirements of the Contract, or considers any record or ruling or act or omissions of the Director to be unfair, s/he shall immediately, upon such work being demanded, or such record or ruling being made, ask in writing for written instructions or decision, whereupon (s)he shall proceed without delay to perform the work or to conform to the record or ruling, within 30 days after the date of receipt of the written instruction or decision, (s)he shall file a written protest with the Director stating clearly and in detail the basis of his\her protest. Except for such protests as are made of record in the manner herein specified and within the time limit stated, the records, rulings, instructions, decisions, and acts or omissions of the Director shall be final and conclusive. Instructions and decisions of the Director contained in letters transmitting Drawings to the Contractor shall be considered as written instructions and decisions subject to protest in the manner herein described.

**4.05 DUST CONTROL** - During the performance of all work under this contract, the Contractor shall assume all responsibility for dust control and shall furnish all labor, equipment, and means required to carry out proper and efficient measures wherever and whenever dust control is necessary to prevent the operations from producing dust damage and nuisance to persons and property. Any claims resulting therefrom shall be borne solely by the Contractor.

Full payment for dust control shall be included in the unit price bid for other items of work and no additional allowance or direct payment will be made therefor.

## **SECTION 5**

### **CONTROL OF WORK**

**5.01 AUTHORITY OF DIRECTOR** - The Director shall decide all questions which may arise as to the quality or acceptability of materials furnished and work performed and as to the manner of performance and rate or progress of the work; all questions which may arise as to the interpretation of the Drawings and Specifications; and all questions as to the acceptable fulfillment of the Contract on the part of the Contractor. His/her decision shall be final and s/he shall have authority to enforce and make effective such decision and orders which the Contractor fails to carry out promptly.

**5.02 DRAWINGS TO BE FURNISHED BY THE CONTRACTOR** - The Drawings listed in the Specifications shall be supplemented by the Contractor with such working drawings as may be required for the prosecution of the work and approval of equipment. Such data may include shop detail drawings, reinforcing steel details, fabrication drawings, falsework and formwork drawings, pipe layouts and similar classes of drawings, which shall be favorably reviewed by the Director before any work involving these drawings is performed. No change shall be made by the Contractor in any working drawing after it has been favorably reviewed by the Director. Drawings shall contain all required detailed information of reasonable scale with enough views to clearly show the work to be done or the item to be furnished and shall be properly checked.

Working drawings will be subject to approval insofar as the details affect the character of the finished work, but details of design will be left to the Contractor who shall be responsible for successful construction of the work and operation of the equipment.

It is expressly understood, however, that approval of the Contractor's working drawing shall not relieve the Contractor of any responsibility for accuracy of dimensions and details, or for mutual agreement of dimensions and details. It is mutually agreed, that the Contractor shall be responsible for agreement and conformity of his/her working Drawings and Specifications.

The sequence of submission of working drawings shall be such that all information is available to the Director for review of each drawing as it is received. A minimum of five prints of each working drawing shall be submitted. Three prints will be retained and the balance returned within 20 calendar days with the Director's action indicated thereon. The Contractor shall make any necessary corrections and revisions to returned Drawings and shall resubmit the Drawings in the same routine as before within 20 calendar days after receipt.

Responsibility will be upon the Contractor to furnish Drawings in sufficient time for approval action including resubmittal, without delaying construction.

The cost of furnishing all working Drawings shall be included in the Contract prices for work to which the Drawings are appurtenant.

**5.03 DRAWINGS AND DATA TO BE FURNISHED BY THE CITY** - The City may issue supplemental Drawings for the construction work under the Contract. These drawings will show



additional details as required for construction purposes. Installation instructions for City furnished materials will be furnished if required.

**5.04 CONFORMITY WITH DRAWINGS AND ALLOWABLE DEVIATIONS** - Finished work in all cases shall conform with the lines, grades, cross sections, and dimensions shown on the approved Drawings furnished by the City. Deviations from the drawings as may be required by the exigencies of construction will be determined by the Director.

**5.05 MAINTENANCE & OPERATION MANUALS** - For use in the subsequent operation, the Contractor shall furnish two copies of maintenance and operation instruction supplied by the manufacturer for all equipment items. They shall be bound and suitably indexed in heavy, loose leaf binders.

**5.06 SUPERINTENDENCE** - The Contractor shall designate in writing before starting work, an authorized representative who shall have complete authority to represent and act for the Contractor. Where the Contractor is comprised of two or more persons, partnerships or corporations, functioning on a joint venture basis, said Contractor shall designate in writing to the Director the name of their authorized representative who shall have full authority to direct the work and to whom orders will be given by the Director, to be received and obeyed by the Contractor. Said authorized representative of the Contractor shall normally be present at the site of the work at all time while work is suspended, arrangements acceptable to the Director shall be made for any emergency work which may be required.

Whenever the Contractor or his/her authorized representative is not present on any part of the work where it may be desired to give direction, orders will be given by the Director, which shall be received and obeyed by the Superintendent or foreman or authorized representative who may have charge of the particular work in reference to which the orders are given. Any order given by the Director, which shall be received and obeyed by the Superintendent or foreman or authorized representative who may have charge of the particular work in reference to which the orders are given. Any order given by the director, not otherwise required by the Specifications to be in writing, will, on request of the Contractor, be given or confirmed by the Director in writing.

**5.07 LAYOUT OF WORK AND SURVEYS** - All work shall be constructed to the lines and elevations shown on the contract drawings.

The City will provide only the minimum of survey crew services essential to orderly performance of the work, and City survey crews will not be available at all times for the work under these Specifications.

When the Contractor requires stakes or markers, (s)he shall notify the City of his/her requirements in a reasonable length of time in advance of starting operations that require such stakes or marks. In no event shall a notice of less than two working days be considered a reasonable length of time.

Where construction operations require removal of the City's stakes or other survey marks, the Contractor shall reference such points in an approved manner. Survey stakes or marks established by the City shall be preserved by the Contractor until (s)he is authorized to remove them, and in the

case of their unauthorized destruction or removal by the Contractor's forces, they will be replaced at the Contractor's expense. Any cost to the City of replacing survey stakes or markers will be deducted from payments due the Contractor. Such costs will include a reasonable charge for use of City supplies and equipment, plus overhead.

**5.08 INSPECTION** - The Director and his/her representatives shall at all times have access to the work during its construction, and shall be furnished with every reasonable facility for ascertaining that the materials and the work are in accordance with the requirements and intentions of the Drawings and Specifications. All work done and all materials furnished shall be subject to his inspection and approval.

The right of general supervision shall not make the Contractor an agent of the City and the liability of the Contractor for all damages to persons or to public or private property arising from the execution of the work shall not be lessened because of such general supervision.

The day-to-day inspection performed by the various inspectors employed by the City shall not constitute approval or ratification of work improperly done by the Contractor. The Director is the only person authorized to recommend acceptance or rejection of work and materials.

The presence or absence of an inspector during performance of the work shall not relieve the Contractor of any of his/her obligations to fulfill his/her Contract as prescribed. It shall be the duty of the Contractor to see that the provisions of these Specifications are complied with in detail, irrespective of the inspection given the work during its progress by the Director or his representatives. Any plan or method suggested to the Contractor by the Director or an inspector, but not specified or required, if adopted or followed in whole or in part, shall be used at the risk and responsibility of the Contractor; and the City and the Director will assume no responsibility therefor.

Defective work shall be made good, and unsuitable materials may be rejected notwithstanding that such defective work or unsuitable materials have been previously inspected by the Director or that payment therefor has been included in the progress estimate.

Projects financed in whole or part with Federal or State funds shall be subject to inspection at all times by the Federal or State Agency involved.

**5.09 REMOVAL OF DEFECTIVE AND UNAUTHORIZED WORKS** - All work which has been rejected shall be remedied, or removed and replaced by the Contractor in an acceptable manner at no additional cost to the City.

Any work done beyond the lines and grades shown on the Drawings or established by the City, or any extra work done without written authority, will be considered as unauthorized and will not be paid for. Work so done may be ordered, remedied, removed, replaced.

If the Contractor should fail to comply promptly with any order of the Director made under the provisions of this Article, the Director may cause rejected or unauthorized work to be remedied, removed, or replaced, and the costs thereof to be deducted from any monies due or to become due the Contractor.

If any portion of the work done or materials furnished under the contract shall prove defective or not in accordance with the specifications and contract drawings, and if the imperfection in the same shall not be of sufficient magnitude or importance to make the work dangerous or undesirable, the Director shall have the right and authority to retain the work instead of requiring it to be removed and reconstructed, but s/he shall make such deductions therefore in the payment due or to become due the Contractor as may be just and reasonable.

**5.10 CONSTRUCTION EQUIPMENT AND PLANT** - Only equipment and plant suited to produce the quality of work required will be permitted to operate on the work.

Plants shall be designed and constructed in accordance with general practice for such equipment and shall be designed and constructed in accordance with general practice for such equipment and shall be of sufficient capacity and of such character to ensure the production of sufficient material to carry the work to completion within the time limit.

The Contractor shall provide adequate and suitable equipment and plans to meet the above requirements; and, when ordered by the Director, shall remove unsuitable equipment from the work and discontinue the operation of unsatisfactory plant.

Each machine or unit of equipment shall be operated by a person experienced in handling the particular make of machine or unit of equipment in use, and shall not be operated at a speed or rate of production in excess of that recommended by the manufacturer.

The Contractor shall identify each piece of equipment, other than hand tools, by means of an identifying number plainly stenciled or stamped on the equipment at a conspicuous location. In addition, the make, model number and empty gross weight of each unit of compacting equipment shall be plainly stamped or stenciled in a conspicuous place on the unit. The gross weight shall be either the manufacturer's rated weight or the scale weight.

**5.11 ALTERNATIVE CONSTRUCTION EQUIPMENT** - While certain of these Specifications may provide that equipment of a particular size and type is to be used to perform portions of the work, it is to be understood that the development and use of new or improved equipment is to be encouraged

The Contractor may request, in writing, permission from the Director to use equipment of a different size or type in place of the equipment specified.

The Director, before considering or granting such request, may require the Contractor to furnish, at their expense, evidence satisfactory to the Director that the equipment proposed for use by the Contractor is capable of producing work equal to, or better than, that which can be produced by the equipment specified.

If such permission is granted by the Director, it shall be understood that such permission is granted for the purpose of testing the quality of work actually produced by such equipment and is subject to continuous attainment of results which, in the opinion of the Director, are equal to, or better than that



which can be obtained with the equipment specified. The Director shall have the right to withdraw such permission at any time the Director determines that the alternative equipment is not producing work that is equal, in all respects, to that which can be produced by the equipment specified. Upon withdrawal of such permission by the Director, the Contractor will be required to use the equipment originally specified and shall, in accordance with the direction of the Director, remove and dispose of or otherwise remedy, at his/her expense, any defective or unsatisfactory work produced with the alternative equipment.

Neither the City nor the Contractor shall have any claim against the other for either the withholding or the granting of permission to use alternative equipment, of for the withdrawal of such permission.

Permission to use alternative equipment in place of equipment specified will only be granted where such equipment is new or improved and its use is deemed by the Director to be in furtherance of the purposes of this Article. The approval for use of particular equipment on any project shall in no way be considered as an approval of the use of such equipment on any other project.

Nothing in this Article shall relieve the Contractor of his/her responsibility for furnishing materials or producing finished work of the quality specified in these Specifications.

**5.12 USE OF COMPLETED PORTIONS** - The City shall have the right at any time during the progress of the work, to take over and place in service any completed or partially completed portions of the work, notwithstanding the fact that time for completion of the entire work or such portions may not have expired; but such taking possessions thereof shall not be deemed an acceptance of any other portions of the work, nor work on those portions not completed in accordance with the contract documents.

**5.13 LEGAL ADDRESS OF THE CONTRACTOR** - Both the address given in the proposal and Contractor's office in the vicinity of the work are hereby designated as places to either of which drawings, letters, notices, or other articles of communication to the Contractor may be mailed or delivered. The mailing or delivery at either of these places shall be deemed sufficient notice thereof upon the Contractor. Nothing herein contained shall be deemed to preclude the service of any drawing, letter, notice, article or communication to or upon the Contractor or his/her representative personally. The address named in the proposal may be changed at any time by written notice, from the Contractor to the City.

**5.14 FINAL INSPECTION** - When the work authorized by the Contract has been completed, the Director will make the final inspection.

**5.15 ACCEPTANCE OF CONTRACT** - When the Director has made the final inspection in accordance with these Specifications and determines that the Contract has been completed in all respects in accordance with the Drawings and Specifications, s/he will recommend that the City Council formally accept the Work of Improvement

**5.16 COORDINATION OF SPECIFICATIONS AND DRAWINGS** - The Standard Provisions, Special Provisions, Technical Provisions, Drawings, Contract Change Orders, and all supplementary documents are essential parts of the Contract, and a requirement occurring in one is as

binding as though occurring in all. They are intended to be complementary and to describe and provide for a complete work. In case of conflict, the following shall be the rules of interpretation:

Drawings shall govern over the Standard Provisions; the Technical Provisions shall govern over both the Standard Provisions and the Drawings; the Special Provisions shall govern over the Technical Provisions, the Standard Provisions and the Drawings.

Detail Drawings shall govern over general Drawings. Figures written on Drawings shall govern over the drawings themselves.

**5.17 INTERPRETATION OF SPECIFICATIONS AND DRAWINGS** - The work herein provided for is to be done in accordance with the Specifications and Drawings on file in the office of the City Clerk. All corrections of readily apparent errors or omissions in Specifications or Drawings may be made by the Director when such corrections are necessary for the proper fulfillment of their intention as construed by him/her. The misplacement, addition or omission of any work, letter, figure or punctuation mark which has no substantive legal effect will in no way change the due spirit, intent, or meaning of these Specifications.

Any part of the work which is not mentioned in these Specifications but is shown on the Drawings, or any part of the work not shown on the Drawings but described in these Specifications, or any part not shown on the Drawings or described in these Specifications but which is reasonably or ordinarily implied by either, shall be furnished and installed by the Contractor as if fully described in these Specifications and shown upon the Drawings.

Should it appear that the work to be done or any of the matters relative thereto are not sufficiently detailed or explained in the Specifications or on the Drawings, or if the Contractor discovers any discrepancies during the course of the work between the Contract Drawings and conditions in the field, or any errors or omissions in the Contract Drawings, the Specifications, or in the layout given by stakes, points, or instructions, the bidder or Contractor shall apply in writing to the Director for such further explanations as may be necessary and shall conform to them as part of the Contract. In the event of any doubt or questions arising respecting the true meaning of the Specifications or Drawings, reference shall be made in writing to the Director, whose decision thereon shall be final. Any work done after such discovery until authorized by the Director, will be done at the Contractor's risk.

**5.18 STATE SPECIFICATIONS** - Where specifically required, the work set forth in these Specifications shall be accomplished in accordance with appropriate provisions of the State Specifications, Section 10 to Section 95 inclusive, insofar as they apply. Said Specifications are here in referred to as the State Specifications and are, by reference, made a part of these Specifications the same as though as set out in full. In the event of conflict between the State Specifications and the Standard, Special, or Technical Provisions of these Specifications or the Drawings, these Specifications and Drawings shall apply.

**5.19 REASONABLENESS OF INTERPRETATIONS** - All interpretations of these Specifications and the Drawings by the City and decisions made thereon by the Director will not be arbitrary, capricious, or unreasonable.

## **SECTION 6**

### **CONTROL OF MATERIALS AND INSTALLED EQUIPMENT**

**6.01 FURNISHING AND QUALITY OF MATERIALS & EQUIPMENT** - The Contractor shall furnish all materials and equipment required to complete the work, except materials or equipment that are designated in the Special Provisions to be furnished by the City or materials furnished by the City in accordance with Article 4.03.

Notwithstanding any prior inspection or approval, only materials and equipment conforming to the requirements of the Specifications shall be incorporated in the work.

The materials and equipment furnished and used shall be new and unused and of the highest commercial quality currently available. The materials and equipment shall be manufactured, handled, and used in a workmanlike manner to ensure completed work in accordance with the Drawings and Specifications.

The Contractor shall be required to furnish a written guaranty covering certain items of material and equipment for varying periods of time from the date of acceptance of the Work of Improvement. The material and equipment to be guaranteed, the form of guaranty, and the time limit of the guaranty are as specified in Article 9.09. Said guaranty shall be signed and delivered to the Director before Acceptance of the Work of Improvement. Upon completion of the Work of Improvement, the amounts of the Contract bonds required in Article 3.04 may be reduced to conform to the total amount of the Contract bid prices for the items to be guaranteed and this amount shall continue in full force and effect for the duration of the guaranty period.

**6.02 SOURCE OF MATERIAL AND EQUIPMENT** - The Contractor shall furnish a list of his/her sources of materials and equipment to the Director. The list shall be furnished on a City form and shall be furnished to the Director in sufficient time to permit proper inspection and testing of materials and equipment to be furnished from such listed sources in advance of their use. The Contractor shall furnish without charge such samples as may be required. Inspection and tests will be made and reports rendered, but it is understood that such inspection and tests shall not be considered as a guarantee of acceptance of any material or equipment which may be delivered later for incorporation in the work. No equipment or materials which, after approval, have in any way become unfit for use shall be used in the work.

The Contractor shall submit five copies of approval data for the mechanical and electrical materials, and equipment proposed for installation. The data shall be submitted in the same routine as prescribed for working drawings in Article 5.02. Approval data shall consist of complete material and equipment lists accompanied by catalog data sheets, cuts, performance curves, diagrams or similar descriptive material. Material and equipment lists shall give, in each case, the name of the manufacturer, trade name, catalog reference, size, finish, and all other pertinent data. It is intended that approval data should not include such materials as small pipe and small pipe fittings, conduit and conduit fittings, or tubing. Data submitted as specified herein for each major subdivision of mechanical and electrical work shall be bound together under a hard cover, provided with a



complete index, and properly identified on the cover. Individual sheets shall be easily removable without tearing or other damage. The Contractor shall furnish operation and maintenance manuals or instructions if required by the Technical Provisions.

At the option of the Director, the source of supply of each of the materials shall be approved by him/her before the delivery is started. All materials proposed for use may be inspected or tested at any time during their preparation and use. After trial, if it is found that sources of supply which appeared satisfactory do not furnish a uniform product, or if the product from any source proves unacceptable at any time, the Contractor shall furnish approved material from other sources.

**6.03 STORAGE OF MATERIALS AND EQUIPMENT** - Materials and equipment shall be so stored as to ensure the preservation of their quality and fitness for the work. They shall be placed under cover when directed and shall be sorted in a manner that will facilitate prompt inspection.

**6.04 DEFECTIVE MATERIALS** - All materials not conforming to the requirements of the Specifications and Drawings shall be considered as defective and all such materials shall be rejected, whether in place or not. They shall be removed immediately from the site of the work, unless otherwise permitted by the Director. No rejected material, the defects of which have been subsequently corrected, shall be used unless approval in writing has been given by the Director. If the Contractor should fail to comply promptly with any order of the Director made under the provisions of this Article, the Director may cause defective materials to be removed and replaced, and the costs thereof to be deducted from any monies due or to become due the Contractor.

**6.05 TRADE NAMES AND ALTERNATIVES** - For convenience in designation on the Drawings or in the Specifications, certain equipment or materials to be incorporated in the work may be designated under a trade name or the name of a manufacturer and his/her catalog information. The use of alternative equipment or material which is of equal quality and of the required characteristics for the purpose intended will be permitted, subject to the following requirements:

The burden of proof as to the comparative quality and suitability of alternative equipment or materials shall be upon the Contractor and s/he shall furnish, at their own expense, six copies of complete description, information and performance data showing the quality of the materials or equipment offered to those specified, and such other necessary or related information as may be required by the Director. The Director will be the sole judge as to the comparative quality and suitability of alternative equipment or materials and this decision shall be final.

The Contractor, pursuant to Government Code, Section 4380, shall have at least 35 days after award of the Contract for submission of data substantiating a request for a substitution of "or equal" item.

**6.06 TESTING MATERIALS** - Unless otherwise specified in the Special Provisions or Technical Provisions called for on the drawings, all tests of materials and work, for determining compliance with requirement, shall be performed in accordance with the methods in use by the laboratory of the State Department of Transportation or by nationally recognized testing organizations, at a laboratory approved by the Director.

Whenever a reference is made to a specification or test method either of the American Society of Testing Materials, the American Water Works Association, or any other authority, and the number

accompanying the specification or test method representing the year of its acceptance is omitted, the reference shall mean the specification or test method in effect on the date of the Notice to Contractors.

Whenever a specification or test method of the American Society for Testing Materials, the American Water Works Association, or any other authority, includes a test procedure or test requirements, the Contractor shall submit two copies of certified test results, unless the requirement therefore is waived. No material will be accepted until these data have been passed upon by the Director and accepted.

Samples of all materials entering into the work shall be furnished by the Contractor without charge, when requested by the Director.

Materials may be tested at any time during progress of the work.

**6.07 PLANT INSPECTION** - Materials and equipment which become a part of the completed work will be subject to inspection at the place of production or manufacture, at the shipping point, or at the site of the work. Materials and equipment requiring inspection at the place of production or manufacture will be designated by the Director. Where plant inspection is so designated, the Director shall be given 14 days advance notice of the start of manufacture or production. The Contractor's purchase orders for materials and equipment for which plant inspection has been designated by the Director shall bear a suitable notation advising suppliers and subcontractors of inspection requirements.

The Director or an authorized representative shall have free entry at all times to such parts of the plant as concerns the manufacture or production of materials and equipment for the City. Adequate facilities shall be furnished free of charge to make the necessary inspection.

The City assumes no obligation to inspect material or equipment at the place of manufacture or production, or at the shipping point.

**6.08 CITY FURNISHED MATERIALS** - Materials furnished by the City will be available at locations designated in the Special Provisions. They shall be loaded, unloaded and hauled to the site of the work by the Contractor at his/her expense. The Contractor shall be held responsible for all materials furnished to him/her, and s/he shall pay all demurrage and storage charges. The cost of handling and placing City furnished material shall be considered as included in the price paid for the Contract item involving such City furnished material.

## **SECTION 7**

### **LEGAL RELATIONS AND RESPONSIBILITY**

**7.01 LAWS TO BE OBSERVED** - The Contractor shall be kept fully informed of all existing and future State and Federal laws and County and Municipal ordinances and regulations which in any manner affect those engaged or employed in the work, or the materials used in the work, or which in any way affect the conduct of the work, and of all such orders and decrees of bodies or tribunals having any jurisdiction or authority over the same. S\he shall at all times observe and comply with, and shall cause all his/her agents and employees to observe and comply with, all such applicable exiting and future laws, ordinances, regulations, orders and decrees of bodies or tribunals having any jurisdiction of authority over the work; and shall protect and indemnify the City, the City Council, the Director and Consulting Engineer, and all of its and their officers and agents and servants against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order, or decree, whether by him or herself or his/her employees. If any discrepancy or inconsistency is discovered in the Drawings, Specifications, or Contract for the work in relation to any such law, ordinance, regulation order, or decree, the Contractor shall forthwith report the same to the Director in writing.

**7.02 LABOR DISCRIMINATION** - Attention is directed to the following sections of the Labor Code:

- 1735. No discrimination shall be made in the employment of persons upon Public Works because of race, color, national origin or ancestry, or religion of such persons and every Contractor for Public Works violating this section is subject to all the penalties imposed for a violation of this chapter.
- 1420. It shall be unlawful employment practice, unless based upon a bonafide occupational qualification, or except where based upon applicable security regulations established by the United States or the States or the State of California:
  - (a) For an employer, because of the race, religious creed, color, national origin, or ancestry of any person, to refuse to hire or employ him/her or to bar or to discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

**7.03 EMPLOYMENT OF LABOR** - The Contractor, and all Subcontractors, must comply with the provisions of Chapter 3.10 of the Municipal Code, which is incorporated into these Contract documents by reference. Chapter 3.10 specifically requires City Contractors and sub-Contractors to make good faith efforts to hire qualified individuals who are local residents, as workers on City Public Works projects valued greater than the formal bid limit unless prohibited by State or Federal laws or regulations. It further requires the maintenance of certain records and documents necessary for the monitoring of compliance with the Chapter. Failure to comply with any of the provisions of Chapter 3.10, including the maintenance of records, shall be deemed a breach of the Contract or Subcontract and may result in the Contractor or Subcontractor being declared "non-responsible" by the City and ineligible for the award of future City contracts.



**7.04 PREVAILING WAGES** - In accordance with provisions of Section 1773 of the Labor Code, the City has ascertained the general prevailing rate of wages applicable to the particular craft, classification or type of workers employed on the work. These rates are set forth in the Notice to Contractors.

The Contractor shall forfeit as a penalty to the City, up to \$50 for each day, or portion thereof, for each worker paid less than the stipulated prevailing rates for any public work done under the Contract by him\her or by any subcontractor under him\her, in violation of the provisions of the Labor Code, particularly, Section 1770 through 1780 inclusive.

The work of installing, assembling, repairing or reconditioning, or other work of any nature on machinery, equipment, or tools used in or upon the work shall be considered a part of the work to be performed under the Contract any laborers, workers, or mechanics working on such machinery, equipment, or tools, shall be subject to all of the requirements relating to labor set forth in the Contract.

The construction, erection, and operation of material production, proportioning, or mixing plants from which material is used wholly on the Contract or on contracts under the supervision of the City, shall be considered a part of the work to be performed under the Contract and any laborers, workers, or mechanics working on such plants shall be subject to all of the requirements relating to labor set forth in the Contract.

**7.05 HOURS OF LABOR** - Eight hours labor constitutes a legal day's work. The Contractor shall forfeit as a penalty to the City up to \$50 for each worker employed in the execution of the Contract by the Contractor or by any subcontractor for each day during which such worker is required or permitted to labor more than eight hours in violation of Labor Code Sections 1810 to 1815, inclusive, except as provided for under Labor Code Section 1815.

**7.06 APPRENTICES** - The Contractor's attention is directed to the provisions in Section 1777.5 (Chapter 1411, Statutes of 1968) and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him\her.

Section 1777.5, as amended, requires the Contractor or subcontractor employing tradespersons in any apprenticeship occupation to apply to the joint apprenticeship committee nearest the site of the Public Works project and which administers the apprenticeship program in that trade for a certificate of approval. The certificate will also fix the ratio of apprentices to journeymen that will be used on the performance of the Contract. The ratio of apprentices to journeymen in such cases shall not be less than one to five except:

- A. When unemployment in the area of coverage by the Joint Apprenticeship committee has exceeded an average of 15 percent in the 90 days prior to the request for certificate, or
- B. When the number of apprentices in training in the area, exceeds a ratio of one to five, or

- C. When the trade can show that it is replacing at least 1/30 of its membership through apprenticeship training on an annual basis statewide or locally, or
- D. When the Contractor provides evidence that (s)he employs registered apprentices on all of his/her contracts on an annual average of no less than one apprentice to eight journeymen.

The Contractor is required to make contributions to funds established for the administration of apprenticeship programs if (s)he employs registered apprentices or journeymen in any apprenticeship trade on such contracts and if other Contractors on the Public Works site are making such contributions.

The Contractor and any subcontractor under him/her shall comply with the requirements of Sections 1777.5 and 1777.6 in the employment of apprentices.

Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the Director of Industrial Relations, ex-officio the Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship standards and its branch offices.

**7.07 PERMITS AND LICENSES** - The Contractor shall procure all permits and licenses, pay all charges and fees, and give all notices necessary and incident to the due and lawful prosecution of the work, except as provided in the Special Provisions.

**7.08 PATENTS AND COPYRIGHTS** - The Contractor shall assume all costs arising from the use of, and shall hold and save the City and the Council, its officers, agents, and employees, harmless from liability of any nature and kind, including costs and expenses, for or on account of any copyrighted or uncopyrighted composition, secret process, patented or unpatented invention, article, equipment, device, or appliance manufactured, furnished, or used by him/her in the performance of the Contract, including their use by the City, unless otherwise specifically stipulated in the Specifications.

**7.09 SANITARY FACILITIES** - The Contractor shall conform to the rules and regulations pertaining to sanitary provisions as established by the State of California, the County of Santa Cruz and the City of Santa Cruz as may be applicable.

**7.10 PUBLIC SAFETY** - The Contractor shall, at his/her own expense, furnish, erect and maintain such fences, barriers, lights, bridges, and signs and provide such flaggers and guards as are necessary in the opinion of the Director to give adequate warning to the public of the construction and of any dangerous conditions to be encountered as a result thereof.

No material or equipment shall be stored where it will interfere with the safe passage of public traffic, and at the end of each day's work and at other times when construction operations are suspended for any reason, the Contractor shall remove all equipment and other obstructions from that portion of the roadway open for use by public traffic. Spillage resulting from hauling operations along or across any public traveled way shall be removed promptly.

Whenever the Contractor's operations require one-way traffic or creates a condition hazardous to the public traffic, s\he shall provide and station competent flaggers whose sole duties shall consist of directing the movement of public traffic through or around the work.

**7.11 ACCIDENT PREVENTION** - The Contractor shall comply with all pertinent safety orders of the State of California, Department of Industrial Relations, Division of Industrial Safety, and U.S. Department of Labor, OSHA, and will also take or cause to be taken such additional measures as may be necessary for the prevention of accidents.

Prior to commencement of work, the Contractor shall (1) submit in writing the proposals for effectuating his/her provisions for accident prevention, and (2) meet in conference with the Director to discuss and develop mutual understandings relative to administration of an overall safety program.

During the performance of work under the Contract, the Contractor shall institute controls and procedures for the control and safety of persons visiting the job site.

The Contractor shall maintain an accurate record of, and shall report to, the Director in writing, exposure data and all accidents resulting in death, traumatic injury, occupational disease, or damage to property, materials, supplies or equipment incident to work performed under the Contract.

The Director will notify the Contractor of any noncompliance with the foregoing provisions. The Contractor shall after receipt of such notice, immediately take corrective action. If the Contractor fails or refuses to comply immediately, the matter will be referred to the proper authority. No part of the time lost due to any stop order issued by proper authority shall be made the subject or claim for extension of time for extra costs or damages by the Contractor.

Compliance with the provisions of this Article by subcontractors will be the responsibility of the Contractor.

No direct payment will be made by reason of the provisions of this Article and all costs in connection therewith shall be included in the prices paid for various contract items of work.

**7.12 EXPLOSIVES AND STREAM POLLUTION** - When the use of explosives is necessary for the prosecution of work, the Contractor shall not endanger life or property, and will be required to obtain a permit for use of explosives within City limits.

All explosives shall be stored in accordance with the provisions of Division XI of the Health and Safety Code, and any applicable County or local ordinances.

Attention is called to the necessity of obtaining a permit from the Department of Fish and Game of the State of California in advance of use of underwater explosives. Attention is directed to the Fish and Game Code relating to stream pollution, particularly, Section 5650.



**7.13 FIRES** - The Contractor shall obtain any necessary fire permits from the properly constituted authority and comply with all regulations of the County in which the work is to be performed.

**7.14 INTERFERENCE WITH FIRE HYDRANTS, HIGHWAYS, AND FENCES** - The Contractor shall so conduct his/her operations so as not to close or obstruct any portion of any highway, road, or street, or prevent in any way free access to fire hydrants until s\he has obtained permits therefor from the proper authorities. If any highway required to be kept open shall be rendered unsafe by the Contractor's operation s\he shall make such repairs or provide such temporary guards as shall be acceptable to the authorities having jurisdiction and to the Director. Any highway or street maintenance or repair work required by local authorities in connection with necessary operations under the Contract shall be performed by the Contractor at his/her own cost and expense. Fences subject to interference shall be maintained as effective barriers consistent with the original intent, but upon approval of the Director, they may be moved or rearranged to facilitate prosecution of the work until the work is finished, after which they shall be restored to their original or better condition.

**7.15 PRESERVATION OF PROPERTY** - Due care shall be exercised to avoid damage to existing improvements, utility facilities, and adjacent property. The fact that any pipe or underground facility is not shown on the drawings shall not relieve the Contractor of responsibility or ascertaining the existence of any underground improvements or facilities which may be subject to damage by reason of the operation.

Any obstruction along the line of work, such as mail-boxes or paper-boxes, posts, fences, culverts, improvements, etc., which interferes with the Contractor's operation shall be carefully removed and replaced by the Contractor as soon as possible in a satisfactory condition. Trees and shrubbery that are not to be removed, and pole lines, fences, signs, survey markers and monuments, buildings and structures, conduits, under- or above-ground pipelines, and any other improvements and facilities adjacent to the work shall be protected from injury or damage, and if ordered by the Director, the Contractor shall provide and install suitable safeguards to protect such objects from injury or damage.

If such objects are injured or damaged by reason of the Contractor's operations they shall be replaced or restored at the Contractor's expense. The facilities shall be replaced or restored to a condition as good as when the Contractor entered upon the work, or as good as required by the Specifications accompanying the work being performed under the Contract. When it becomes necessary for the Contractor to remove an existing fence as an obstruction to the work, the Contractor shall provide the necessary temporary fencing to be functionally as effective as the original for protection of livestock, equipment, or property.

Only those trees specifically designated for removal on the contract drawings shall be removed except with specific approval of the Director. Tree branches that extend over the work and must be removed, shall be cut off at the bole in a competent manner. The Contractor shall then remove other branches so that the tree will present a balanced appearance. Scars resulting from the removal of branches shall be treated with a heavy coat of an approved tree seal. The Director may make or cause to be made such temporary repairs as are necessary to restore to service any damaged facility.

The cost of such repairs shall be borne by the Contractor and may be deducted from any monies due or to become due the Contractor under the Contract.

No direct payment will be made by reason of the provisions of this article and all costs in connection therewith shall be included in the prices paid for the various contract items of work.

The Contractor, employee, and agents, shall at all times observe and comply with all conditions imposed by any instrument granting the right to enter upon property for the purpose of performing the work provided for herein, including, but not limited to, all conditions relative to the prevention and suppression of fires.

**7.16 PUBLIC CONVENIENCE** - Unless otherwise provided in the Special Provisions, all public traffic shall be permitted to pass through the work, and the Contractor shall so conduct operations as to offer the least possible obstruction and inconvenience to the public. The Contractor shall have under construction not greater length or amount of work than can be prosecuted properly with due regard to the rights of the public, and the Director shall be the sole judge of the length or amount of work which will afford proper convenience to the public. In addition to the requirements for furnishing facilities for public safety as specified in Article 7.10, the Contractor shall erect such warning and directional signs as may be necessary, in the opinion of the Director, for expediting the passage of public traffic through or around the work and the approaches thereto. All such signs and traffic maintenance shall be subject to the approval of the Director, and (s)he shall be notified 24 hours in advance of any disturbance of existing traffic patterns. No changes shall be made until approved by the Director.

Traffic signs, existing within the limits of the project, such as STOP signs, shall be maintained in an upright secure position, and located so as to properly control traffic, whenever it is necessary to remove them from their permanent location due to construction of the work, and shall be reinstalled in their permanent location at the earliest possible time.

Where pipelines are to be installed under the contract across certain designated streets or highways, as noted on the plans, the Contractor will only be permitted to open the trench one-half the width of the pavement at any one time so that one-way traffic can be maintained.

Construction operations shall also be conducted in such a manner as to cause as little inconvenience as possible to abutting property owners. Water or dust palliative shall be applied if ordered by the Director for the alleviation or prevention of dust nuisance caused by the Contractor's operations. Convenient access to driveways, houses, and buildings along the line of work shall be maintained fully by the Contractor, and temporary approaches to crossings or intersecting roads or streets shall be provided and kept in good condition.

When traffic control signals are shut down as provided in Section 86-1.05 of the State Specifications, the Contractor shall control traffic by use of flaggers, as directed by the Director, at those locations set forth in the Special Provisions. No STOP signs will be permitted at these locations. The flaggers required for this operation shall be paid for by the Contractor.

All of the foregoing requirements shall apply on weekends and holidays, if considered necessary by the Director. The Director may take action as necessary to provide for public convenience and

charge the cost thereof to the Contractor if no representative of the Contractor is available to do same.

**7.17 CONTRACTOR'S RESPONSIBILITY FOR WORK** - Until the formal acceptance of the work, the Contractor shall have the charge and care of the work and of the materials to be used therein, and shall bear the risk of injury, loss, or damage, to any part thereof by the action of the elements or from any other cause, whether arising from the execution or from the non-execution of the work. The materials to be used in the work include both those furnished by the City and those furnished by the Contractor, including materials for which the Contractor has received partial payment as provided in article 9.06.

**7.18 RESPONSIBILITY FOR DAMAGES** - The City, the City Council, the Director, and all officers and employees of the City shall not be answerable or accountable in any manner, for any loss or damage that may occur to the work or any part thereof; or for any of the materials or other things used or employed in performing the work; or for injury to any person or persons, either workers or the public; for damage to property from any cause which might have been prevented by the Contractor or his/her workers, or anyone employed by him/her; against all of which injuries or damages to persons and property the Contractor having control over such work must properly guard.

The Contractor shall be responsible for any damage to any person or property resulting from defects or obstructions or from any cause whatsoever during the progress of work or at any time before its completion and final acceptance and during the period of the project guarantee. The Contractor shall assume the defense and indemnify and save harmless the City, or Director, and their officers and employees, from every expense, liability or payment by reason of injury (including death) to persons or damage to property suffered through any act or omission, including passive and/or active negligence, of the Contractor or any of his/her subcontractors, or anyone directly or indirectly employed by either of them, or from the condition of the premises while in the control of the Contractor or any of his/her subcontractors, or anyone directly or indirectly employed by either of them, or arising in any way from the work called for by this contract. Except as provided in Section 3.07, this provision shall not be deemed to require the Contractor to indemnify the City against liability for damages arising from the active negligence or willful misconduct of the City or its agents, servants or independent Contractors who are directly responsible to the City.

**7.19 PAYMENT OF TAXES** - The Contract prices paid for the work shall include full compensation for all taxes which the Contractor is required to pay, whether imposed by the Federal, State or local government.

**7.20 COOPERATION BETWEEN CONTRACTORS** - Should construction be underway by other forces or by other Contractors within or adjacent to the limits of the work specified or should work of any other nature be underway by other forces within or adjacent to said limits, the Contractor shall cooperate with all such other Contractors or other forces to the end that any unnecessary delay or hindrance to their work will be avoided. The right is reserved to perform other or additional work at or near the site (including designated material sources) at any time by the use of other forces.

When two or more Contractors are employed on related or adjacent work, or are to obtain materials from the same designated material source, each shall conduct his/her operations in such a manner as



not to cause any unnecessary delay or hindrance to the other. Each Contractor shall be responsible to the other for all damage to work, to person or property caused to the other by his/her operations, and for loss caused the other due to his/her unnecessary delays or failure to finish the work within the time specified for completion.

**7.21 PROPERTY RIGHTS IN MATERIAL** - Nothing in the contract shall be construed as vesting in the Contractor any right of property in the materials used after they have been attached or affixed to the work or the soil, or after payment has been made for 80 percent of the value of materials delivered to the site of the work, whether or not they have been so attached or affixed. All such materials shall become the property of the City upon being so attached or affixed upon payment of such 80 percent of the value of materials delivered by the Contractor on the ground and not used, as provided in Article 9.06

**7.22 RIGHTS IN LAND AND IMPROVEMENTS** - Nothing in these Specifications shall be construed as allowing the Contractor to make any arrangements with any person to permit occupancy or use of any land, structure, or building within the limits of the Contract for any purpose whatsoever, either with or without compensation, in conflict with any agreement between the City and any owner, former owner, or tenant of such land, structure or building.

**7.23 TITLE TO MATERIALS FOUND ON THE WORK** - The title to all water and to the right to the use of all water, to all soil, stone, gravel, sand, minerals, and all other materials developed or obtained in the excavation or other operations by the Contractor or any subcontractor, or any of their employees, and the right to use or dispose of the same, are hereby expressly reserved in the City and neither the Contractor, nor any subcontractor, nor any of their employees shall have any right, title, or interest in or to any part thereof; neither shall they, nor any of them, assert or make any claim thereto. The Contractor may be permitted to use in the work without charge any such materials which meet the requirements of these Specifications.

**7.24 PERSONAL LIABILITY** - Neither the members of the City Council, the Director, the Consulting Engineer, nor any other officer or employee of the City shall be personally responsible for any liability arising under the Contract.

**7.25 TRESPASS** - The Contractor shall be responsible for all damage or injury which may be caused on any property by trespass by the Contractor, any subcontractor or their employees in the course of their employment, whether the said trespass was committed with or without the consent or knowledge of the Contractor.

**7.26 SUBCONTRACTING** - The Contractor shall comply with Government Code Sections 4100 to 4108, inclusive, relating to subletting and subcontracting.

Space is provided in the Proposal for listing subcontractors to be employed.

In no case shall the use of subcontractors in any way alter the position of the Contractor or his/her sureties with relation to this Contract. When a subcontractor is used, the responsibility for every portion of the work shall still remain with the Contractor.

**7.27 PROTECTION OF PUBLIC UTILITIES** - Attention is directed to Section 4215, Chapter 3.1 to Division 5 of Title 1 of the Government Code concerning the protection of public utilities.

The Contractor will be required to work around public utility facilities that are to remain in place within the construction area or that are to be relocated and relocation operations have not been completed, and (s)he will be held liable to the owners of such facilities for any damage or interference with service resulting from his/her operations.

The exact locations of underground facilities and improvements within the construction area shall be ascertained by the Contractor before using equipment that may damage or interfere with service resulting from his/her operations. It shall be the Contractor's responsibility to notify public utilities that (s)he is working in the vicinity of their facilities.

Other forces may be engaged in moving or reconstructing utility facilities or maintaining service of utility facilities, and the Contractor shall cooperate with such forces and conduct his/her operation in such a manner as to avoid unnecessary delay or hindrance to the work being performed by such other forces.

The City owns, operates and maintains its own water distribution and sewer collection systems and will cooperate with the Contractor insofar as it is reasonable and practicable. Water, as required for City projects, may be obtained at City-owned fire hydrants provided that application is made to the Water Department and permission obtained with provision for payment.

Full compensation for conforming to the requirements of this article, not otherwise provided for, shall be considered as included in the prices paid for the various contract items of work and no additional allowance will be made therefor.

**7.28 PUBLICATIONS** - The Contractor shall submit and obtain written approval from the Director prior to the publication of any technical articles, descriptions, or news releases, concerning this project. Approval shall be granted providing that the City is properly acknowledge, technical innovations are properly acknowledged, and such publication is in the best interest of the City.

**7.29 LANDS AND RIGHTS-OF-WAY** - The City shall provide the lands rights-of-way, and easements upon which the work under this contract is to be done, and such other lands as may be designated on the contract drawings for the use of the Contractor and the Contractor shall confine his/her operations to within these limits.

The Contractor shall provide at his\her own expense any additional land and access thereto that may be required for temporary construction facilities or for storage of materials.

## **SECTION 8**

### **PROSECUTION AND PROGRESS OF WORK**

**8.01 ASSIGNMENT** - The performance of the Contract may not be assigned except upon the written consent of the City Council. Consent will not be given to any proposed assignment which would relieve the original Contractor or his/her surety of their responsibilities under the Contract.

The Contractor may assign monies due or to become due him/her under the Contract and such assignment will be recognized by the City, if given proper notice thereof, to the extent permitted by law, but any assignment of moneys shall be subject to all proper setoffs in favor of the City and to all deductions provided for in the Contract and particularly all money withheld, whether assigned or not, shall be subject to being used by the City for the completion of the work in the event that the Contractor should be in default therein.

**8.02 COMMENCEMENT OF WORK** - The Contractor shall not begin work until s/he has received notice to proceed from the City, and shall upon receiving notice, begin work within the time specified in the notice. After receipt of said notice, the Contractor shall provide written notice to the Director of the Contractor's intention to start work, specifying the date on which s/he intends to start at least 24 hours in advance.

**8.03 WORK IN PROGRESS SCHEDULE** - Unless not required by the Special Provisions, the Contractor or the bidder to whom the Contract is awarded shall, prior to beginning work, submit to the Director a practicable work schedule in the form required by the Special Provisions showing the order and dates within which the Contractor proposes to carry out the work.

**8.04 TEMPORARY SUSPENSION OF WORK** - The Director shall have the authority to suspend the work wholly, or in part, for such period as (s)he may deem necessary when work is being performed in unsuitable weather, or when any other conditions are considered unfavorable for the proper prosecution of the work. The Director shall also have authority to suspend the work wholly or in part because of failure on the part of the Contractor to carry out orders given or to perform any provisions of the Contract. The Contractor shall immediately comply with the written order of the Director to suspend the work wholly or in part. Work suspended wholly or in part shall be resumed by the Contractor on written order of the Director when conditions are favorable and methods corrected.

**8.05 TEMPORARY SUSPENSION OF WORK FOR THE CONVENIENCE AND BENEFIT OF THE CITY** - The Director may order the Contractor, in writing, to temporarily suspend all or any part of the work for such period of time as may be determined by the Director to be necessary or desirable for the convenience and benefit of the City. Where such suspension has been ordered in writing as above provided and where such suspension unreasonably delays the progress of the work, the Director and/or City Council shall make an equitable adjustment in the contract price and contract time.



**8.06 SUSPENSION OF WORK BECAUSE OF CONDITIONS BEYOND CONTROL OF CITY OR CONTRACTOR** - Should the work of this contract be suspended for a period of over one (1) year due to war conditions, labor conditions, legal actions, or for any other reason beyond the control of either the City or the Contractor, the work may be terminated by mutual agreement subject to the following conditions. The City shall be responsible for payment for the actual work accomplished only, based on bid prices. The pro-rated cost of such work, where not fully covered by unit costs or bid items, shall be determined by an evaluation of the work done and the bid costs.

**8.07 TERMINATION OF UNSATISFACTORY SUBCONTRACTS** - When any portion of the work which has been subcontracted by the Contractor is not being prosecuted in a satisfactory manner, the subcontract for such work shall be terminated immediately by the Contractor upon written notice from the Director, and the subcontractor shall not again be employed on the type of work in which his/her performance was unsatisfactory.

**8.08 CHARACTER OF WORKERS** - If any subcontractor or person employed by the Contractor or subcontractor shall fail or refuse to carry out the directions of the Director or shall appear to the Director to be incompetent or to act in a disorderly or improper manner, (s)he shall be removed from the work immediately on the request of the Director, and such persons shall not again be employed on the work.

**8.09 TIME COMPLETION AND LIQUIDATED DAMAGES** - The Contractor shall complete all the work under the Contract within the number of days set forth in the Special Provisions or the Proposal form.

When a delay occurs due to unforeseen causes beyond the control and without the fault or negligence of the Contractor, including, but not restricted to, acts of nature, acts of the public enemy, governmental acts, fires, floods, epidemics, strikes (except as caused by improper acts or omissions of the Contractor), the time of completion shall be extended for a period justified by the effect of such delay on the completion of the work. A delay of a subcontractor or supplier due to the above circumstances will be taken into consideration for extensions of time of completion.

Acts of nature means an earthquake, flood, cloudburst, cyclone, or other cataclysmic phenomena of nature beyond the power of the Contractor to foresee or to make preparation in defense against, but does not include ordinary precipitation. The number of days provided for the work as set forth in the Special Provisions includes a normal amount of days for downtime due to weather according to the time of year in which the Contract will be operational.

Should any of the unforeseen circumstances as described in the preceding portion of this Article occur, the Contractor shall file written notice with the Director within the 10 days of the beginning of such delay. The notification shall be accompanied by documentary evidence to the fact and effect of the circumstances. Circumstances of which no notification has been given within 10 days of their occurrence shall not afterward be claimed as grounds for extension of time of completion. The Director will determine the facts in the matter and his/her findings shall be final and conclusive.

If the Contract is revised by a Contract Change Order and the Director determines that such revision will cause delay in completion of the work, the Change Order will provide for extension of the time of completion.

It is agreed by the parties to the Contract that in case all the work called for under the Contract in all parts and requirements is not finished or completed within the number of days as set forth in the Special Provisions, damage will be sustained by the City, and that it is and will be impracticable and extremely difficult to ascertain and determine the actual damage which the City will sustain in the event of a reason of such delay; and it is therefore agreed that the Contractor will pay to the City the sum set forth in the Special Provisions per day for each and every day's delay in finishing the work in excess of the number of days prescribed; and the Contractor agrees to pay said liquidated damages herein provided for, and further agrees that the City may deduct the amount thereof from any monies due or that may become due to the Contractor under the Contract.

**8.10 TERMINATION OF CONTRACT** - If the Contractor should fail to supply sufficient workers, material, supplies, and equipment, the City shall give written notice to the Contractor, which notice shall require that the Contractor supply sufficient workers, supplies, materials, and equipment to diligently prosecute the project. If the Contractor fails to resume diligent prosecution of the work within 48 hours after such notice is delivered, the City may eject the Contractor from the job, take over all supplies, equipment and material of the Contractor on the job site, and may either obtain another Contractor to finish the project or the City may finish the project with its own forces. In such event, the Contractor shall be liable to the City for damages including but not limited to the full cost of completing the project.

**8.11 RIGHT-OF-WAY DELAYS** - If performance of the Contractor's work is delayed as the result of the failure of the City to acquire or provide rights-of-way, an extension of time will be granted pursuant to provisions of Article 8.09.

**8.12 CONTRACTOR'S COST DATA** - The City, or any of its duly authorized representatives shall, until the expiration of three years after final payment under this Contract or any subcontractor under it, have access to and the right to examine any of the Contractor's or subcontractor's payrolls, records of personnel, invoices of materials, records of plant and equipment costs, and any and all other directly pertinent books, documents, papers, and records of such Contractor or subcontractor, involving transactions related to said Contract or subcontracts. In the event State or Federal funds are involved in the financing of the project, the State or Federal Government shall have the same rights of inspection as the City.

**8.13 COORDINATION WITH UTILITIES** - The Contractor shall be required to coordinate the work with the removal or relocation of any utility facility by any utility company or public agency where the utility facility is shown on the plans or specified in the Special Provisions to be removed or relocated by such company or agency. It shall be the Contractor's sole responsibility to effect said coordination, and it shall be deemed, upon his/her submission of a Proposal and Schedule to do Work, that the Contractor has reviewed his/her working plans with, and coordinated any utility facility removal or relocation with, all appropriate utility companies and public agencies.

In general, the location of existing utility facilities as shown on the drawings are approximate. This information has been obtained from utility maps furnished by the various agencies involved, and the City does not guarantee either the correctness of locations or the extent of such location. Minor lines such as house water, gas and sewer facilities are not shown. It shall be the responsibility of the Contractor to ascertain the exact location of the utility facilities, and no additional compensation may be claimed for additional work involved because the actual location is different than that shown on the plans.

In the event that a utility facility is encountered which is neither shown on the plans nor specified in the Special Provisions, the Contractor shall immediately notify the City in writing. The City will either have the appropriate utility company or public agency relocate the facility, or the City will direct the Contractor to relocate the facility under the Force Account provisions of these Specifications. No additional compensation may be claimed because of the delays due to utilities encountered along the line of the work. The Contractor will not be assessed liquidated damages for delay in completion of the project, when such delay is caused by the failure of the City of the owner of the utility facility to provide for removal or relocation of existing utility facilities.

Unless otherwise indicated on the Drawings or specified in the Special Provisions, the Contractor shall maintain in service all drainage, water, gas, and sewer lines, including house services, power, lighting and telephone conduits, and any other surface or subsurface structure of facility of any nature that may be affected by the work; provided, however, that the Contractor for his/her convenience may arrange with the owner to temporarily disconnect house service lines or other facilities along the line of the work. The cost of disconnecting and restoring such utilities shall be borne by the Contractor.

The Contractor is responsible for the protection of and for any damage to any utility facility encountered on the project during the prosecution of the work. Any such damage to a utility facility shall be repaired to the satisfaction of the utility owning the same. The City reserves the right, if so requested by the owner, to permit the owner to repair such damage. All expenses of whatever nature arising from such damage shall be borne by the Contractor.

**8.14 RESPONSIBILITY FOR ACCURACY** - The Contractor shall obtain all necessary measurements for and from the work, and shall check dimensions, elevations, and grades for all layout and construction work and shall supervise such work, for the accuracy of all of which s/he shall be responsible. Each subcontractor shall adjust, correct, and coordinate his/her work with the work of others so that no discrepancies will result in the whole work.

Unless authorized by the Director, any work done without liens, levels, or grades established by the Director shall be done at the Contractor's risk.

**8.15 TEMPORARY FACILITIES AND SERVICES** - The Contractor shall be responsible for providing and maintaining the necessary storage places, field office, temporary roads, fences, guards, etc., and required utilities, such as telephone, electric, and water service, at his/her expense. No water shall be withdrawn from fire hydrants for construction purposes until the Contractor has approval of the owner for such a connection.



**8.16 UNFAVORABLE WEATHER AND OTHER CONDITIONS** - During unfavorable weather and other conditions, the Contractor shall pursue only such portion of the work as will not be damaged thereby. No portions of the work of which the satisfactory quality or efficiency will be affected by any unfavorable conditions shall be constructed while these conditions remain, unless the Contractor employs special means or precautions, approved by the Director to overcome them.

**8.17 WEEKEND, HOLIDAY, AND NIGHT WORK** - No work shall be done between the hours of 6 p.m. and 7 a.m., nor on Sundays or legal holidays except with the permission of the Director, except in case of an emergency.

It is understood, however, that two or three shift operations may be established as a regular procedure by the Contractor if (s)he first obtains written permission from the Director. Such permission may be revoked by the Director at any time if the Contractor fails to maintain adequate force and equipment for reasonable prosecution and to justify inspection of the work or fails to provide sufficient artificial light to permit the work to be carried on properly and to permit proper inspection.

The Contractor shall give the Director 24 hours prior notice of any work to be done on a Saturday with the location and type of work to be done specified; and any work done without such notice and without the supervision of an inspector may be ordered removed and replaced at the Contractor's expense.

## **SECTION 9**

### **MEASUREMENT AND PAYMENT**

**9.01 WORK TO BE DONE WITHOUT DIRECT PAYMENT** - Whenever it is specified that the Contractor is to do work or furnish materials of any class for which no price is fixed in the proposal, it shall be understood that s\he is to do such work or furnish such materials without extra charge or allowance or direct payment of any kind. The cost of doing such work or furnishing such materials is to be included in the price bid for such other items of work as s\he may consider appropriate, unless it is expressly specified in the Special Provisions that such work or materials is to be paid for as extra work.

**9.02 MEASUREMENT OF QUANTITIES** - Payment for all work bid at a price per unit of measurement will be based upon the actual quantities of work as measured upon completion. The City does not expressly or by implication agree that the actual amount of work or materials of any class will correspond to the estimated quantities given in the proposal. The Contractor shall make no claim for anticipated profits, for loss of profit, for damages, or for any extra payment whatever because of any difference between the amount of work actually done or materials furnished and the estimated amount.

Items bid on a "Lump Sum" or "Job" basis shall result in a complete structure, operating plant or system in satisfactory working condition with respect to the functional purposes of the installation, and no extra compensation will be allowed for anything omitted but fairly implied.

**9.03 CHANGE ORDERS** - When alterations in quantities of work for which unit prices are shown in the proposal are ordered and performed, the adjustment in the contract amount shall be determined on the basis of such unit prices for the actual quantities of work done.

Adjustments, if any, in the amount to be paid the Contractor by reason of any other modifications of the work as set forth in a contract change order, shall be determined by one or more of the following methods:

- a. Lump Sum Price.** By an acceptable lump-sum proposal from the Contractor. Said proposal shall be based on a cost estimate as to materials, equipment, and labor, to which total may be added a maximum of 15 percent for overhead, profit, and all other expenses; this 15 percent limitation shall apply for work done directly by the Contractor's organization or by his/her subcontractors, and shall be added only once.
- b. Unit Prices.** By unit prices fixed by agreement between the City and the Contractor.
- c. Force Account.** By ordering the Contractor to proceed with the work and to keep and present in such form as the Director may order, a correct account of the cost of the change, together with all vouchers therefor.

#### **9.04 FORCE ACCOUNT WORK -**

**9.04.01 General** - Where extra work is to be paid for on a force account basis, the extra work will be paid for at the actual necessary cost as determined by the Director, plus an allowance for superintendence, general expense, and profit. Such an allowance will be made in accordance with the following schedule:

<u>Actual Necessary Cost</u>	<u>Allowance</u>
Labor	20 Percent
Materials	15 Percent
Equipment	15 Percent

The actual necessary cost for labor, material or equipment will be computed in accordance with Articles 9.04.02, 9.04.03, and 9.04.04, respectively. Office expense, general superintendence, and other general expense will not be included in the computation of actual necessary costs.

It is understood that labor, materials, and equipment may be furnished by the Contractor or by the subcontractor or by others on behalf of the Contractor.

When extra work paid for on a force account basis is performed by forces other than the Contractor's organization, the Contractor shall reach agreement with such other forces as to the distribution of the payment made by the City for such work and no additional payment therefor will be made by the City.

The Contractor shall furnish the Director daily report sheets covering the direct costs of labor and materials and charges for equipment, whether furnished by the Contractor, subcontractor, or other forces and said report sheets shall be signed by the Contractor or his/her authorized agent. The daily report sheets shall provide names or identifications and classifications of workers, and hours worked; size, type and identification number of equipment, and hours operated. Material charges shall be substantiated by valid copies of vendor's invoices.

The Director will make any necessary adjustments and compile the costs of force account work on daily extra work report forms furnished by the City. When these reports are agreed upon and signed by both parties they shall become the basis of payment for the work performed, but shall not preclude subsequent adjustment based on a later audit.

**9.04.02 Labor** - The cost of labor used in performing the work by the Contractor, a subcontractor, or other forces will be the sum of the following:

- a. The actual wage paid which shall include any employer payments to, or on behalf of, workers for fringe benefits including health and welfare, pension, vacation, and similar purposes.
- b. To the actual wages, as defined in Article 9.04.02 - A, will be provided a percentage set forth in the Special Provision, which percentage shall constitute full compen-



sation for all payment imposed by State and Federal laws including, but not limited to, compensation insurance, and social security payments.

- c. The amount paid for subsistence and travel required by collective bargaining agreements.

At the beginning of the Contract and as later requested by the Director, the Contractor shall furnish the Director three copies of a certificate from the insurance company showing labor compensation rates.

**9.04.03 Materials** - The cost of materials used in performing the work will be the cost to the purchaser, whether Contractor, subcontractor, subcontractor, or other forces, from the supplier thereof, except as the following are applicable:

- a. Cash or trade discounts available to the purchaser shall be credited to the City notwithstanding the fact that discounts may not have been taken.
- b. In materials secured by other than a direct purchase and direct billing to the purchase, the cost shall be deemed to be the price paid to the actual supplier as determined by the Engineer. Markup except for actual costs incurred in the handling of such materials will not be allowed.
- c. Payment for materials from sources owned wholly or in part by the purchaser for similar materials from said sources on Contract items or the current wholesale price for such materials delivered to the job site, whichever price is lower.
- d. If, in the opinion of the Director, the cost of materials is excessive, or the Contractor does not furnish satisfactory evidence of the cost of such materials, then the cost shall be deemed to be the lowest current wholesale price for the quantity concerned delivered to the job site less cash or trade discounts.

The City reserves the right to furnish materials for the work and no claim shall be made by the Contractor for costs and profit on such materials.

**9.04.04 Equipment** - The allowance made for such equipment used on force account work shall be determined from the latest schedule of equipment rental rates in use at the date hereof by the California State Transportation Department and incorporate herein by reference the same as though set out in full. Equipment shall be in good operating condition when starting work covered by the order. Rental time will not be allowed while equipment is inoperative due to breakdowns. Allowance for equipment ownership expense for use of items of equipment not listed with the Board shall be established in conformance with the items listed.

When extra work is ordered, the Contractor shall furnish a complete description of each item of equipment to be used on such extra work, listing the make, model, size, capacity, mounting, type of power and cost.

Allowance determined in accordance with this Article include all costs of operating equipment such as servicing labor and equipment, labor and parts for minor field repairs, fuel, oil, grease, and supplies, but not operating crew labor. No additional payment or allowance will be made in extra work orders for these items other than operating labor in addition to the amounts allowed for equipment use.

The Compensation for idle time of equipment will be determined in the same manner as presented in Article 8.11 - Right-of-Way Delays.

When equipment is obtained for the extra work from beyond the limits of the Contract, in addition to the rental rates paid while the equipment is actually in use on the work, the City will pay the cost of loading, unloading, and transporting to and from work subject to the following conditions:

- a. The point from which the equipment is to be transported shall be agreed to by the Director in advance.
- b. Transportation on low bed trailers shall not exceed rates of established haulers or applicable minimum rates of the Public Utilities Commission.
- c. Saturdays, Sundays, and Holidays will not be paid for unless directed by the Director.
- d. The City will pay an amount not to exceed the charge for moving the equipment to the work if the equipment is returned to a location other than from which it was obtained.
- e. Payment for transportation, loading, and unloading will not be made if the equipment is used on the work under the Contract in any other way than upon extra work paid for on a force account

**9.05 DEDUCTIONS FROM PAYMENTS** - The City, by and through the City Council, may at its option and at any time, retain out of any amounts due the Contractor, sums sufficient to cover claims filed pursuant to Section 1181 et seq. of the Code of Civil Procedure.

**9.06 PARTIAL PAYMENT** - At monthly intervals, as fixed by the City, the Contractor will prepare an estimate in writing of the total amount of work done and the acceptable materials furnished and delivered by the Contractor on the ground and not used, to the time of such estimate, and the value thereof. Acceptable materials shall be those materials which will become a part of the finished construction work. The basis for partial payments of lump sum or other unit Contract items will be determined by agreement between the Director and the Contractor. The City shall retain 10 percent of such estimated value of work done and 20 percent of the value of the materials so estimated to have been furnished and delivered and unused as aforesaid and shall pay at the established monthly intervals to the Contractor, while carrying on the work, the balance not retained as aforesaid, after deducting therefrom all previous payments and all sums to be kept or retained under the provisions of the Contract. However, at any time after 50 percent of the work has been completed, if the City finds that satisfactory progress is being made, the City may make any of the

remaining progress payments in full for actual work completed, or may withhold any amount up to 10 percent thereof, as the City may find appropriate based on the Contractor's progress. No such estimate of payment shall be required to be made when, in the judgment of the Director the work is not proceeding in accordance with the provisions of the Contract, or when in his/her judgment the total value of the work done since the last estimate amounts to less than \$500. No such estimate or payment shall be considered to be an acceptance of any defective work or improper materials. All progress estimates and payments shall be subject to correction in the final estimate.

**9.07 FINAL PAYMENT** - As soon as practicable after completion of the work, the Director will prepare in writing and furnish to the Contractor the final estimate of the quantities of work done and all payments due under the Contract, which estimate will show deductions for prior payments and any other amounts to be retained, under Article 9.06. The amount determined due, less the amount retained will be paid. This retained amount will not be due or payable until 35 days after the completion of the work and the filing of Notice of Completion and Acceptance in the manner provided by law and until after the Contractor has furnished the City a release by all claims by the Contractor against the City arising by virtue of the Contract except such claims in definite amounts as the Contractor may specifically exempt from the operation of the release.

At the earliest practicable time after having filed a claim, either during the performance of the work or after its completion as specified in the foregoing paragraph, it shall be the responsibility of the Contractor to submit in writing the basis for each claim, reference to the applicable provisions of the Specifications, the method of computation of the amount claimed due, and all other factual data pertaining thereto. Failure to submit such information and details within the 90 days after filing said claims will be sufficient cause for denying the claims. No claim will be considered where there has been a failure to comply with the requirements of Article 4.04.

**9.08 SCOPE OF PAYMENT** - Payment for all items of work at the unit or lump sum price shall be considered as full compensation for furnishing all labor, materials, tools, equipment, and incidentals necessary to complete the items of work, and no additional allowance will be made therefor.

**9.09 GUARANTEE** - Should any failure of the work occur within a period of one year after acceptance of the project by the City, which can be attributed to faulty materials, poor work, or defective equipment, or should discovery be made within this period of any non-compliance with the Plans and Specifications, the Contractor shall promptly make the needed repairs, replacement, or installation at his/her expense.

The City is hereby authorized to make such repairs if the Contractor fails to make or undertake with due diligence the aforesaid repairs within ten days after s/he is given written notice of such failure; provided, however, that in case of emergency where, in the opinion of the Director, delay would cause serious loss or damages, or a serious hazard to the public, the repairs may be made, or lights, signs, and barricades erected without prior notice to the Contractor, and the Contractor shall pay the entire costs thereof.

Unless otherwise set forth in the Special Provisions, as a condition precedent to the acceptance of the Contract, the Contractor shall furnish a corporate surety bond, of an acceptable surety company



authorized to do business in the State of California, to protect the City against the results of such faulty materials, poor work, or defective equipment and to guarantee the Contractor's responsibility as outlined above, for period of one year after completion and acceptance of the project by the City. Said bond shall be a sum not less than ten (10%) of the Contract amount.

## **SECTION 10**

### **STANDARD SPECIFICATIONS**

#### **TECHNICAL PROVISIONS**

#### **CITY OF SANTA CRUZ**

### **CONSTRUCTION OF CONCRETE CURBS, GUTTERS, SIDEWALKS AND VALLEY GUTTERS**

**10.01. GENERAL:** Concrete curbs, gutters, sidewalks, valley gutters and drive-ways shall conform accurately to the form and dimensions shown on the Standard Detail drawings of the City of Santa Cruz. They shall be placed in the locations and at the grades shown on the drawings. All forms shall be inspected by the City Engineer or his/her duly authorized representative and approval obtained before placing concrete. Inspection shall continue through the pouring and finishing process. Any work done without prior approval of the City Engineer or his/her representative shall be subject to rejection for that reason. No construction shall commence until construction drawings have been signed by the City Engineer.

Where the plans provide for reconstruction of existing curb and sidewalk, and the limit of new work specified does not fall on a scoring line, the entire section shall be removed and the new curb and sidewalk shall joint the old curb and sidewalk at the first scoring line beyond said specified limit.

#### **10-02. MATERIAL -**

**a. Portland Cement Concrete** - Portland Cement concrete shall conform to requirements for Class "A" concrete mixed and placed as provided in the State Standard Specifications with the modifications specified below. Concrete shall have maximum size aggregate of 1 1/2 inches. Should the quantity of ingredients designated to produce a cubic yard of finished concrete result in a yield greater than one cubic yard, the relative proportion of fine and coarse aggregate shall be changed as necessary to maintain constant the quantity of Portland Cement in each cubic yard of concrete.

All concrete within the City Right-of-way shall contain not less than 564 pounds of Portland Cement per cubic yard of concrete.

Where transit mixers are used, the mixing period shall be continuous from the time the water is introduced, but in no case less than 3 minutes. The revolving drum on transit mixers shall rotate at not less than 14 or more than 18 revolutions per minute to produce peripheral speed of approximately 200 feet per minute. Where transit mixers are used, adequate provision must be made for preventing delays in delivery and placing concrete. A delay of more than 60 minutes between the time water is introduced into the mix and the time concrete is placed

in the forms will be considered reasonable cause for rejection of the work. Concrete so placed shall be removed from the forms and disposed of by the Contractor.

The amount of water required for the proper consistency of concrete shall be determined by the slump test ASTM Serial Designation D138-32T. Maximum slump of the concrete shall not exceed 4 inches. The determination of the amount of water to be added and regulation of the water control equipment, shall be under the supervision of the City Engineer. The intent of this requirement is to place the control of the mixing water solely under the control of the City Engineer or his representative. No changes in water shall be made without the full knowledge of the City Engineer or his/her representative.

The Contractor shall furnish without charge such materials and equipment as may be required for testing the concrete during process of the work.

**b. Expansion Joint Material -** Expansion joint material shall be asphalt felt or asphalt-fibre not less than 3/8 inch thick precut to conform accurately to the finished concrete section and subject to the approval of the City Engineer. Joints shall be spaced as defined in Article 10-05.

**c. Reinforcing Steel -** Reinforcing rods and wire mesh, when called for on the plans or standard details, shall conform to the requirements for reinforcing steel in the State Standard Specifications.

**d. Catch Basins -** Materials and construction of catch basins are specified in Section 11 as portions of storm drain. Sections of vertical curb must be placed adjacent to the catch basins in conformity with standard details. It is preferable to leave out a section of curb and gutter to accommodate the catch basin and place this section after construction of the catch basin. The flow line of the gutter shall be depressed 2" at the catch basin. The depression to begin eight feet from the catch basin to form along transition.

**10-03. SUB-GRADE PREPARATION-** The subgrade shall be constructed true to grade and cross section, as shown on the plans or as directed by the City Engineer. It shall be thoroughly watered and rolled or hand tamped until hard and solid. Not more than 3/4 inch thickness of loose soil may be filled on top of undisturbed soil. Sand or sandy gravel must be used for fills thicker than 3/4 inch. Soft or spongy material shall be removed, and all adobe material shall be excavated two inches below subgrade elevation, and in both cases, the resulting space shall be filled with sand or sandy gravel approved by the City Engineer. The fill material shall be watered thoroughly and rolled or tamped until firm and solid.

The completed subgrade shall be tested for grade and cross section by means of a template extending the full depth of the sidewalk or gutter and supported between side forms. The subgrade shall be inspected and approved by the City Engineer or his/her representative prior to placing concrete. The subgrade and forms shall be thoroughly watered in advance of placing concrete.

**10.04. FORMING** - Adjacent curb, gutters and sidewalks may be placed separately or as one unit (monolithically). However, if the Contractor does not show that they are competent to finish the



monolithic unit to proper form and grade, the City Engineer may require that the gutter and sidewalk be placed separately. If placed separately, the back edge of the curb shall be formed so as to provide a keyway or #4 rebar dowels at 4 feet or center to prevent settlement of the sidewalk. Said keyway to be approved by the Engineer prior to placing concrete. The depth of forms may conform to nominal finished lumber widths; however, the concrete thickness must be the full dimension shown on the details. Therefore, some excavation may be required below the bottom of form lumber to provide the full concrete thickness. Lumber used for forms must be surfaced on the side placed next to the concrete and shall have a true smooth upper edge. Form lumber shall not be less than 1-5/8 inches thick after being surfaced. Warped forms and forms not having a smooth, straight upper edge shall not be used. Benders or thick planks, rigidly placed, may be used on curves, grade changes or for curb returns.

All forms must be carefully set to proper alignment and grade and shall be rigidly held in place by the use of steel or wooden stakes not more than 5 feet apart. Clamps, spreaders and braces shall be used where required to insure rigidity in the forms.

The forms on the face of vertical curbs shall not be removed in less than two hours nor more than six hours after the concrete has been placed. All forms shall remain in place for 12 hours after the concrete is placed. All forms shall be cleaned thoroughly each time they are used and coated with a light oil as often as necessary to prevent the concrete from adhering to them.

**10.05. EXPANSION JOINTS** - An expansion joint shall be placed at the end of rounded corner and approximately every forty feet therefrom for curb, gutter, and sidewalk. Joints in sidewalk adjacent to curbing shall fall opposite those in the curbing. Expansion joints shall be placed at right angles to the direction of the street. Expansion joints shall not be placed in driveways. Score marks weakened planes shall be provided at ten foot intervals between expansion joints.

**10-06. PLACING AND FINISHING CONCRETE** - Concrete shall be placed in such a manner as to prevent separation of large aggregate or the formation of rock pockets. It shall be spaded and tamped or vibrated until thoroughly compacted. At the end of each day's run, or if, for any reason, work would be terminated, the joint shall be vertical and square-ended and come to the point of an expansion joint. Should a delay of more than 30 minutes occur between batches, the new concrete shall be worked into the old to assure a uniform joint.

In constructing curb, entrances shall be provided for garages or driveways to replace former facilities or provide access for further driveways. The vertical curbs shall be depressed to one inch above the gutter flow line.

Particular care must be taken to assure a final cross section conforming to the standard details. Due to flat grades allowed, all slopes must be checked before final finishing by flowing water. The City Engineer or his/her representative must be present during the flowing water test. Any high spots or depressions revealed by the flowing water test must be corrected during finishing to prevent standing water on the finished section.

All surfaces shall be finished with a steel trowel in a manner satisfactory to the City Engineer. The surface so produced shall be sufficiently uniform and smooth so as to not produce more than 1/4" deviation from a ten foot straight edge placed upon the surface.

No concrete shall be placed or finished in the rain. It shall be the Contractor's responsibility to schedule operations so that concrete will not be placed or finished in the rain.

After the concrete is finished, a curing compound shall be applied to all exposed surfaces. The curing material shall be subject to the approval of the City Engineer.

**10.07. CLEAN-UP** - All forms shall be removed after the specified period of curing. Backfill materials shall be placed sufficient to protect the concrete from being undermined or washed out during winter storms. Broken or spilled concrete must be removed and disposed of and the site left in a neat and orderly condition. Broken sections of concrete must be replaced by removing the existing concrete back to scoremarks and replacing an entire section.

Small openings in existing concrete surfaces must be made by using a concrete saw to create a square and uniform edge. The portions of concrete replaced must be finished to conform with existing surfaces.

**10.08 MEASUREMENT AND PAYMENT** - Concrete will be measured and paid for in the units called for in the proposal. Normally curb, gutter and sidewalk will be paid for by the lineal foot, measured along the centerline of the cross section. Vertical curbs will be measured along the face of the curb. The quantities for payment will be measured in the field after construction by the City Engineer or his/her representative and a representative of the Contractor. All work must be completed, repairs made and cleanup finished before the final payment. Progress and final payments shall be made as outlined in the general provisions.

Reasonable access must be provided for property owners during construction and the Contractor shall plan and conduct the work so as to cause a minimum of inconvenience to the general public and adjacent property owners..

## **SECTION 11**

### **CONSTRUCTION OF SANITARY SEWERS, STORM DRAINS AND APPURTENANCES**

**11.01 GENERAL** - Sanitary sewers, storm drains, manholes, catch basins, cleanouts and service connections shall conform accurately to the drawings and standard details of the City of Santa Cruz. The City Engineer or representative will inspect the installation of all pipelines and facilities and must approve them prior to backfilling. Any facilities installed or backfilled prior to approval or without the City Engineer's knowledge are subject to rejection for that reason.

No construction shall commence until construction drawings have been signed by the City Engineer.

Pursuant to Section 6422 of the "Labor Code" of the State of California, and these Specifications, before the excavation of any trench or trenches, four feet or more in depth, where the estimated contract expenditure is twenty-five thousand dollars (\$25,000) or more, the Contractor shall submit a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation of such trench or trenches. If such plan varies from the shoring system standards, established by the Construction Safety Orders, the plan shall be prepared by a registered civil or structural engineer. No excavation shall be started until said plan has been approved by the City Engineer.

When the estimated contract expenditure is less than twenty-five thousand dollars (\$25,000) the above mentioned shoring plan may be required at the discretion of the City Engineer prior to or during the course of construction.

#### **11.02 MATERIAL -**

- a. **Sanitary Sewers** shall be vitrified clay or plastic lined asbestos-cement unless otherwise specified in the plans or specifications. No sanitary sewer covered by this specification shall be subjected to a pump pressure head.
  1. **Vitrified Clay Sewer Pipe** shall conform to A.S.T.M. Designation C-278 for Extra Strength Clay Sewer Pipe. Joints shall be interlocking, resilient mechanical compression type formed on the pipe at the factory and made of Plastic (polyvinylchloride) to specifications established by the National Clay Research Corporation. "Wedge-Lock" joints made by the Pacific Clay Products Company and "Speed-Seal" joints made by Gladding McBean Company conform to the above specifications.
  2. **Plastic Lined Asbestos-Cement Nonpressure Sewer Pipe** shall conform to the requirements of the National Sanitation Foundation Criteria C-7 Asbestos-Cement sewer pipe shall conform to A.S.T.M. Designation C-428-63T, Type 11 Class 2400 for 14-inch and smaller diameter pipe, and Class 3300



for 16-inch and larger diameter pipe. Plastic lining shall be lining formed from a thermoplastic or thermo setting polymer system. The ends of the pipe shall be accurately machined to accommodate a joint coupling. The coupling shall consist of an asbestos-cement sleeve and two solid rubber rings, and shall be suitable in size and design for the pipe with which it is to be used. The coupling shall be factory applied to one end of each standard length of pipe.

3. **Standard Strength Clay Sewer Pipe**, when specified, shall conform to A.S.T.M. Designation C-13.
  4. **Concrete Sewer pipe**, when specified, shall conform to A.S.T.M Designation..
- b. **Storm Drains** shall be reinforced concrete pipe until otherwise specified in the plans and specifications.
1. **Reinforced Concrete Sewer and Drainage Pipe** shall conform to A.S.T.M. Designation C-76, Class 111.
  2. **Galvanized Corrugated Metal Pipe**, when specified, shall conform to A.A.S.H.O. Designation M-36 and shall be asbestos bonded and bituminous lined and coated. The gauge shall be as shown on the plans but in no case lighter than 16 gauge.
  3. **Smooth Lined Corrugated Metal Pipe**, when specified, shall be equal to "Smooth-Flow" pipe as manufactured by the Armco Drainage and Metal Products Company, Inc., of Berkeley, California, utilizing asbestos-bonded metal.
- c. **Double Rubber Gasketed Reinforced Concrete Pipe, Lock-joint Reinforced Concrete Pipe or Reinforced Concrete Cylinder Pipe** shall be as manufactured by the American Pipe and Construction Company of Hayward, California, or equal, in the opinion of the City Engineer.
- d. **Cast-in-place Concrete Pipe** may be used only where specified on the plans. Materials and construction of the cast-in-place pipe shall conform to Sections 11-02 (n) and 11-04 (b) for cast-in-place concrete pipe.
- e. **Iron Castings** shall conform with A.S.T.M. Designation A-48 (grade 30) for grey iron castings. Frames and covers shall be of the dimensions and weights shown on the plans and Standard details and the weight of each frame and cover shall be indicated thereon in white paint. The castings shall be free from cracks, blow holes or other imperfections straight, true to pattern and have a professional finish.

- f. **Manholes**, shall conform to City of Santa Cruz Standard Details and be fabricated from pre-cast concrete manhole sections conforming to A.S.T.M. Designation C-76, Class II.
- g. **Manhole frames and covers** shall conform to the Standard Manhole and Cover Details of the Standard Specifications of the City of Santa Cruz. The bottom rim of the cover and the seat shall be a matched set, so milled that the cover will set evenly and firmly on the frame. Where manhole covers occur in sidewalk surfaces, the covers shall conform to the above in dimension and weight but shall have a surface formed to provide a nonslip level walking surface approved by the City Engineer.
- h. **Flusher Branches** shall conform to the City of Santa Cruz Standard Detail "Standard Flusher Branch."
- i. **Concrete for manhole bases and other structures** shall conform to the State Standard Specifications for Type B concrete and shall be composed of maximum 1 1/2" aggregate and 5 sack per cubic yard of cement. Maximum slump of the concrete shall not exceed 4 inches.
- j. **Concrete for Cast in Place Concrete Pipe.** Concrete mixes shall be designed on the basis of the concrete attaining a strength at 28 days of at least 3000 P.S.I. provided that at least 6 sacks (94 pounds each) of Portland Cement shall be used per cubic yard of concrete. During pouring, the Contractor shall prepare 2 Standard 6" x 12" test cylinders for each 75 cubic yards or portions thereof poured each day. Casting, handling and curing of all cylinders shall be in accordance with A.S.T.M. Designation C-39.

The pipe shall be constructed of Class A concrete conforming to the provisions in Section 90 of the State Standard Specifications.

The combined aggregates shall conform to the specified grading limits for the 3/4" maximum size for pipe diameters 48 cubic inches or less and for the 1 1/2 maximum size for pipe diameters over 48 inches.

The allowance for slump shall not exceed 3 inches as determined by the Slump Test, A.S.T.M. Serial Designation D138-32t.

An air-entraining agent shall be added to the concrete in conformance with the provisions in Section 90-4.03 of the State Standard Specifications.

The minimum wall thickness for the various sizes of pipe shall conform to the following table:

<u>Internal Diameter</u>	<u>Minimum Wall Thickness</u>
24"	2 1/2"
27"	3"
30"	3"
33"	3 1/2"
36"	3 1/2"
42"	4"
48"	5"
54"	5 1/2"
60"	6"
66"	6 1/2"
72"	7"

**Pipemaking Equipment** - The Pipe shall be constructed with equipment specially designed for constructing cast-in-place monolithic concrete pipe. The equipment shall place the concrete around the full circumference of the pipe in one operation. The equipment shall be acceptable to the Engineer and the Contractor may be required to furnish evidence of successful operation on other work of the equipment that is proposed to be used. Equipment not suitable to produce the quality of work required for the pipeline will not be permitted to operate on the work.

**Curing and protecting concrete** - The Concrete forming the pipe shall be cured by backfilling over the pipe as specified herein or by the application of pigmented curing compound as provided for concrete pavement in Section 90-701B of the State Standard Specifications. Hand spraying of the compound will be permitted. During the curing period following the placement of the concrete, the ends of the pipeline shall be covered with canvas. The inside surface of pipe need not be cured. If the Contractor elects to cure the pipe by backfilling, the backfill material shall be placed to an approximate depth of 0.5 foot over the top of the pipe. Such backfill shall be placed immediately after the concrete has hardened sufficiently to prevent injury to the pipe during backfilling operations. Only soft, damp and loose material shall be used for backfill.

The concrete pipe shall be protected as provided in Section 90-8 of the State Standard Specifications.

**11.03. MOVING EXISTING UTILITIES** - The Contractor shall notify the utility company before proceeding with construction and shall be familiar with the underground pipes, ducts or manholes. The Contractor shall be responsible for damage to, or damage resulting from, disturbance of underground or overhead utilities.

The location of utilities shown on the plans are approximate only and shall not be taken as final. The cost of relocating existing utilities will normally be borne by the individual utility company.



Sufficiently early notice must be given prior to construction to allow ample time for the required changes.

**11-04. (a) TRENCH EXCAVATION:** Except where otherwise specifically authorized in these specifications or where indicated on the drawing, all pipe sewer shall be laid in open trenches. All trenches shall be excavated vertically and shall be of sufficient width to provide free working space on either side of the pipe, and in no case shall such space be less than six (6) inches. Where bracing and shoring is necessary, additional width of trench will be permitted. In any case there shall be sufficient space between the pipe and side of the trench for thorough compaction and backfill around the pipe.

The trench shall conform to the lines and grades designated on the drawings. The sub-grade for pipe sewers shall be understood to be the exterior bottom of the pipe. The sub-grade shall be excavated to a level section and to such elevations as will give true flow line elevation when pipe barrels are laid on top of the sub-grade. Bell holes shall be excavated to a sufficient depth to permit the entire barrel of the pipe to be supported on undisturbed material. Whenever the bottom of the trench is excavated below the bottom of the pipe, said fill shall be used to bring the trench up to grade. In cases where the excavated material is satisfactory, in the opinion of City Engineer, this material may be used to bring the trench up to grade by compacting with a pneumatic tamper in layers not exceeding four (4) inches thick. When the bedding material encountered is rock, the trench shall be excavated and an additional 4 inches below grade and the trench refilled and compacted as specified above.

Where excavation in tunnels is required or permitted, the tunnels shall be driven from shafts located at the places where manhole and other structures are shown on the line of said tunnels and at such other points as may be selected and approved by the City Engineer. Where tunnels are made, they shall be cut to a height of at least two (2) feet above grade of the sewer.

When mud or other soft or spongy material is encountered, it shall be removed and the space filled with crushed rock or other material approved by the City Engineer.

The Contractor shall be responsible for the removal of all material from slides or cave-ins and shall be required to restore and repair, at their own expense, all sidewalks, paving pipes or structure of any type which may be damaged or destroyed as a result of the operations.

Material excavated from the trenches shall be kept in compact piles so placed as to cause least possible interference with street or sidewalk traffic. Excess material not required for backfill shall be removed and disposed of immediately to a location as approved by the City Engineer.

The Contractor shall provide for and maintain surface drainage; also maintain sewers, storm drains, water and gas pipes, and shall carefully protect all poles lines, conduits, buildings and other surface and subsurface structures.

The Contractor shall provide adequate roadway crossings over trenches to all driveways or streets cut off by excavation until such time as the excavation is backfilled.

The Contractor shall furnish, install and operate such pumps or other devices as may be necessary for removing water from trenches during construction and until permission is obtained from the City Engineer to cease pumping.

Sufficient bracing and shoring shall be installed and maintained at all times during construction to insure safety for workers and to protect and facilitate the work. All such bracing and shoring shall be removed during backfilling except in cases where impractical or unsafe.

The maximum length of open trench ahead of pipe installation shall not exceed three hundred (300) feet in normal well sustained earth and the distance shall be much less in marshy or sloughing soils, as advised by the City Engineer. The length of trench unfilled after pipe is laid shall not exceed five hundred (500) feet.

b. **Trenches for cast-in-place concrete pipe** shall be excavated to lines and grades established by the owner or subdivider's engineer. The bottom of the trench shall be leveled by hand excavation to as not vary by more than .02 feet from the correct grade. When the trench is graded the Contractor shall call the City Engineer for a grade check. The City Engineer will check the grade by using a level and level rod. No pipe shall be placed without the approval of the trench grade by the City Engineer. No pipe shall be laid when the soil in the bottom of the trench is saturated such that the machine will sink into the ground while laying pipe. The rounded bottom of the trench shall be hand-excavated to conform to a template conforming to the dimensions of the pipe machine.

All water which may have entered the trench, shall be removed before constructing the pipe. All surfaces which concrete is to be placed shall be free of standing water, mud, and debris.

Surfaces against which concrete is to be placed shall be thoroughly moistened with water, if necessary, so that moisture will not be drawn from the freshly placed concrete.

The concrete shall be placed in one operation around the full circumference of the pipe by means of a traveling form. When metal forms are used they shall be of sufficient strength to withstand vibrating or tamping for concrete and to permit workers to walk on the form without causing springing or bulging at any point.

The forms shall be lapped so that the lap ridges in the interior of the pipe shall face downstream in the direction of flow.

The concrete shall be vibrated, rammed, tamped or worked with suitable appliances until the concrete has been consolidated to the maximum practicable density, free of rock pockets, and closes snugly against all surfaces of forms. The concrete shall completely fill the forms.

When placing operations cease for any reason, the end of the pipe shall be left rough with a slope of approximately 45 degrees. The ends of the pipeline shall be covered with canvas.

Construction joints shall be clean and damp before continuing pipe making operations. Cleaning construction joints shall consist of removing all laitance, loose or defective concrete, coatings and any other deleterious materials

After the removal of forms, the inside of the pipe will be inspected and any required repairs shall be made. All porous and fractured concrete shall be removed by chipping openings into the concrete pipe as directed by the Engineer. The chipped openings and any holes cut in the pipe for inspection or to facilitate removing the forms shall be repaired by filling with concrete or dry patching mortar.

The flow line grade of the finished pipe shall not vary more than 1/2 inch from the planned gradeline.

The finished surface of the concrete pipe shall be substantially free of fractures, cracks and surface roughness.

**11.05 PIPE LAYING, STORM DRAINS & SANITARY SEWERS:** All pipe shall be laid continuously up-hill commencing at the lowest manhole or outlet of the system, thence from manhole to manhole, with the socket end up-grade. When two storm sewers of different sizes meet, the pipe shall be laid so that the crowns of the pipe are at the same elevation and the invert of the largest pipe shall be dropped below the invert of the smaller pipe unless the plans show otherwise at a specific location. Batter boards shall be installed directly above the pipe location and string lines stretched between the batter boards. The strings shall be elevated above the pipe line several feet above the pipe so that the string will have the same slope as the pipeline. The string shall be used for checking the elevation of the bottom of the trench and the invert of each length of pipe as it is laid. Another string line shall be installed in the bottom of the trench beside the pipeline to be used for aligning each length of pipe as it is installed in the trench.

The surface of the trench shall be shaped so as to support the pipe accurately to line and grade. Wedging or blocking of pipes will not be permitted. The face of the spigot ends and of all shoulders or sockets must be true and brought into fair contact and all lumps and excrescences of said faces shall be cut away before the pipe is lowered into the trench. When work ceases for any reason, the unfinished end of the pipe shall be securely closed with a plug or cover to prevent entrance of debris.

**11.06. JOINTS:** (a) Clay sewer pipe plastisol and asbestos-cement non-pressure sewer pipe joints shall be lubricated with an approved soap solution, positioned, and pressed together until the pipe length snap together and lock to form a water tight joint. Care shall be taken to keep the bell and spigot joining clean and dry prior to joining the pipe. Bell holes shall be provided such that not of the pipe's weight rests on the bell.

Careful inspection of each joint shall be made and none of the joints covered until approved by the City Engineer or an authorized representative.

(b) **Joining and Concrete Tongue and Groove Pipe.** Proper facilities shall be provided for lowering the sections of pipe into the trench. The pipe shall be laid carefully to the lines and

grades given on the drawings, the sections fully and closely jointed by means of stiff cement, enough to form a durable watertight joint.

The Cement mortar shall be such that it will adhere readily to the pipe and can be easily squeezed out at the joints. Admixtures not in excess of ten (10) percent by volume of the cement may be added, but if hydrated or quicklime is used, the amount shall not exceed five (5) percent. All mortar shall be used within (30) minutes after mixing with water and all parts of the pipe to be in contact with mortar shall be washed clean and thoroughly wetted to insure proper bond.

The first pipe (downstream) shall be bedded to establish line and grade with the groove upstream. A shallow excavation shall be made underneath the pipe at the joint and the resulting space filled with mortar, into which the end of the second pipe beds when laid. The groove end of the first pipe shall be thoroughly cleaned with a wet brush and a layer of soft mortar applied to the lower half of the groove. The tongue end of the second pipe shall be thoroughly cleaned with a wet brush and while in a horizontal position, a layer of soft mortar shall be applied to the upper half of the tongue. The tongue end of the second pipe shall be then inserted into the groove end of the first pipe until the mortar is squeezed out on the interior and exterior surfaces. The interior surface of the pipe at the joint shall be brushed smooth, and the exterior of the joint shall be completely filled. For pipes 24" inside diameter and smaller, a band of mortar shall be carefully applied to each joint completely around the pipe and joining the mortar placed in the excavation beneath the joint. The bond shall be carefully shaped and smoothed. For pipes 27" and larger, the interior joints shall be filled from inside the pipe with mortar applied not less than 12 hours after the pipe has been placed. The completed exterior pipe joints shall be immediately protected from air and sun with an initial covering of moist earth, sand, canvas, burlap or curing compound. If not backfilled at once, the initial covering shall be kept moist for at least forty-eight (48) hours. An approved curing compound may be applied as a substitute for backfilling. In order to prevent the mortar from setting up too rapidly, the ends of the pipe shall be covered in such a manner as to prevent the flow of air during the time the mortar is in a plastic condition.

The interior of the pipe shall be kept free from dirt, excess mortar, and other foreign material as the pipe laying progresses and left clean at the completion of the culvert. Any pipe which is not in true alignment or which shows any undue settlement after laying, or is damaged, shall be taken up and relaid at the Contractor's expense.

(c) Jointing of pipes not herein specifically described shall be done strictly in accordance with manufacturer's specifications and instructions of the City Engineer.

**11-07. BACKFILLING:** Unless State Highway Provisions are to be adhered to through encroachment permits, the following methods will be used: After the pipe and appurtenances have been properly constructed and inspected and the Engineer has finished locating the fittings and wye branches, soil shall be deposited into the trench with hand-shovels to a depth of two-thirds of the pipe. The soil shall then be hand-rammed under the pipe with bent steel bars approved by the City Engineer. After the initial backfilling has been inspected and approved by the City Engineer, the pipe shall covered to a depth of approximately six inches with soil, free from rocks or large lumps and this layer shall be compacted by using hand tampers.

The remainder of the Trench shall be backfilled by one of the following methods:



(a) **Trenches within the roadway** at right angles, diagonally, or longitudinal shall be backfilled with sand or sandy gravel and flooded with water. It is the intent of this procedure to attain 90% relative compaction to within 2.0 feet of the finish grade surface and 95% relative compaction in the remainder. Relative compaction to be measured by Test Method No. California 216. It may be necessary to use alternate compaction methods if this degree of compaction is not attained.

(b) **Trenches in easements outside of roadway** and sidewalk areas shall be backfilled with soil to within one foot of the top. The backfilled trench shall be jetted and flooded with water until after standing for 5 minutes, water will show on the surface. More water shall then be added until at least 4 inches of water is standing in the trench and then the remainder of the trench shall be backfilled with soil. The backfill shall be carried up to the natural surface of the ground, carefully leveled and smoothed. Jetting shall be performed by using a steel pipe at least 2 inches in diameter and long enough to reach to the bottom of the trench. The jetting pipe shall be shoved down into the trench at maximum 4-foot intervals along the trench. Extreme care shall be taken to prevent damaging the pipe during the jetting operation. It is the intent of this procedure to attain 85% relative compaction. Relative compaction to be measured by Test Method No. California 216. It may be necessary to use alternate compaction methods if this degree of compaction is not attained.

Any storm sewer mains with less than two and one-half (2 1/2) feet of cover or sanitary sewers with less than three (3) feet of cover from the top of the pipe to roadway surfaces shall be completely encased in concrete. Storm drain laterals and sanitary sewer services shall be encased in concrete when the cover is less than two (2) feet.

**11-08. RESTORATION OF PAVEMENTS AND OTHER STRUCTURES:** All street pavements, sidewalks, curbs, gutters or other structures, cut, removed or in any way damaged by the Contractor in connection with the construction work shall be replaced or restored. It is the intent of these specifications that sidewalks, curbs, gutters or other structure restorations shall be of the same type and dimensions as the original structure or as shown on the plans. The standard restoration of streets within the traveled way shall be 6 inches of aggregate base and 2 inches of asphalt concrete surfacing conforming to the City of Santa Cruz Standard Specifications for Construction of Streets, Section 12. Prior to placing asphalt concrete, the edges of abutting pavement shall be carefully cleaned and painted with asphaltic emulsion. The finished pavement surface shall be rolled flush with abutting pavement. Where no paving of any kind exists, no repaving will be required unless called for on the plans.

Where pavement is concrete or concrete covered by asphalt, concrete pavement shall be replaced to the elevation, lines and grades of the existing concrete. All Portland cement concrete shall be Class A, six sack concrete. Expansion joints shall be as directed by the Engineer. Prior to replacement all existing edges shall be neatly saw-cut to provide a uniform line.

**11-09. MANHOLES:** Manholes shall be constructed from pre-cast concrete manhole sections as specified in Section 1 (C) of these standards and as shown on the City of Santa Cruz Standard Detail "Standard Manhole."

Manhole bases must be constructed with particular care in order to maintain a constant channel section at a uniform slope through the manhole. If possible, the channels shall be formed by leaving the sewer pipes in place and pouring a base to a depth of one-half (1/2) the diameter of the pipe. The remainder of the concrete base within the manhole shall be sloped down toward the pipe channel at a slope of approximately two (2) inches per foot in order that a person will be able to stand upon it. When the concrete base is set sufficiently, but not sooner than twenty-four (24) hours after pouring, the top half of the sewer pipe shall be broken away and the entire bottom of the manhole plastered smooth with Portland Cement mortar. If it is not possible to leave the sewer pipes in place, the channel shall be formed by shaping the concrete base to the proper cross section.

Pre-cast manhole sections shall be set level and in proper alignment with adjacent sections. Before a pre-cast section is placed, the joint shall be thoroughly cleaned and moistened and Portland Cement mortar placed in the joint so that when the section is dropped into position the mortar will be squeezed out all around. All joints shall be filled with mortar and smoothed. The lower 2 feet of the manhole may be formed and poured in place.

Adjusting sections of concrete pipe may be used above the taper section of concrete manholes not to exceed 18 inches.

Drop inlet connections shall be installed wherever the elevation of the invert of the entering sewer is two (2) feet or more above the invert of the main sewer. Drop inlet connection pipes shall be the same size as the entering sewer pipes.

Manhole frames and covers shall be provided for each manhole. The top of the frame and the cover shall be installed in the same plane as the finished surface of the roadway.

**11-10. FLUSHER BRANCHES:** Flusher branches shall conform to the City of Santa Cruz Standard Detail "Standard Flusher Branch." They shall be installed where shown on the drawings. Pipe and jointing shall be the same as that specified for the straight pipe with which they are installed. Riser pipes shall be the same size as the straight pipe with which they are installed.

**11-11. SANITARY SEWER LATERALS:** Sanitary sewer laterals shall be installed for all lots served by the sewer. Laterals shall be constructed of vitrified clay pipe conforming to the requirements of section 11-02 (a) of these specifications when the laterals are under streets, curbs and gutters or sidewalks with roadway right-of-way. Installation thereof shall conform to the City of Santa Cruz Standard Detail "Standard Sanitary Sewer Lateral."

Cleanout wye branches or tees shall be installed at the property line as shown on the detail drawing.

All new laterals shall extend beyond the property line, and shall be marked and located as directed by the Engineer.

The minimum slope for laying house laterals shall be 1/8 inch per foot of lateral.

Connections of all house sewer laterals to sewers shall be subject to the approval of the Director of Public Works and none shall be covered until such approval is given.

**11-12. CATCH BASINS:** Catch basins shall be constructed in conformity with City of Santa Cruz Standard Details for the catch basin specified on the plans. If no particular basin is specified, a single Type B catch basin will be required. The top of the catch basin frame shall be installed level with the top of curb. The flow line of the gutter adjacent to the catch basin shall drop off two (2) inches within the last eight (8) feet of gutter leading to the catch basin.

It is preferable to place the curb, gutter and sidewalk up to within 8 feet on each side of the catch basin, place the frame, then form and place the remaining curb, gutter and sidewalk.

The bottom of the catch basin must be sloped sufficiently and finished smoothly to prevent standing water at the bottom.

**11-13. SANITARY SEWERS LEAKAGE TEST:** Sewers shall be tested by the Contractor for tightness when completed and ready for service by either of the following methods as specified by the City Engineer:

(a) **Low Pressure Air Test.** Before this test is performed, the pipe installation shall be cleaned in the following manner:

The Contractor shall furnish an inflatable rubber ball of a size that will inflate to fit snugly into the pipe to be tested. The ball may, at the option of the Contractor be used without a tag line; or a rope or cord may be fastened to the ball to enable the Contractor to know and control its position at all times. The ball shall be placed in the last cleanout or manhole on the pipe to be cleaned, and water shall be introduced behind it. The ball shall pass through the pipe with only the force of water impelling it. All debris flushed out ahead of the ball shall be removed at the first manhole where its presence is noted. In the event cemented or wedged debris, or a damaged pipe shall stop the ball, the Contractor shall remove the obstruction.

**TEST:** The Contractor shall furnish test plugs, an air compressor, and personnel for conducting the acceptance test under the direction of the City. The City shall furnish the test gauge, stopwatch, and the supervision of the test.

Immediately following the pipe-cleaning described, the pipe installation shall be tested with low pressure air. Air shall be slowly supplied to the plugged pipe installation until the internal air pressure reaches 4.0 pounds per square inch greater than the average back pressure of any ground water that may submerge the pipe. At least two minutes shall be allowed for temperature stabilization before proceeding further.

The rate of air loss shall then be determined by measuring the time interval required for the internal pressure to decrease from 3.5 to 2.5 pounds per square inch greater than the average back pressure of any ground water that may submerge the pipe.

The pipeline shall be considered acceptable, when tested at an average pressure of 3.0 pounds per square inch greater than the average back pressure of any ground water that may submerge the pipe, if: (1) the total rate of air loss from any section tested in its entirety between manhole and cleanout

structures does not exceed 2.0 cubic feet per minute, or (2) the section under test does not lose air at a rate greater than 0.003 cubic feet per minute, per square foot of internal pipe surface.

The requirements of this specification shall be considered satisfied if the time required in seconds for the pressure to decrease from 3.5 to 2.5 pounds per square inch greater than the average back pressure of any ground water that may submerge the pipe is not less than that computed by either of the following equations; the equation which gives the shorter time shall govern:

$$t_q = 0.011 d_1^2 L_1 + 0.011 d_2^2 L_2 + \dots + 0.011 d_n^2 L_n$$

$$\bar{t} = \text{total } K, \text{ where } K = 0.011 d^2 L$$

$t_q$  = total K divided by total C, where  $C = 0.0003882 dL$ , and

$$\text{total } C = 0.0003882 d_1 L_1 + 0.0003882 d_2 L_2 + \dots + 0.0003882 d_n L_n$$

If the pipe installation fails to meet these requirements, the Contractor shall determine at their own expense, the source or sources of the leakage and shall repair or replace all defective materials or workmanship. The completed pipe installation shall meet the requirements of this test.

**(b) Hydraulic Test.** A section of line shall be prepared for testing by plugging the upper side of the downstream manhole and all openings in the next upstream manhole except the downstream opening. Where grades are steep and excessive test heads would result by testing from one manhole to another, the Engineer shall specify the method to be used so that the maximum head of any section under test will not exceed 12 feet. Branch sewers running from wye branches on the mains shall be plugged at their upper end if the test head would cause them to overflow.

A section of sewer line prepared for testing, as above, shall be tested by filling with water to an elevation of four feet above the invert at the midpoint of the test section, or four feet above the existing ground water elevation, whichever is greater. The water should be introduced into the test section at least four hours in advance of the official test period to allow the pipe and joint material to become saturated with water. At the beginning of the test the elevation of the water in the upper manhole shall be carefully measured from a point on the manhole rim. After a period of one hour or less with the approval of the Engineer, the water elevation shall be measured from the same point on the manhole rim and the loss of water during the test period calculated. If this calculation is difficult, enough water shall be measured into the upper manhole to restore the water to the level existing at the beginning of the test. Should an initial test show excess leakage in a section of line, it is permissible to draw the water off and test the manhole that contained water. This test shall be made by plugging all the openings in the manhole and filling with water to the same elevation as existed during the testing. The leakage from the manhole may be deducted from the total leakage of the test section in arriving at the test leakage. After the testing is complete, the manhole shall be waterproofed by grouting and/or painting the interior with approved waterproofing agent.

The allowable leakage in the test section shall not exceed 500 gallons per day per inch diameter per mile of line at the above four-foot test head. If it is necessary or desirable to increase the test head



above four feet, the allowable leakage will be increased to compensate for the additional leakage due to the increased head.

Sewer sections showing leakage in excess of that allowed shall be relaid or reconstructed as necessary to reduce the leakage as specified above.

All tools, material and appurtenances required for testing the sewers as specified shall be furnished by the Contractor, and no additional compensation shall be provided.

**11-14. MEASUREMENT AND PAYMENT:** All cost of furnishing, installing backfilling, testing and resurfacing shall be included in the price paid per foot or unit. After construction, pipelines shall be measured by the City Engineer or representative of the City and a representative of the Contractor. Sewers will be measured along the axis of the line and in a horizontal plane. Mainlines shall be measured continuously through all wye branches and manholes except that said measurement shall be taken to the center only of manholes at the ends of the lines.

Final payment will not be made until sanitary sewer installations have passed the above described leakage test and all work and cleanups completed to the satisfaction of the City Engineer.

**11-15. MARKING SEWER LATERALS:** Where sewer laterals are installed, the location of the lateral shall be marked on the curb immediately above the lateral. An "S" approximately 4 inches high shall be formed into the concrete. The marking shall be done by the Contractor, and the improvements will not be accepted by the City until the marking is completed. The subdivider shall give the City a map showing the location of the sewer laterals with distances from lot lines. This map must also be supplied before acceptance of the subdivision improvements.

## **SECTION 12**

### **CONSTRUCTION OF STREETS**

**12-01. GENERAL:** All street construction, reconstruction, and maintenance work performed by contractors in the City of Santa Cruz shall conform to these specifications. All necessary site preparation, clearing and grubbing and cleanup necessary for completion of the street construction shall be included in prices paid for items described herein.

Street sections shall conform to the City of Santa Cruz Standard Detail drawing "Standard Street Sections" unless an amended cross section is included upon the approved construction drawings. No Construction shall commence until construction drawings have been signed by the City Engineer.

#### **12-02. MATERIALS:**

(a) **Aggregate** Base shall conform to the requirements of the Section entitled Aggregate Bases (Class 2) of the State Standard Specifications except as herein modified. Aggregate grading shall conform to the requirements for 1 1/2 inch maximum size. The Contractor's attention is drawn to the requirements for grading and sand equivalent.

Samples of material must be submitted to the City Engineer for testing and approved prior to use.

(b) **Soil Sterilant** shall be applied to all areas to be paved prior to application of prime coat. Polybor chlorate or approved equal shall be applied to the areas at a rate of approximately 1800 pounds per acre, or as recommended by the manufacturer. To facilitate application, it may be dissolved in water and washed into the surface by further application of water under the direction of the Engineer.

(c) **Prime Coat** shall be applied after subgrade preparation is completed in conformance with Section 39-4.02 of the State Standard Specifications.

(d) **Asphalt Concrete Surfacing** shall conform to the requirements of the section entitled Asphalt Concrete of the State Standard Specifications except as herein modified. Type "B" asphalt concrete surfacing shall be used with a maximum aggregate size of 1/2 inch for the top layer of 2 inches or less. For surfaces greater than 2 inches in depth, the asphalt concrete shall be placed in two layers, the bottom layer of which may be 3/4 inch maximum aggregate. It shall conform to medium grading. Asphalt shall be AR-8000 grade paving asphalt. The percentage of asphalt will be determined by the City Engineer, the percentage being slightly higher than normally used by the Division of Highways.

Aggregate samples must be submitted to the City Engineer for testing and approved prior to use.

(e) **Seal Coat Materials** shall conform to the requirements of the section entitled "Bituminous Seals" of the State Standard Specifications except as herein modified. The particular type of seal coat, size and amount of material shall be as specified on the plans or special conditions.

A "Fog Seal Coat" shall be applied to all new asphalt concrete surfaces. The bituminous binder for the fog seal shall be S.S.I mixing type asphalt emulsion mixed with equal parts water by volume.

**12-03. ROADWAY EXCAVATION:** Excavations shall conform to the lines, grades and cross sections shown on the plans and standard details and no payment will be made for quantities in excess of those shown. The tops of excavation slopes and the ends of excavation slope shall be rounded as directed by the City Engineer.

In rock excavation or a mixture of rock and earth excavations, such material shall be loosened and broken up for the full width of the roadbed so that no ribs or solid projections will be within six inches of the graded surface.

When roadway excavation is not included in the price paid per square foot or for other items of the proposal and when a bid item is included per cubic yard for roadway excavation, quantities will be computed by the method of average end areas and centerline distances. Correction for curvature will not be applied to quantities within the roadway prism as indicated on the cross sections.

Full cost of embankment construction shall be included in the price paid for roadway excavation or the items within which roadway excavation is included. Embankment consists of placing, wetting, and compacting in fill areas, the suitable material from excavation or borrow are specified or approved by the City Engineer. Prior to placing embankment material, the area shall be cleared of all trees, stumps, decayed or vegetable matter, grass, weed, or other objectionable material and shall be disked or plowed to the satisfaction of the City Engineer. Embankment shall be placed in successive horizontal layers of not more than 8 inches in depth. Each layer shall be spread uniformly, wetted to optimum moisture content and compacted with a tamping or three wheeled power roller adequate in the opinion of the City Engineer to produce the required degree of compaction.

Excepting that portion of the subgrade within 2.0 feet of the finished grade, the embankment shall be compacted to a relative compaction of 95% when tested in accordance with California Test Method No. 216. Compaction tests shall be performed by a recognized soil testing laboratory, approved by the City Engineer.

Where sewer or drainage pipes are to be installed in new embankment, the embankment shall be constructed to a minimum of one foot above the proposed top of pipe before trenching and installation of the pipe.

Full compensation for haul and overhaul shall be considered included in the price paid for roadway excavation and no additional allowance will be made therefore.

**12-04. SUBGRADE PREPARATION:** When the road bed has been constructed to the required grade and cross section and it is in relatively smooth and even condition it will be ready for preparation of subgrade. Compaction shall be performed by means of power rollers equipped with smooth steel lined wheels. The rollers may be of the three-wheeled type or the three-axle type. Rollers shall weigh not less than 12 tons and shall deliver a compression on the rear wheels of not

less than 325 pounds per linear inch of the width. Compactors, other than specified above such as rubber tired compacting rollers or vibrating rollers may be used only with prior approval of the City Engineer.

The City Engineer will inspect all compacted subgrade and must approve it prior to placing base rock. Base rock placed upon sections of subgrade not approved shall be removed and the subgrade compacted and approved. When ready for inspection the City Engineer shall follow a three-wheeled roller, as specified above, or a loaded truck of 12 tons capacity or larger, along all portions of the completed subgrade. No appreciable indentation shall be made by the truck or roller tires in the completed subgrade. Any spots in the subgrade which show appreciable settlement under the roller or truck tires shall be removed, dried out, recompact and retested until satisfactory. If the existing material cannot be made to pass the above described inspection, it shall be removed and suitable materials replaced, compacted and tested. The finished subgrade immediately prior to placing subsequent material thereon shall have a relative compaction of not less than ninety-five (95) percent for a depth of 2.0 feet, below the finished grade, as determined by Test Method No. California 216.

Particular care must be taken in compaction of areas around existing manholes, water valve covers and other objects. Where normal roller compaction will not suffice, these areas shall be compacted by mechanical hand compaction equipment satisfactory to the Engineer. The finished subgrade shall not vary more than 0.05 feet above or 0.10 feet below the theoretical grade.

**12-05. COMPACTING AGGREGATE BASE:** As specified above, no aggregate base rock shall be placed prior to approval of the subgrade by the City Engineer. Aggregate base rock shall be placed, compacted and tested with the same equipment and methods specified above for subgrade preparation, excepting that untreated base shall not be compacted in layers thicker than 6 inches compacted thickness. As specified for subgrade, the City Engineer must inspect and approve all areas prior to placing surfacing.

Particular care must be taken to assure sufficient moisture content at all times to prevent segregation of large aggregate. Compacted areas showing substantial segregation of aggregate must be relaid and compacted.

Aggregate base, once in inspected and approved, must be protected from segregation by traffic. The Contractor shall, whenever possible, prevent any traffic upon the aggregate base. Areas once approved, but which are torn up by traffic, must be recompact prior to surfacing.

**12-06. PREPARING EXISTING ASPHALT SURFACING:** Where asphalt concrete is to be placed as an overlay blanket on top of existing asphalt concrete or seal coated asphalt surfaces, the Contractor shall prepare the surface as herein specified. The Contractor shall remove weeds and undesirable matter in cracks in the existing pavement by hand with square pointed shovels or other tools. The streets shall be swept thoroughly with a power broom to remove all dirt and debris. As an alternative to sweeping, the Contractor may wash the streets with a fire hose using water supplied at fire hydrants. Arrangements must be made with the Water Department for use of the fire hydrants. The Contractor must notify the Director of Public Works of the City several days prior to beginning work in order to facilitate removal of trash and clippings from the streets by City forces.



A tack coat of mixing type asphaltic emulsion shall be applied immediately ahead of laying asphalt concrete. The emulsion shall be applied in accordance with State Standard Specifications, section 94-1.03, and as required by the City Engineer but not to exceed 0.10 gallons per square yard of street surface. Cost of the tack coat will be considered as included in the price paid for asphalt concrete surfacing.

A coating of asphaltic emulsion shall be applied to the edges of existing asphaltic or concrete surfaces adjacent to the newly applied surfacing.

**12-07. PLACING ASPHALT CONCRETE SURFACING:** The thickness of the asphalt concrete surfacing shown on the plans or standard detail shall be considered the minimum thickness to be applied at any point on the street and sufficient thickness must be allowed prior to compacting to provide the necessary thickness after compaction.

Mixing, transporting, placing and compacting asphalt concrete surfacing shall conform to the requirements of Section 37 of the State Standard Specifications except as herein modified.

The mixture shall be laid upon a dry surface and never while it is raining. Unless permitted by the City Engineer, the mixture shall be spread by means of a mechanical self-powered paver with a tamping bar and distributing screws to provide a well distributed compacted surface.

Sufficient personnel shall be provided so that irregularities can be filled and leveled to the satisfaction of the City Engineer. When permitted to spread asphalt concrete by hand, sufficient well equipped rakers and shovelers must be available to provide a level and uniform finished joints.

The roller shall make its first pass with the heavy wheel forward whenever possible. The joint between strips of paving shall be rolled carefully to assure a uniform density at the finished joint.

A "Fog Seal" shall be applied to all new plant-mixed surfaces, the cost of the Fog Seal shall be included in the price paid for the asphalt concrete surfacing.

**12-08. APPLYING SEAL COATS:** Fog Seals to be applied to new asphalt concrete surfaces shall be applied in amounts approved by the City Engineer. The amounts of emulsified asphalt shall be approximately .035 gallons per square yard of surface for a total of .070 gallons of emulsion and water mixture per square yard of surfacing.

All seal coats, including the Fog Seal shall be applied in conformity with Section 37 of the State Standard Specifications except as herein modified.

Particular attention must be given to the temperature of the existing surface to which the seal coat is to be applied. Seal coating shall not begin early in the morning when the pavement surface is cold without permission from the City Engineer. Care must be taken to assure immediate application of rock chips or sand after spreading the asphalt.

**12-09. MEASUREMENT AND PAYMENT:** When rock or asphalt concrete is paid for by the ton, certified weight slips shall be collected by the City Engineer from each truck delivering

material. At the completion of each day's operations, the Contractor shall submit a list of all weight slips sent with a total tonnage delivered for the day. The tonnages shall be checked by the City Engineer against the weight slips sent with a total tonnage delivered for the day. The tonnages shall be checked by the City Engineer against the weight slips and a final daily tonnage determined.

When quantities are measured by the square foot in place, the City Engineer and Contractor shall measure the completed areas in the field after completion to determine the final quantities. Cost of soil sterilant, emulsified asphalt prime coats and fog seal applied shall be included in the prices paid for the asphalt concrete paving.

RESOLUTION NO. NS-29,484

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ  
AMENDING RESOLUTION NO. NS-29,231 PERTAINING TO THE MASTER FEE  
SCHEDULE AND ADOPTING A NEW GENERAL PLAN MAINTENANCE FEE  
PROVISION SPECIFICALLY FOR ACCESSORY DWELLING UNIT PERMITS

WHEREAS, on April 25, 2017, the City Council adopted Resolution No. NS-29,231 establishing a unified Master Fee Schedule for the Fire and Police Departments, the Planning Department, and the Public Works Engineering and Special Events Divisions, which included the General Plan Maintenance Fee; and

WHEREAS, the purpose of the General Plan Maintenance Fee is to cover the cost of periodic comprehensive updates of the City's General Plan, as well as the cost of ongoing maintenance of the General Plan and its implementing plans and ordinances; and

WHEREAS, the City Council has determined that the construction of an Accessory Dwelling Unit on existing residentially zoned property that is already developed with a Single-Family home represents a lower level of impact on the General Plan than the other types of development and is an important component of fulfilling the Housing Goals set in the General Plan; and

WHEREAS, the City Council has determined that Accessory Dwelling Unit Permits should be assessed for General Plan Maintenance at a reduced cost of fifty percent (50%) of the standard fee to support the creation of this type of housing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that Resolution No. NS-29,231 is hereby amended to reduce the general plan maintenance fee assessment for Accessory Dwelling Unit Projects by fifty percent (50%), leaving the general plan maintenance fee the same for all other projects.

PASSED AND ADOPTED this 22<sup>nd</sup> day of January, 2019, by the following vote:

AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: 

Martine Watkins, Mayor

ATTEST: 

Bonnie Bush, City Clerk Administrator

**RESOLUTION NO. NS-28,574**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ  
MODIFYING THE CITYWIDE AND BEACH/SOLA TRAFFIC IMPACT FEE AND  
MITIGATION PROGRAMS AND RESCINDING RESOLUTIONS  
NO. NS-26,943 AND NO. NS-27,196**

WHEREAS, the City of Santa Cruz wishes to address the traffic impacts associated with new development citywide; and

WHEREAS, the City of Santa Cruz is authorized by the California Constitution to levy fees on new development; and

WHEREAS, the City General Plan Policy M3.1.5 recommends that a Transportation Impact Fee be maintained and updated to ensure that developers pay a proportional share of circulation system and alternative transportation improvements; and

WHEREAS, the City of Santa Cruz adopted an ordinance on April 27, 2004 establishing a system of traffic impact fees that distributes the cost of mitigation measures fairly to those developments contributing to the impacts; and

WHEREAS, the City of Santa Cruz has adopted the Environmental Impact Report for the Santa Cruz City General Plan on June 26, 2012 that identifies the need for improved infrastructure City-wide to address growth in weekday peak hour trips from potential development and a mitigation program to address those impacts.

WHEREAS, the Beach and South of Laurel Traffic Mitigation Program adopted by the City Council on April 27, 2004 includes projects intended to address weekday impacts as well as weekend impacts, and

WHEREAS, the City of Santa Cruz adopted the Beach and South of Laurel Comprehensive Area Plan in October 1998 and in it identified a list of mitigation measures attributable to the weekend impacts associated with the development levels proposed.

WHEREAS, the City of Santa Cruz requires modifications to the existing traffic mitigation programs to improve administrative efficiency and flexibility.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Santa Cruz establishes the Citywide Traffic Impact Fee Area incorporating the Citywide Traffic Mitigation Program and the Beach/SOLA mitigation measures as shown in Attachments 1 and 2; and

BE IT FURTHER RESOLVED, that the Traffic Impact Fee Estimate Form, Attachment 1, may be modified administratively to reflect changes in land use categories and trip generation rates based on revisions to the Institute of Transportation Engineers published data and other relevant transportation sources; and



RESOLUTION NO. NS-574

BE IT FURTHER RESOLVED, that the Citywide traffic impact fee is currently \$3,850 per new peak hour trip and those fees may be adjusted annually on July 1, by an amount equal to the change in the construction cost index for the preceding year as determined by the *Engineering News Record*, the McGraw Hill Construction Weekly.

BE IT FURTHER RESOLVED, that trip impact fees will be adjusted for the Downtown Area, the Soquel Avenue Corridor, the Water Street Corridor, the Ocean Street Corridor, and Mission Street Corridor as reflected in the attached Map Exhibits A-E respectively, to reflect the anticipated reduction in trip generation associated with mixed use development.

BE IT FURTHER RESOLVED that Resolution Numbers NS-26,943 and NS-27,196 are hereby rescinded.

PASSED AND ADOPTED this 27<sup>th</sup> day of November, 2012, by the following vote:

AYES: Councilmembers Madrigal, Beiers, Robinson, Coonerty, Terrazas;  
Vice Mayor Bryant; Mayor Lane.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: \_\_\_\_\_

  
Mayor

ATTEST: \_\_\_\_\_

  
City Clerk Administrator

**Resolution No. NS-28,574 Attachment 1**  
**City of Santa Cruz - Public Works**  
**Traffic Impact Fee Estimate Form\***  
**FY2013**

This form is based on the approved Citywide Traffic Impact Fee resolution and is used to estimate traffic impact fees. Land uses not identified in this table shall be estimated on a case by case basis by the staff of the Public Works Department. Where a traffic study is prepared for a proposed project the trip generation estimate made in that study may be used at the discretion of the decision making body.

**Property Address:**

**Applicant:**

**Completed by:**

**APN:**

**Appl/Permit #:**

**Date:**

Land use (ITE Land Use Code)	Trip Gen. Rate per PM Peak Hr A**	Unit of Measure	Prop. Project Details B	Existing Uses C	Project Trips D = A X (B-C)
Single family residence (210)	1.01	Unit			
Apartment (220)	0.62	Unit			
Condo/ Townhouse (270)	0.62	Unit			
Senior Housing (251)	0.27	Unit			
SRO (220 / 1 vehicle)	0.61	Unit			
Hotel/Motel (320)	0.58	Room			
Office (710)	1.5	1,000 sf gfa***			
Medical Office (720)	3.5	1,000 sf gfa***			
Retail (814)	2.3	1,000 sf gfa***			
Retail Building Materials/ Large items (812)	4.5	1,000 sf gfa***			
Supermarket (850)	7.0	1,000 sf gfa***			
Convenience Market (852)	24.1	1,000 sf gfa***			
Service Station (944)	9.7	Pump station			
General Light Industrial (110)	0.97	1,000 sf gfa***			
Manufacturing (140)	0.7	1,000 sf gfa***			
Warehousing (150)	0.32	1,000 sf gfa***			
Mini-warehouse (151)	0.02	Storage unit			
Congregate Care (253)	0.2	Dwelling Unit			
Assisted living (254)	0.22	Bed			
All Suites Hotel (311)	0.6	Room			
Multiplex Movie theater (445)	13.6	Screen			
Free-Standing Discount (815)	5.0	1,000 sf gfa***			

Resolution No. NS-28,574 Attachment 1

Nursery (817)	7.5	Acre			
Auto Parts Store (843)	5.1	1,000 sf gfa***			
Apparel Store (876)	3.3	1,000 sf gfa***			
Pharmacy no drive-thru (880)	7.2	1,000 sf gfa***			
Furniture Store (890)	0.45	1,000 sf gfa***			
Quality restaurant (931)	7.5	1,000 sf gfa***			
High Turnover Sit Down Restaurant (932)	9.5	1,000 sf gfa***			
Fast Food w/o Drive Thru (933)	18.3	1,000 sf gfa***			
Special comments	Total trips: D				
	CW TIF = \$3850 X D				
	Downtown: CW TIF X 60%				
	Soquel: CW TIF X 82.7%				
	Water: CW TIF X 84%				
	Ocean: CW TIF X 92.2%				
	Mission: CW TIF X 86.2%				
	Total TIF				

\* This form is used to estimate traffic impact fees of development based on submitted preliminary plans. Actual fees will be calculated based on final plans and uses submitted at the time of a building permit. The fee will be based on the per trip cost (may include an annual cost of construction inflation factor) at the time of submittal.

\*\*Source Institute of Transportation Engineers "Trip Generation". Rates have been adjusted to reflect pass-by-trips diverted from existing traffic stream

\*\*\* Square foot gross floor area.

Auto Parts, Apparel, Pharmacy, and High turnover Restaurant reduced by 15% for pass-by trips. Fast food, Supermarkets and Coffee Shop were reduced by 30% for pass-by trips.

## Attachment 2

Resolution No. NS-28,574

City of Santa Cruz General Plan Traffic Analysis  
 Level of Service and Mitigation Study Intersections  
 Proposed General Plan Buildout Cumulative

Intersection	Control	Cumulative Delay	Cumulative Mitigation	Mitigated LOS	Mitigated Delay	Estimated Cost
#2901 Western Dr/High St	Stop	227.7	TWLT	D	35	Done
#2902 Bay-Coolidge/High	Signal/Rndbt	103.3	Add wsbnd l	D	50.1	\$ 2,000,000
#2903 Moore/High	Signal	5.3				
#2904 High/Laurent	4-way stop	196.3	Signalize	B	13.3	\$ 400,000
#2905 River/Potrero	Signal	19.7				
#2906 River-Hwy_9/Hwy_1	Signal	244.5	Ebnd 2l 3t 1r, wbnd 2l 3t 1r, nbnd 1l 1t 2r, sbnd 2l 1t 1t 1r	F	104.3	\$ 6,000,000
#2907 River/Fern	Stop	OVER	Signalize no l esbnd	B	14.3	\$ 500,000
#2908 River/Encinal	Signal	202.7	Ebnd 1l 1tr 1r, wbnd 1l 1tr, nbnd 1l, 1t, 1r, sbnd 1l, 1t, 1tr	D	37.9	\$ 300,000
#2909 Ocean-Hwy_17/Plymouth-Ocean_E	Signal	36.9				
#2910 Market/Goss-Isbel	4-way stop	16.8				
#2911 N Branciforte/Goss	4-way stop	18.9				
#2912 Morrissey Blvd/Fairmount_Av	Signal	10.3				
#2913 Bay/Nobel-Iowa	Signal	13				
#2914 Bay St/Escalona Dr	2-way stop	OVER	Escalona right turns only	C	24.9	\$ 100,000
#2915 Bay St/King St	Signal	53.4				
#2916 King St/Laurel St	4-way stop	55.6	Add ebnd r	D	34.1	\$ 100,000
#2917 Storey/King	3-way stop	93.2	Add sbnd l	D	29.3	\$ 100,000
#2918 Shaffer/Highway_1	Stop	18.9				
#2919 Western/Highway_1	Signal	24.6				
#2920 Swift/Mission	Signal	72.2	Add nbnd r overlap	C	31	\$ 100,000
#2921 Miramar/Mission	Signal	41.7				
#2922 Almar-Younglove/Mission	Signal	25.2				
#2923 Bay/Mission	Signal	222.5	1l, 2t, 1r, nbnd 1l, 1t, 1r, sbnd 2l, 1t, 1r	F	81.2	\$ 4,000,000
#2924 Laurel/Mission	Signal	119.1	Add Ebnd r	F	109	\$ 2,000,000
#2925 Mission/Walnut	Signal	52.5				
#2926 King/Mission	Signal	155.4	Ebnd no l, 2t, 1tr, wbnd 1l, 1t, 1tr, nbnd 1ltr, sbnd 2l 1ltr	E	65.9	\$ 500,000
#2927 Chestnut/Mission	Signal	164.8	Ebnd 2l, 2t, 1r, wbnd 1l, 1t, 1r, nbnd 1l, 1t, 1tr, sbnd 1l, 2t, 2r	F	164.6	\$ 4,000,000
#2928 N Pacific/River	Signal	14.3				
#2929 Center/Mission	Signal	22.3				



## Attachment 2

Resolution No. NS-28,574

Intersection	Control	Cumulative Delay	Cumulative Mitigation	Mitigated LOS	Mitigated Delay	Estimated Cost
#2930 Pacific/Water-Mission	Signal	24.8				
#2931 River/Water	Signal	49.4				
#2932 Ocean/Washburn-Keenan	Signal	13.3				
#2933 Ocean/Water	Signal	172.7	Ebnd 2l, 2t, 1r, wbnd 1l, 2t, 1r, nbnd 1l, 2t, 1r, sbnd 2l, 2t, 1r	F	135.1	\$ 4,000,000
#2934 Market/Water	Signal	34.2				
#2935 N. Branciforte/Water	Signal	76.1	Add ebnd l, nbnd r & sbnd r	E	57.2	\$ 2,000,000
#2936 Seabright/Water	Stop	OVER	Extend TWLTL & add nbnd r	E	40.4	\$ 100,000
#2937 Morrissey/Soquel/Water	Signal	43.2				
#2938 Frederick/Soquel	Signal	55.7	Add nbnd r overlap	D	38.5	\$ 250,000
#2939 Hagemann-Trevethan/Soquel	Signal	11.4				
#2940 Park/Soquel	Signal	20.6				
#2941 Capitola Rd/Soquel Av	Signal	25.4				
#2942 La Fonda Av/Soquel Av	Signal	10.8				
#2943 California Ave/Bay	3-way stop	188.5	Allow nbnd t free	E	38.3	\$ 250,000
#2944 California St/Bay	3-way stop	OVER	Allow sbnd t free	B	13.9	\$ 250,000
#2945 California St/Laurel St	Signal	33.5				
#2946 Chestnut/Laurel	Signal	31.9				
#2947 Center/Laurel	Signal	25.3				
#2948 Cedar/Laurel	2-way stop	27.3				
#2949 Pacific/Laurel	Signal	46				
#2950 Front/Laurel	Signal	41.8				
#2951 Front/Metro Center	Signal	2.6				
#2952 Front/Cathcart	Signal	9				
#2953 Front/Soquel	Signal	33.3				
#2954 Front/Cooper	Signal	9.7				
#2955 River St/Soquel	Signal	19.1				
#2956 Riverside-Dakota/Soquel	Signal	7.5				
#2957 Ocean St/Soquel Av	Signal	51.3				
#2958 Branciforte/Soquel	Signal	67	Esbnd 1 l, 1 t, 1 r, wsbnd 1 l, 1 r, no split phase	C	24.8	\$ 250,000
#2959 Seabright/Soquel	Signal	42.4				
#2960 San Lorenzo Blvd/Broadway(Laur)	Signal	19.2				
#2961 Ocean St/Broadway	Signal	95.1	Prohibit lfts from Ocean	D	38.2	\$ 50,000
#2962 S. Branciforte/Broadway	Signal	18.2				
#2963 Seabright/Broadway	Signal	29.7				

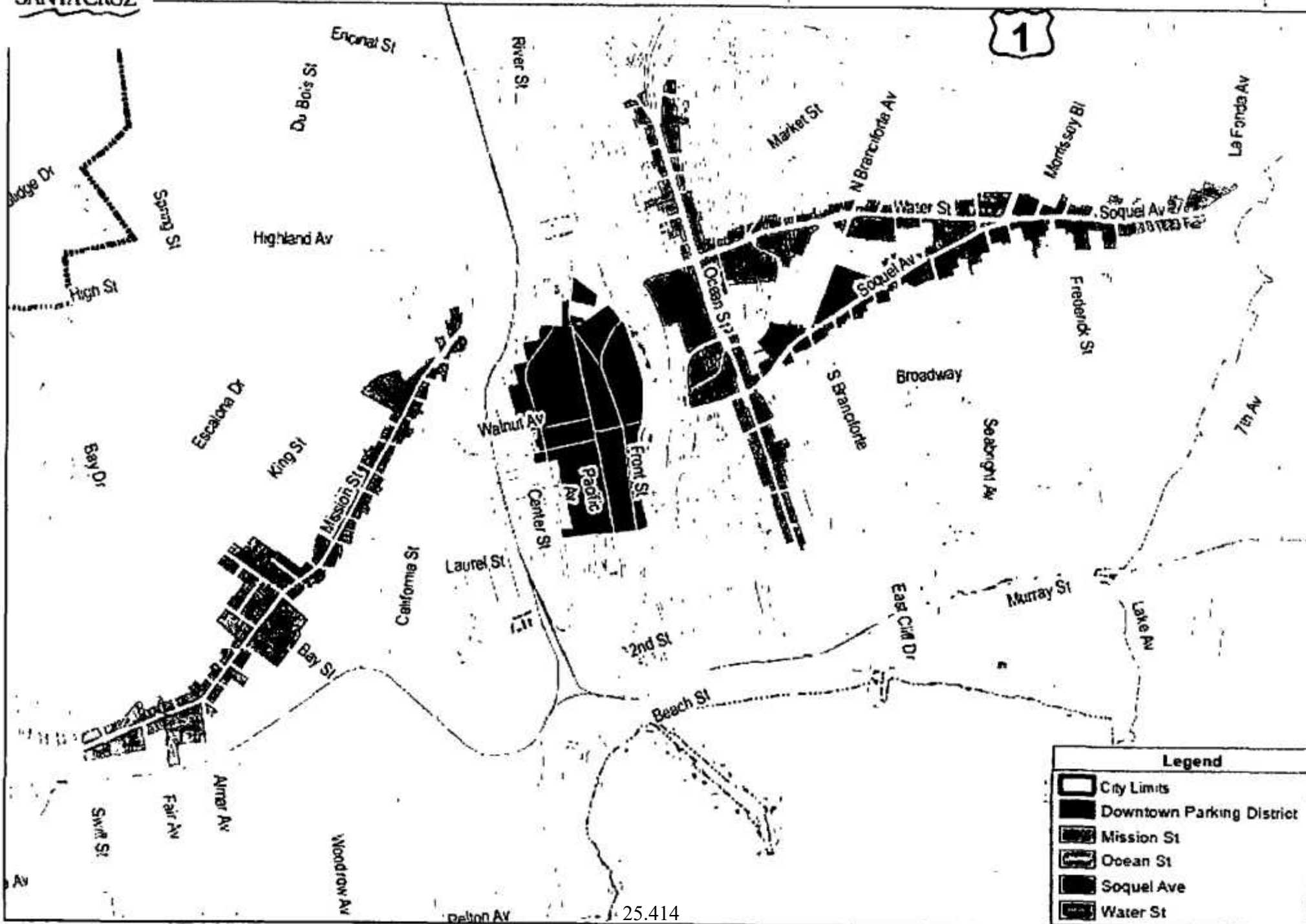
Intersection	Control	Cumulative Delay	Cumulative Mitigation	Mitigated LOS	Mitigated Delay	Estimated Cost
#2964 Pacific-Center/W. Cliff-Pacific	Rndbt	15.5				
#2965 W. Cliff/Bay	3-way stop	25.9				
#2966 Pacific/Beach	3-way stop	44.8	Roundabout	C		\$ 1,500,000
#2967 Cliff/Beach	3-way stop	13.4				
#2968 Riverside/Beach	Signal	7.3				
#2969 Riverside/Second-Leibbrandt-	2-way stop	7.8				
#2970 Riverside/3rd St	Signal	47.4				
#2971 Riverside/San Lorenzo Blvd	Signal	38				
#2972 Ocean St/E. Cliff Dr	Signal	120.8	Add sbnd r	D	49.1	\$ 100,000
#2973 Seabright/Murray	Signal	64.8	ADD wsbnd r, nbnd r & sbnd r	E	64.5	\$ 1,000,000
#2974 Swift/Delaware	4-way stop	407.5	Roundabout/Signal	C	25.1	\$ 1,000,000
#2975 Seventh/Soquel	Signal	26.5				
#2976 Seventh/Captola	Signal	27.8				
#2977 Seventh/Brommer	4-way stop	34.6				
#2978 Seventh/Eaton	Signal	46.8				
#2979 Seventh/E. Cliff	3-way stop	16.7				
			<b>Subtotal Citywide</b>			<b>\$ 30,850,000</b>
Beach /Pacific	3/way Stop	Beach Plan	Roundabout (included above)			\$ -
Beach/ Cliff	2-way stop	Beach Plan	Signalize for Pedestrians			\$ 200,000
Riverside /Second	2-way stop	Beach Plan	Per Riverside plan			\$ 250,000
WCliff/Bay	3-way stop	Beach Plan	Signalize			\$ 300,000
			<b>Subtotal w Beach Area</b>			<b>\$ 31,600,000</b>
			Add Contingency	20%		\$ 6,320,000
			Add Alternative Transportation	15%		\$ 4,740,000
			Add Neighborhood Improve	5%		\$ 1,580,000
			<b>Subtotal w Cont &amp; Alt Trans</b>			<b>\$ 44,240,000</b>
			Less City Share	15%		\$ 6,636,000
			Less TIF Fund Balance			\$ 3,117,336
			<b>Total Traffic Impact Fee</b>			<b>\$ 34,486,664</b>
Total PM Peak hour trip generation pending projects 1,662 + trip generation for neighborhoods 7,178 plus University peak hour trips growth of 836 trips equals				at	90%	
				trips per hour		
						<b>TIF/ Peak hour trip \$ 3,850</b>



# Exhibit A

## Downtown Parking District Mission, Ocean, Soquel and Water Corridors

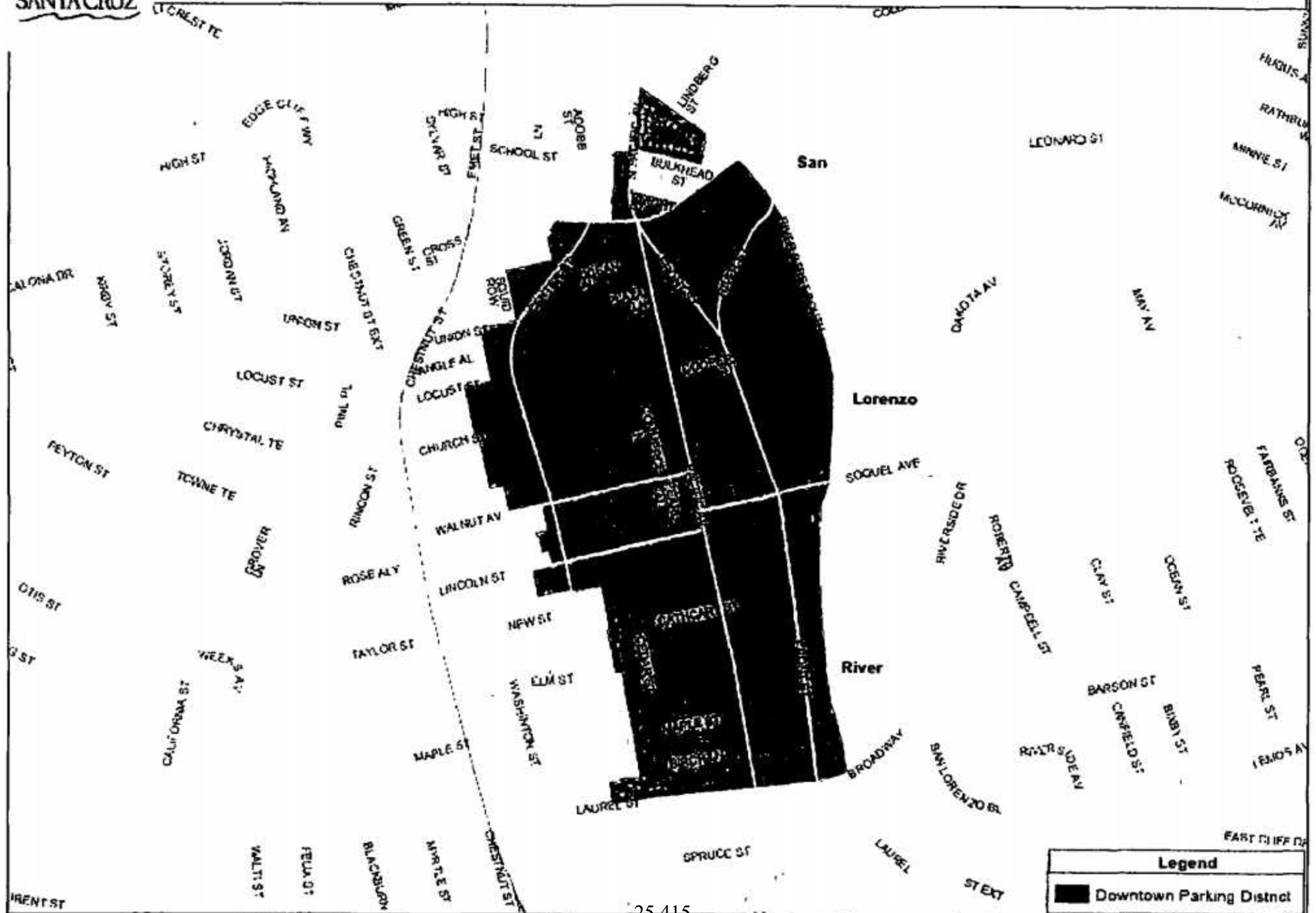
0 0.35 0.7 Miles





# Exhibit B Downtown Parking District

0 0.15 0.3 Miles







# Exhibit C Mission St Corridor

0 0.25 0.5 Miles



High St

Escalona Dr

King St

Walnut Av

Bay Dr

Mission St

Center St

Pacific Av

Front St

California St

Laurel St

Bay St

2nd St

## Legend

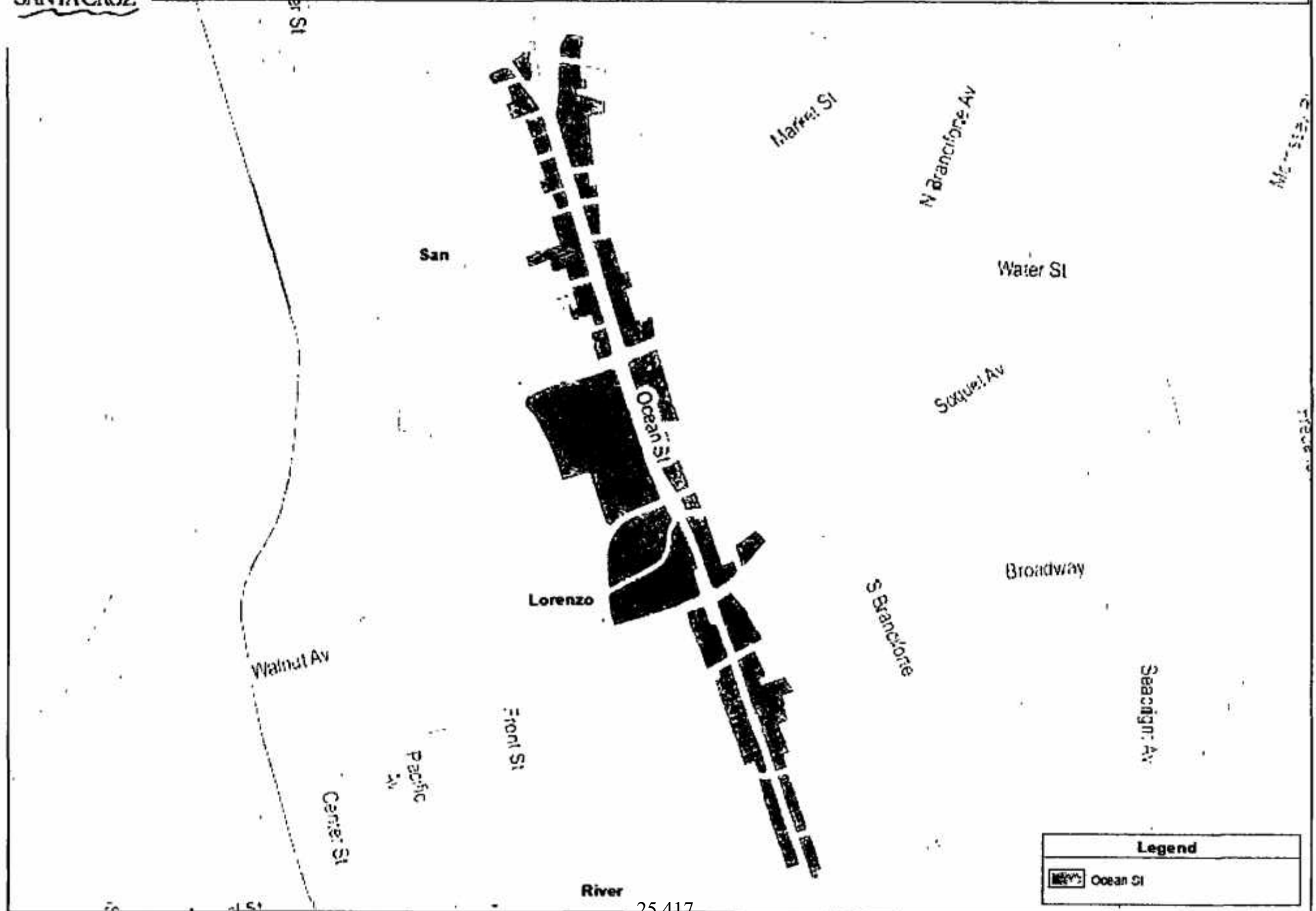


Mission St



# Exhibit D Ocean St Corridor

0 0.25 0.5 Miles



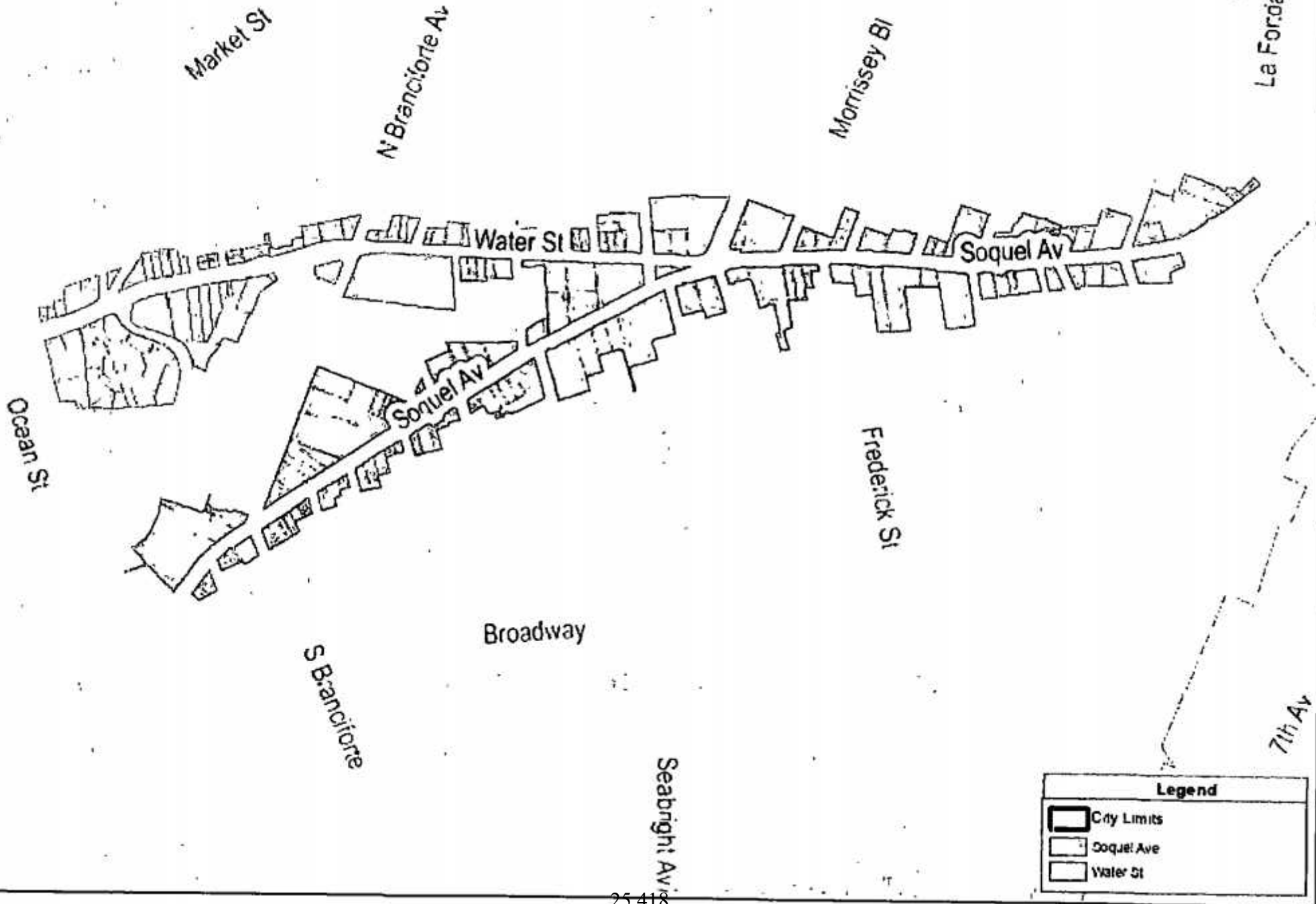
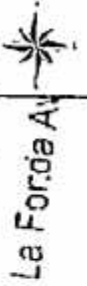
Legend	
	Ocean St



# Exhibit E

## Soquel Ave and Water St Corridors

0 0.15 0.3 Miles






**CITY OF SANTA CRUZ  
DEPARTMENT OF PUBLIC WORKS  
REFUSE CONTAINER STORAGE FACILITY  
STANDARD DESIGN POLICY**

**Introduction**

The City of Santa Cruz Department of Public Works is issuing this standard design policy for refuse container storage facilities. The recent adoption of Chapter 16.19 “Storm Water and Urban Runoff Pollution Control” of the City Municipal Code has created new requirements which are described in the design policy.

**Materials for Construction**

Refuse storage facilities shall be constructed to the following minimum standards:

-  Floors – cast in place concrete
-  Walls – masonry block or equal; wood frame with protective blocking
-  Gates – Constructed of metal with greater than 90-degree swing capability

**Configuration and Site Planning**

It is the preference of the City Sanitation Division to serve commercial and multi-family residential properties with front load service. Front load service is more efficient and is less costly to the consumer. This service requires the collection vehicle to enter the property. A fire lane (i.e. 20-foot wide lane free of parking) is required for any collection vehicle to enter private property. For new site development developers are encouraged to plan for front load service

Refuse storage facilities shall be designed with double swing gates located on the long dimension of the structure. The double swing gates shall be as wide as the long dimension of the structure as possible. A personnel door shall be provided on one of the structures other elevations. The minimum size of a refuse storage facility shall 13-feet by 8-feet clear dimensions. Such a facility will accommodate a 1 or 2 yard container for refuse and several recycling containers.

**Storm Water Pollution Control Best Management Practices**

Refuse container storage facilities shall have an all weather roof with an 8-feet minimum high ceiling for rear load service and a 12-feet minimum high ceiling for front load service. A floor drain will be installed in the slab and connected to the sanitary sewer. The slab shall be warped with slopes at approximately 1% (1/8-inch per foot) to collect any effluent. A hose bib will be installed for the purpose of cleaning the interior of the structure.



## **City of Santa Cruz Refuse Container Design Standard**

### **General:**

1. Enclosures will be designed with at least 50% of volume capacity for recycling containers, typically one refuse container and one recycling container.
2. Dimensions vary based on projected usage. When multiple containers are needed, allow 30" between containers.
3. Containers must be placed on a flat surface in the enclosure, free of dips and bumps. The container should be left in the position that the driver services it.
4. A personnel access door is recommended on one of the short length walls.
5. Customer is responsible for maintaining enclosure. Enclosure must be kept free of all litter, storage of other materials, rodents and insects other offensive odors. Materials shall not be allowed to accumulate such that a visual or public health or safety nuisance is created.
6. Enclosures are to be used for refuse and recycling removal equipment only. Storage of other equipment or material will not be allowed.
7. As a condition of service, property owners and other customers accept all risk of property loss or liability for damages occurring from normal service operations.
8. Variance from these design and construction standards is allowable only with written authorization from the Sanitation Division. Enclosures not built to design standards are subject to premium service charges.

### **Pads and Access Areas:**

1. All access to the enclosures should be engineered to withstand a fully loaded refuse truck, up to 30 tons. Concrete surfacing is recommended for all pads and access areas.
2. Concrete cast in place will be used for the enclosure floor at a minimum. It is recommended that this be constructed with at least six inch reinforced concrete.

3. If asphalt is used on the approach, the interface between the concrete and the asphalt is susceptible to premature failure from the weight of the refuse trucks. Sanitation will not be responsible for any damage where asphalt is used.
4. Floors will slope approximately 1% (1/8 inch per foot) to collect any effluent. A floor drain will be installed and connected to the sanitary sewer. It is illegal to drain refuse enclosures directly to stormwater.
5. The drain must be installed so that it is not under the wheels of the containers nor in path of the servicing vehicle.
6. A hose bib will be installed for cleaning of the interior of the enclosure. It must be installed so that it is protected from damage as the containers are moved for service.

#### Height:

1. An all weather roof is required with a twelve-foot ceiling.
2. If a one or two-yard container is all that will be utilized, the ceiling height may be eight-feet.
3. Twenty-foot vertical clearance from overhead obstruction is required where the vehicle lifts the container. Generally this is within eight feet from the enclosure.

#### Access:

1. Approach to the container requires a clear fifteen-foot lateral approach to service the container. The vehicle must be able to directly approach the service container.
2. With gates open, the service vehicle must be able to directly access the container, without the driver readjusting the location of the container.
3. A minimum turning radius of forty-five feet must be maintained for the collection vehicle.
4. If the collection vehicle must back up, a clear distance of seventy feet is required

#### Walls:

1. Walls to be constructed in masonry block or equal. Wood frame may be utilized with protective blocking.
2. Lid ears and bin pockets will rub enclosure wall. Wood or metal protection will protect the enclosure from damage. Mounting bolts should be inset to protect users from injury.

#### Gates:

1. Enclosures will be designed with double swing gate located on the long dimension of the structure.
2. Gates must have a clear-span of 8' minimum. Gates should be two inches off the ground and hung on the outside, so that when open they are out of the container's way.
3. Gate hardware should be of sufficient strength to accommodate repetitive swinging, and individuals wearing gloves should be able to operate them.
4. Gates will be constructed of metal with swing more than 90°

#### Clearances:

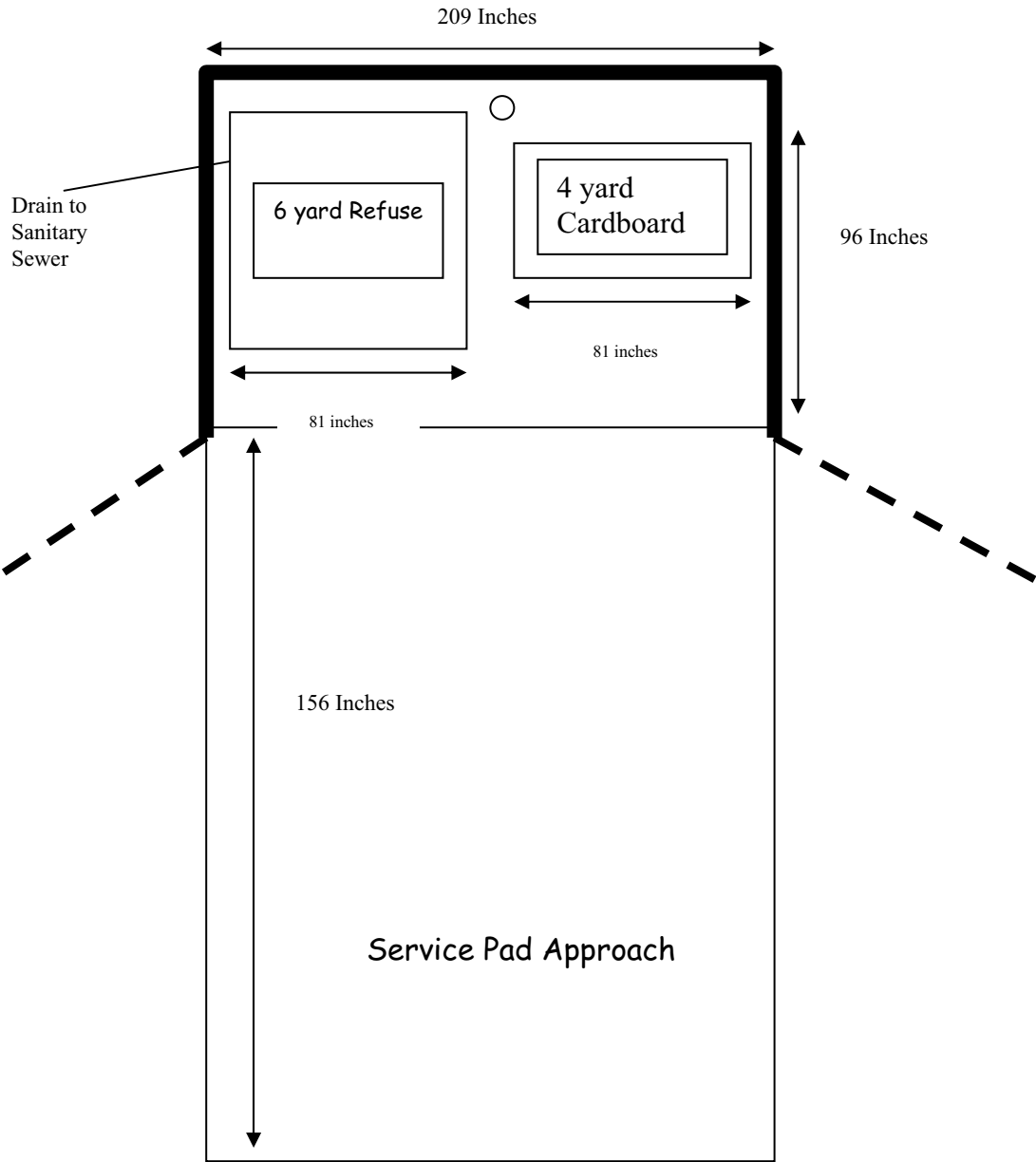
1. Vertical approach and exit clearances for service vehicles must be maintained at least fifteen (15') feet high.
2. Vertical dumping height for a service vehicle must be maintained at twenty (20') feet. This distance is located up to eight feet away from the enclosure, on the service pad.

#### Container Sizes:

Container	Width	Depth	Height
Carts	25"	34"	46"
1 yard rear load container	81"	36"	52"
2 yard rear load container	81"	40"	52"
4 yard front load container	81"	55"	76"
6 yard front load container	81"	71"	76"

City of Santa Cruz  
Refuse Container Design Standard

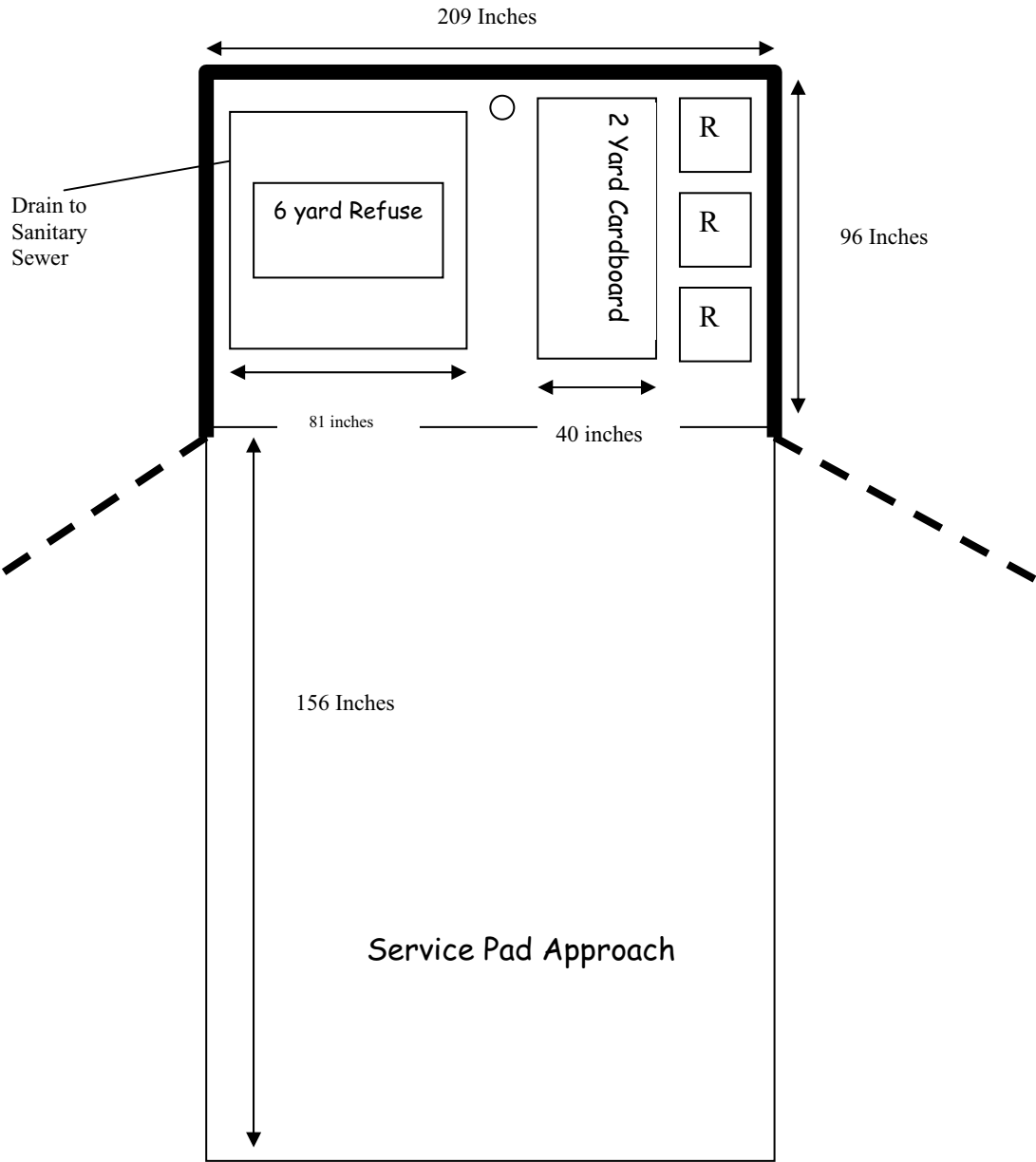
Front Loader  
6 yard Refuse Container  
4 yard OCC





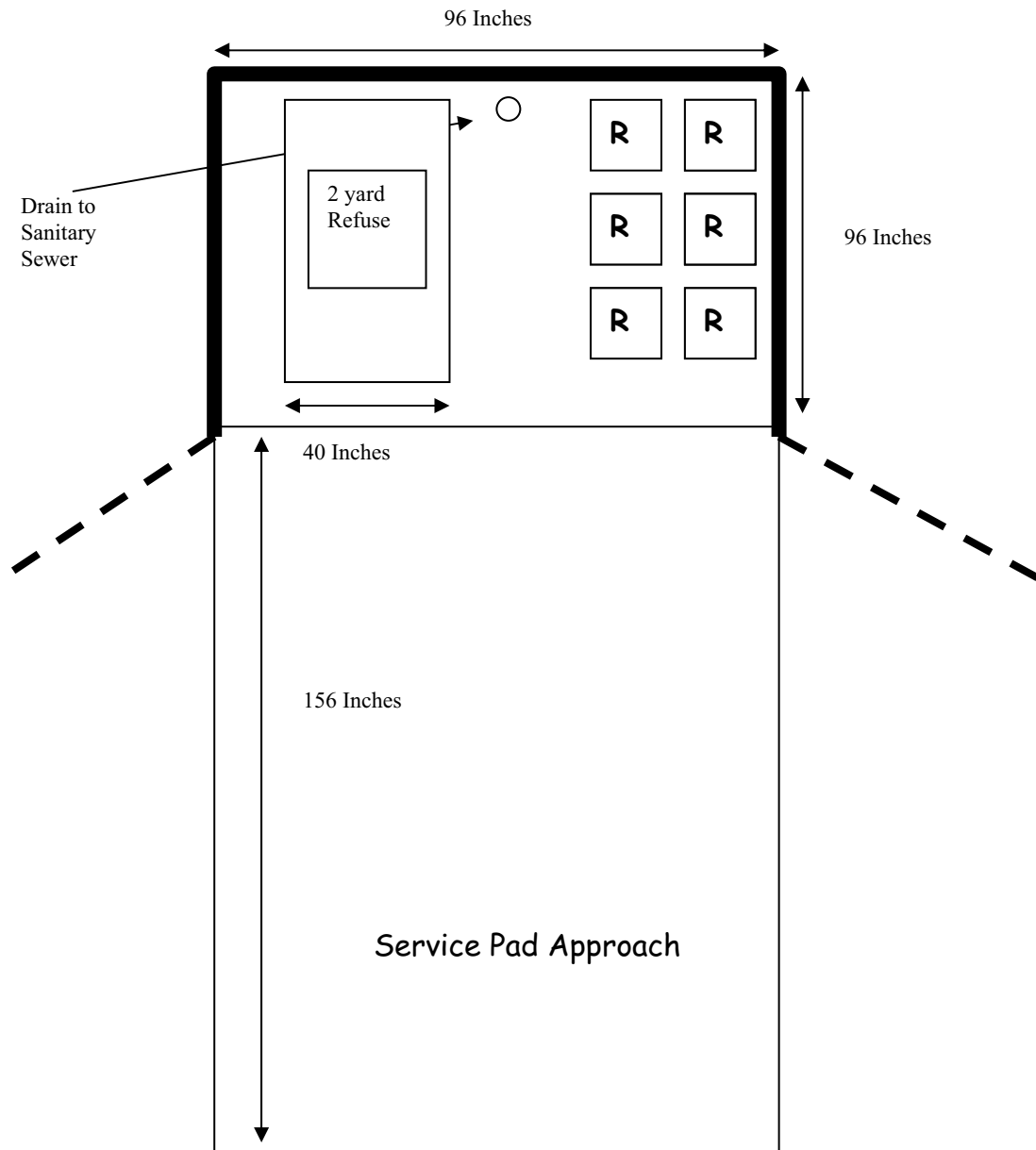
City of Santa Cruz  
Refuse Container Design Standard

Front Loader  
6 yard Refuse Container  
2 yard OCC  
Recycling Carts



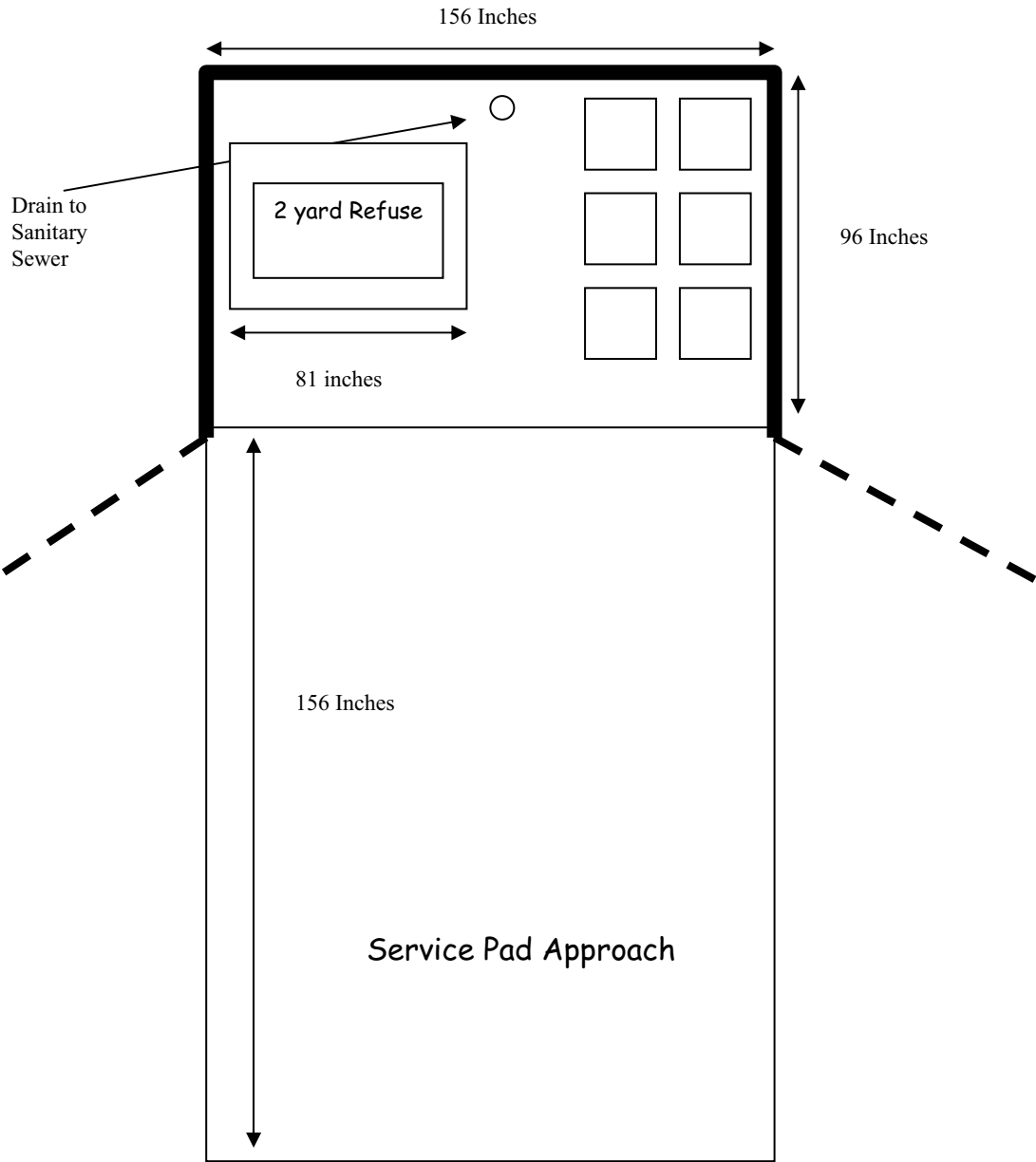
City of Santa Cruz  
Refuse Container Design Standard

Rear Loader  
2 yard Refuse Container  
Recycling Carts



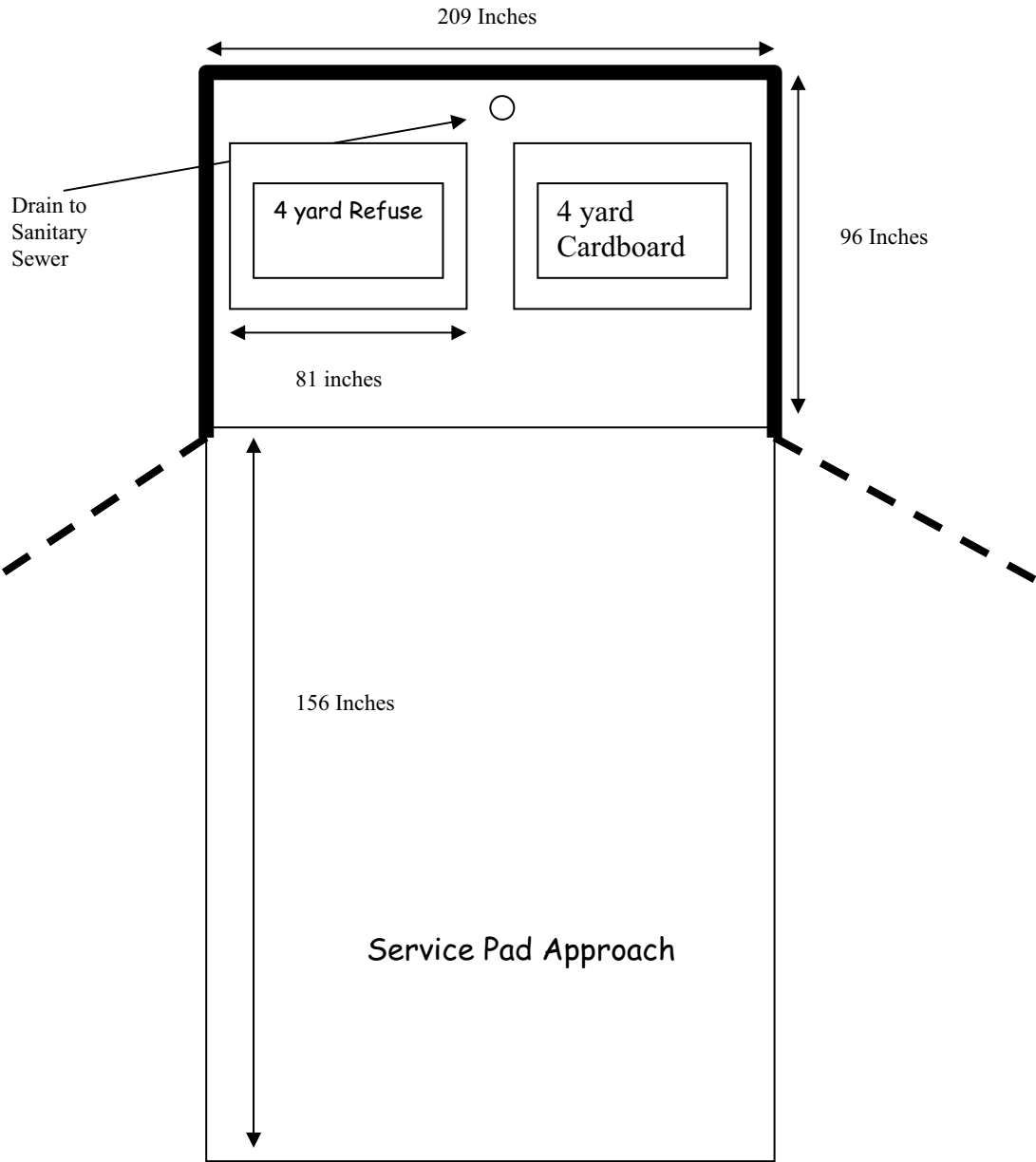
City of Santa Cruz  
Refuse Container Design Standard

Rear Loader  
2 yard Refuse Container  
Recycling Carts



City of Santa Cruz  
Refuse Container Design Standard

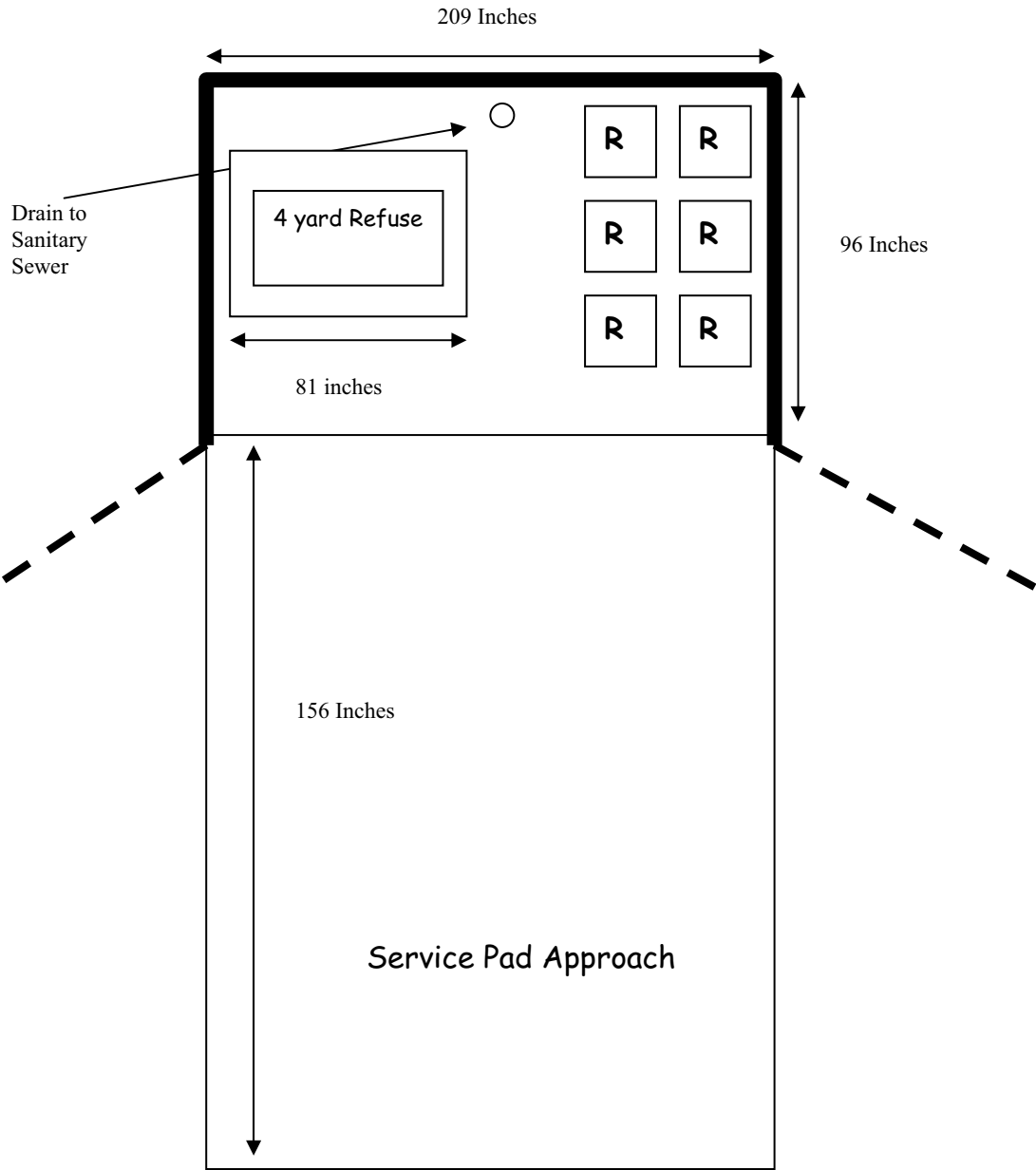
Front Loader  
4 yard Refuse Container  
4 yard OCC Container





City of Santa Cruz  
Refuse Container Design Standard

Front Loader  
4 yard Refuse Container  
Recycling Carts



**Question and Answer Report: 831 Water Street - Community Meeting, Part 2 of 2 - August 12th, 2021**

All questions asked during the August 12th, 2021 Community Meeting for the proposed project at 823, 825, 827, 831, 833 - Water Street, application no. CP20-0121

Question No.	Question	Asker Name	Answer(s)
1	If we want to write in feedback, is this where to do it?	Robyn Michele Jones	live answered
2	This is a sham!!!!	Anonymous Attendee	live answered
3	There does not seem to be enough stairwells at the ends of each building for emergency egress/ingress.	Connie W	live answered
4	Please be transparent... how many attendees are here? Please show that	Anonymous Attendee	live answered
5	You say you are "learning as you go along." State law says you should have released a set of procedures on SB 35 - and I don't think you have. Why don't you delay your processing until you have complied?	Gary Patton	live answered
6	If houses on Belvedere Terrace have solar panels which will be in the shadow of the 831 development, what recourse do the homeowners have?	Susan	live answered
7	They are not showing the numbers of attendees... really slimey not to be transparent!	B Matteson	live answered
8	You have emphasized the City's lack of discretion under SB 35. Isn't it true that the Density Bonus requests require the City to exercise its discretion on requested waivers and concessions? When will the Council be able to exercise its discretion on those issues that remain discretionary?	Gary Patton	live answered
9	So the only concern is the developer's profit and not the neighbor's impact???	Lee	live answered
10	The Applicants "gave" you an extension???? Where is city oversight? Does the developer drive council and staff?	B Matteson	live answered
11	If the city has no discretion as to design and size, as you stated, what effect can community input have on the final project?	Toni Corrigan	live answered
12	Why did the City not come up with objective standards knowing this project was in the wings? .Why does the developer not agree to the objective standards when developed? Windsor, Benecia and Los Gatos further along in standards in keeping with a historical and tourist town. Why is City allowing am SB 35 designation when much of the labor out If County as prefab building blocks like the County. Brutalism style on the key bluff with many historical context, geohydrology concerns and no CEQA. How is this developer is Community focused when the developer down the hill worked closely with Community to address concerns and a very successful project?	Candace Brown	live answered
13	No oversight for public safety???? Isn't that City Council's job to defend and have oversight of public safety at LEAST?!!?!	B Matteson	live answered
14	where are the new plans located on the city website?	Andree LeBo	live answered
15	If Bldg A is market rste than how lngng is the developer going to adhere to 80 to 120% designation? Will that be in writing for a specified period...?	Candace Brown	live answered
16	The egress on the downward slope of Water will cut right into the middle of the protected bike lane...How is that going to be addressed...safety is primary concern there.	Candace Brown	
17	You said that the Council would decide on September 14th whether or not the Council agrees with the staff, if the staff has determined that the project meets all objective criteria. What happens if the Council does NOT agree with the staff determinations?	Gary Patton	live answered
18	Traffic is a big issue. This will make bad traffic even worse.	Monika Maier	live answered
19	The second clause in the density bonus speaks of health and safety as well as envirnmental impacts. This developement clearly is a health and safety risk to the bike lane. As well as health impact on the neighbors (who will be in perpetual shade) as well as the environment of these neighbors, again in perpetual shade. Council must consider this and deny the bonus density request.	maura	live answered
20	I have heard mixed messages about affordability in this project. How many affordable units in this building are price-regulated to be affordable and how many are simply considered affordable due to their size/price per square foot (e.g. SROs)?  If the building truly contains a significant number of low income housing units, I don't think any other concerns should be lifted up right now.	Reggie	live answered
21	This is addicflint intersection in nthe best of tomes; adding mor trips from thos project will just clog up traffic.  storing water If we get rain!!!	Lee	live answered
22	How can you fast track a huge project like this that is clearly SO OUTSCALE and enormously foreign to Santa Cruz? Where is the leadership? Where is the elected officials' stewardship? Where is the rationale to ignore public input / Hydrology / safety / The City Council HAS TOOLS and RESPONSIBILITY to safe guard our town.	B Matteson	live answered
23	So where will people park??	Lee	live answered
24	Water use is going up with the population increase. I can send you slide from Feb 2021 meeting. We have had unusually water supply in the last 8 years...We will not secure water security for 10 years.	Candace Brown	
25	Will you be addressing the impact on traffic tonight? There are already logjams. Today at 3 p.m. traffic was backed up for a mile on Water Street. Idling cars in the area are already impacting our air quality. This project will make the traffic problem much worse.	Monika Maier	live answered
26	The City Can't require Parking?????	B Matteson	live answered
27	Please address traffic issues of turning into the bike lane on a steep slope!	Andree LeBo	live answered
28	So if the drought and water issues are determined by climate change, how does adding more people to Santa Cruz not negatively impact that?	Shelly D'Amour (she/her)	live answered
29	can you please stop sharing screen?!	Debbie Gould	live answered
30	this design has nothing to do with and is certainly not in "harmony" with the Braniforte neighborhood.	maura	live answered
31	4 and 5 story buildings in this neighborhood is not a "balanced" design. Why won't you consider a 2 or 3 story unit?	Monika Maier	live answered
32	A comment about population and climate change, they are directly related. More people create more climate change by simply living.	Rachel McKay	live answered
33	If it's mixed income how come the segregation between buildings?	Simon Ghorbani	live answered
34	Why were the shadow studies not in the revised application?	Simon Ghorbani	live answered
35	In harmony with the broader community?? Really?? Have you looked at the surrounding area or do you just come into Santa Cruz to look at the site you've chosen to destroy our beautiful neighborhood??	Toni Corrigan	live answered
36	The City had more than a year to prepare for these state laws... Why have they not developed / published standards to address public concerns over these laws (by the way, these laws aspire to deny ANY PUBLIC OVERSIGHT AND ELECTED OFFICIAL DIRECTION)	B Matteson	live answered
37	There is a transporation hub over a mile away. I find it hard to believe that there are buses running every 15 minutes at Ocean and Water Streets. We do not have a good bus system, sadly.	Rachel McKay	live answered
38	Why are you taking up meeting time by referring to the original application?		
39	The revised application should speak for itself if it's any good.	Simon Ghorbani	live answered
40	Why are you taking up meeting time by referring to the original application?		
41	The revised application should speak for itself if it's any good.	Simon Ghorbani	live answered
42	Exactly Candace... PUBLIC SAFETY!!!		
43	I'm all for developing this site and especially housing but this plan is simply not workable.	B Matteson	
44	your garage entrace still cuts directly into the protected bike lane. this is a major safety issue	maura	
45	So even less parking. Will you be charging more per space? Is that equitable?	Simon Ghorbani	
46	This project is to small. How can we promote better density? Maybe something like 7-9 stories?	Carolyn	live answered
47	Unless you've reduced the size by about two stories, you haven't brought it into harmony with it's surrounding area.	Toni Corrigan	live answered
48	what process is being done to ensure no destruction of historic substructures (foundations) from Villa de Branciforte _ which is on the state's register as a significant historical area?	Melveen Filippini	live answered
49	Segregation! no matter what the justification. Is it so the richer folks don't have to mix with the riff raff?	Simon Ghorbani	

**Question and Answer Report: 831 Water Street - Community Meeting, Part 2 of 2 - August 12th, 2021**

All questions asked during the August 12th, 2021 Community Meeting for the proposed project at 823, 825, 827, 831, 833 - Water Street, application no. CP20-0121

Question No.	Question	Asker Name	Answer(s)
48	Don't have a question, but seeing others using the Q&A feature to spew opposition so... THANK YOU for this project! I fully support more workforce housing in Santa Cruz. I appreciate your thoughtfulness in choosing this location in particular because of its location near a transit line to reduce car dependency. High density is much more preferable to suburban sprawl. Here's a question: if this project is halted (hope not!), are there other sites to build the same amount of units?	Tyler E.	live answered
49	having the market and affordable units in separate buildings is really sad - counter to being inclusive.	maura	
50	"local artisans" so well off people's vanity projects?	Simon Ghorbani	
51	Doesn't the applicant have to provide documentation to justify waivers that violate objective standards providing evidence that denying the waiver would make the project infeasible?	Denise Holbert	live answered
52	Parking is an issue for me, an even greater concern is the effects on traffic, particularly cars entering and exiting the parking garage the steep part of water street. It will cross the bike lane which I use and into fast moving traffic. It is easy to be going 40mph by that point. This would be quite dangerous.	Rachel McKay	
53	That seems nuts. So, do service trucks have to BACK UP onto Branciforte street (over a sidewalk) if there is insufficient room to turn around? (delivery, garbage, fire trucks?)	B Matteson	live answered
54	Its still 48'	Simon Ghorbani	
55	Can't the Council find that the project violates the public welfare by segregating low income in smaller units in on blding while locating market rate tenants in larger units	Denise Holbert	
56	Why do you have two separate buildings divided by income? It sounds like you are keeping poor people away from rich people	Katie	Sadly, it's a requirement of the tax credit funding.
57	It is absolutely not sensitive.	Simon Ghorbani	
58	Seems to me some of the "UNITS" are the same size roughly as the parking spaces that "low income" residents would have to pay close to \$300 bucks a month? How is that helpful to families? How is that addressing equity? How does that help a working person let alone a working family?	B Matteson	live answered
59	Projects like this are the only way to solve our housing crisis. Our shortage of housing is huge, so we need ambitious projects like this one. I'm sorry to see all the viciousness directed against you. The sentiment on this chat is not reflective of the broader public--most of us are just trying to find a place to live.	Ajay Shenoy	live answered
60	Will the residents refer to themselves as being from the poor building or the rich building?		
61	"Hi, pleased to meet you, which building are you in"		
62	"Oh I'm over in the poor people building, it's an honour to meet you"	Simon Ghorbani	
63	Do you realize this elevation would be seen from MILES away?	B Matteson	
64	We have two City Ordinances that dictate that all inclusionary affordable units are to be "dispersed throughout the development" — this includes our Inclusionary Ordinance as well as our Density Bonus Ordinance. In fact, it is a specification as a qualifying standard for affordable units, in order for a development to apply for a density bonus in the first place. How does this project satisfy these ordinances when it segregates rich from poor? This smacks of small-scale redlining.	lisa ekström	
65	The studios are tiny and the 1 bedrooms are about the size of a decent sized studio apartment. Would you want to live in one?	Rachel McKay	
66	Why is there no cut-out in the street for the bus to pull over? Plus room for a larger bus stop?	Julia Pinsky (she/her)	live answered
67	Modern Marine? Look around the neighborhood!!! How can you say you strive to keep with the harmony of the area. There's NOTHING in the area that matches this architecture.	Toni Corrigan	
68	Ajay we are not being vicious, we are genuinely concerned and have been given little opportunity to speak.		
69	Those nearby are all for an all affordable building that is lower. Plus are so many studios what we need?	Simon Ghorbani	
70	Do you support the inequitable segregation practices like redlining? These segregated buildings would perpetuate this classist segregation. Of course it will be less expensive and easier to fund with the segregation element, but most socially inequitable practices are financially advantageous to someone.	Lira Filippini	
71	How will the archeology process specifically address and protect historic resources for Mexican Californians? The archeology under the blacktop is hugely important considering the Villa de Branciforte. It's very important to preserve for an equitable cultural/historical process	Melveen Filippini	
72	Why are there not more 2 - 3 bedroom units if we want of help with the housing crisis?	britnee	
73	Materials that are in keeping with the surrounding area.....Wood		
74	None of the others are	Simon Ghorbani	
75	Great view from Seabright, Great view up the hill from Water Street. Stunning view from Fairmont Street.. Wonderful San Jose "Hospital Building Style" to set the tempo for future development in Santa Cruz.	B Matteson	
76	What will happen to the protected bike lane on Water St?	Katie	
77	I see plenty of windows looking into neighbours yard	Simon Ghorbani	
78	It still looks directly down on the neighbours	Simon Ghorbani	
79	There is a very real financing reason for the separation of the buildings, so please, rather than attacking the developer who is engaged in a difficult, costly and risky business, how about applauding their efforts to try to do something to alleviate the housing crisis we are in (and re: water, our current water usage in the City is below historic levels in 1990's and 2000's due to conservation efforts in both commercial and residential sectors).	Fred Antaki	
80	The entryway to the underground parking facilities poses a significant hazard to cyclists. That entryway crosses a highly utilized bike path on a downhill slope, and creates conditions ripe for collisions. It poses a clear and present danger to cyclists, which are numerous on this section of road. If an entryway is necessary on Water St, it is critical that it be at the top of the hill, where the existing driveway is located.	Mark Boolootian	
81	Make it lower, make it all low income and take a pay cut.	Simon Ghorbani	
82	"I live at 831 Water", "Oh, are you low income or market rate?" Your major changes only effect low income (smaller units), Market rate just lost thei bar??? I work in special education, this type of segregation is an outrage.	Deven Stark	
83	I will absolutley applaud a commitment to a lower, all low income building.	Simon Ghorbani	
84	The hydrogeological study on this site and the excavation/garage element needs to be significant and thorough. It needs to not only account for the record drought years we are in but also needs to include the nearby hydrology reports and resulting builds that ended up later being red-taped due to water issues and mold. There are significant hydrological issues for this zone. Standing water in the winter months is already a problem in the adjacent neighborhoods. The underground 2-level garage would create a dam for this entire area north of Water St. This would pose a significant public health risk.	Lira Filippini	live answered
85	I enjoy reading and contemplating in my back yard...if the building stays this height I shall have an audience	Simon Ghorbani	
86	Just a reminder.... can you think of ANY other building (other than downtown Santa Cruz) that is this high? For example, local HOTELS are smaller, the local clinic is smaller... Thanks Mr. Novin. Way to make your impact on our sweet town.	B Matteson	
87	reading and contemplation area. That's hysterical.	Shelly D'Amour (she/her)	
88	Do people opposing this have workable plans for adding a similar amount of affordable housing elsewhere? If not, how do you justify your aesthetic objections taking precedence over the urgent need for *both* affordable and market rate housing in our city? I am not surprised that these objections are being raised, but I am disappointed by the hypocrisy of those who claim to support affordable housing but then find fault with any plan which actually seeks to *build* affordable housing. No one is happy about major construction next door to property they own. But I would hope that people in that situation also remember how hard it is for their fellow citizens who are not so lucky as to own homes in such an expensive area.	Benjamin Breen	
89	Your mock-up drawings portray rows of trees surrounding the buildings that are 3 1/2 stories high? Are you going to plant mature trees that will provide carbon sequestration? If not, why are you including large trees in these drawings you are sharing?	Lauri Duncan	live answered
90	Thank you Benjamin for voicing my thoughts exactly.	Tyler E.	

**Question and Answer Report: 831 Water Street - Community Meeting, Part 2 of 2 - August 12th, 2021**

All questions asked during the August 12th, 2021 Community Meeting for the proposed project at 823, 825, 827, 831, 833 - Water Street, application no. CP20-0121

Question No.	Question	Asker Name	Answer(s)
87	So we shall be able to quietly sit under the shadow of this excessively tall building...Thanks	Simon Ghorbani	
88	I would also applaud a building that is at an appropriate 3 story max height with safety considered for the bike lane on water. the current design is a danger to the neighborhood and an outrage related to the neighbors who share the property line	maura	
89	You're acting like it's going to be so full of families...yet there its mostly single occupancy	Simon Ghorbani	
90	Super small, not outdoor space for people, unsuitable for families, is this a student dorm? Looks like one	Anne F	
91	Why are the affordable units and market rate units not mixed?	Jacqueline Tuttle	
92	With all that roof top, why is there not solar panels?	Eva Brunner	
93	Great project, Thank you; 1. What does the live work rooms look like? 2. Can a 5th floor be added back to add more affordable homes? 3. Do the affordable homes have inside the living space washers & dryers?	Michael Pisano	
94	Will you install rainwater collection and solar panels? How about a green roof?	Valerie Bengal	
95	3 story YES!!!! Housing YES!	B Matteson	
96	Have you considered adding more shade in the form of solar panels?	natasha	
97	How can the project assure there will be no back up of cars when workers get home & wait to get on to their parking rack or parking space?	Sabra Cossentine	
98	I understand that it is illegal to have low income folks in one building and market rate in another. I support affordable housing and encourage you to make the whole project affordable and and lower. That would be great!	Rachel McKay	
99	Will residents have parking permits to park on city streets?	Lysa	
100	Why don't you use some of the roof space for solar panels? After all we are in a major climate crisis.	Gail Jack	
101	I applaud this project's height and density! I think it is a great way to improve density so that we build UP, not OUT. Would these opponent NIMBYs be okay with Wilder Ranch or other greenspaces being developed with single-family homes? Probably not!	Tyler E.	
102	Since this is only a 1-1/2 hour meeting and — just like last time — you are taking up a huge chunk of the meeting talking rather than seeking input, here are the comments I would have made:  In our polarized world, I guess it's not surprising that I've occasionally heard this project, and the extensive citywide opposition to it, described as "YIMBY vs. NIMBY." That's beyond unfortunate, as every single person I've spoken to is completely IN FAVOR of building housing, including affordable housing, on this very site.  But I — and a ton of other city residents — are absolutely NOT IN FAVOR of a project like this that — as currently designed — is beyond anything resembling reasonable in size; that will cast a shadow (literally) over multiple streets in our area of the city many months of the year; that will create massive challenges at an already broken intersection; and that will create numerous other health and safety issues that the developer (and city) is completely ignoring.	Jim Burns	
103	Why no community garden on affordable rooftop, or will those residents have access to bldg A garden boxes?	Melody	
104	Also, why have retail if there is no available parking?	Anne F	
105	What data do you have on the types of units that are needed for Santa Cruz's housing shortage? Is it really a shortage of studios? It seems like more 2+ bedroom units are needed	Katie	
106	If only 11% of the units, or 13 units total, will be for very low income individuals. This does not seem to meet the purpose of affordable housing	abby young	
107	Will all existing businesses be able to secure a spot in the new commercial area? Will they be affordable?	Gail Jack	
108	I'm impressed by how well the developer incorporated much of the neighborhood feedback and adjusted plans. Overall, this is great! How can we replace more strip malls with mixed-income, mixed-use buildings?	Elizabeth Conlan	
109	Do large scale buildings like this ever use story poles to give a physical feel for the scale of a building before it is built?	Peter Newton	
110	Thank you, Jim Burns. You've very well articulated my points as well.	lisa ekström	
111	I second Susan's concern about the effect on existng solar panels.	Rachel McKay	
112	These studios will be rented by UCSC students, not working folks. How do you deal with that?	Nancy Drinkard	
113	This is a very much needed project, especially with so many affordable units, with the proposed vouchers for homeless youth and veterans. The new concept with live/work units is nice to see as well.	Rafa Sonnenfeld	
114	Some seem concerned about segregation within the city. I applaud everyone for ensuring we will be affirmatively furthering fair housing. What can the city pursue within all neighborhoods to reduce segregation?	Kyle Kelley	
115	Will you put up story poles to show actual massing?	Judi	
116	If you can reduce the affordable units by one floor, why can't you reduce the market rate units by one floor too? It seems you are favoring the market rate to the affordable.	abby young	
117	This project is a perfect example of how developers are taking advantage of flawed planning systems and "pliable" city officials to build unwarranted numbers of high-rise offices and apartment buildings that reap huge profits. The results are traffic gridlock, worsening air quality, unprecedented strain on electrical, water, and sewage systems, and a hampered ability of first responders to deal with disasters. Developers don't have to stick around to live with what they build, and they hope that their massive requests will fall under the radar of the average citizen. The result is an over-developed city with worsen quality of life.	Tom Gardner	
118	Telling us that this will not increase water usage is totally counter intuitive. Really.	Debbie Ryan	
119	Where will the Water St bus stop be? Will it be a pull out and how will that impact traffic?	Lysa	
120	You mentioned a place for children to play, but how many children will be living in the studio apartments?	Susan Moren	
121	Even if these studios were rented by UCSC students - that would free up spaces in the existing rental market.	Tyler E.	
122	How many houses will be affected by the shading ... will it be the whole south side of Belvedere Terrace?	Ed J	
123	Since the proposed density, which is beyond the General Plan, was based on the allowance for an unlimited number of units if the project is all studios and one bedroom units, how can two bedroom units be allowed? Will the residents of the affordable building be allowed to use the amenities of the market rate building?	Denise Holbert	
124	Nancy, I teach UCSC students. The majority of my students have jobs; a significant number work full time, and a shocking proportion work two or even three jobs at once while going to school full time. I have dozens of students who are forced to live out of their cars due to the lack of housing in Santa Cruz. My students "are" working people and they are suffering due to the constant objections of wealthy local homeowners. (Sorry, not a question, but that comment needed to be addressed IMO).	Benjamin Breen	
125	Sam, you muted while she was explaining the Solar Shade Act	Grace Stetson (she/her)	
126	NEW LITIGATION ABOUT SOLAR <a href="https://www.nytimes.com/2021/08/11/business/energy-environment/california-solar-mandates.html">https://www.nytimes.com/2021/08/11/business/energy-environment/california-solar-mandates.html</a>	B Matteson	
127	So many great thoughtful updates! Love the updated facade and live/work options and the arrangement of the roof. Santa Cruz needs this affordable workforce housing and I am very much in support!	Janine R (she/her)	
128	Our federal government is requiring all vehicles to be electric in 10 years, why are there only 2-6 (not sure of current #s) charging stations?	Rachel McKay	
129	Thank you Benjamin! Well said. UCSC students ARE working people.	Tyler E.	
130	Has the project received tax credit approvals?	Denise Holbert	
131	Is there a public art component such as a "Villa de Branciforte" historical mural on the wall fronting the sidewalk as it goes down Water Street.  Can the City Council approve a project with less units and less stories if it makes certain findings?	Don Lauritson	
132	While the new plan looks somewhat improved over the original it does not look like the affordable units are dispersed in and among the market rate units. This makes it look like there are two separate projects. Does this try to circumvent the density bonus requirements for one project? Objective?	Michael Young	



**Question and Answer Report: 831 Water Street - Community Meeting, Part 2 of 2 - August 12th, 2021**

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Question No.	Question	Asker Name	Answer(s)
133	So let's see, the clock is running on this application, you've known for years that SB-35 exists, and you STILL don't even have objective standards defined? And yet you tell the public you are reviewing the application now to determine if it complies with objective standards? Wow! That seems obviously false! Pretty shaky!	Jim Burns	
134	Traffic concerns have not been adequately addressed: traffic volume now and then, bike safety now and then, delivery truck access .....	ka be	
135	Are you following the 60 or 90 day response period? From the new submittal date of 7/27/21?	abi	
136	the design is ugly do we have any say in this	918 7870 5149	
137	I sense that those who are against this will find NOTHING they like about it and EVERYTHING they find fault with vs. appreciating how much the developer has responded to in his redesign of the project. For those who are dead-set against anything above 1 story or 2, NOTHING will make them happy from what I see/hear. Read Mark Primack's column 2 Sundays ago in the Sentinel about why Santa Cruz is in the housing crisis it is. I'm guessing the Native Californians probably had similar objections to the European re-shaping of their environment, as did the Santa Cruzans who preceded the coming of UC Santa Cruz, and our most recent wave of Silicon Valley money into our beautiful coastal paradise, and on it goes... At least the developers are really working hard within the very difficult parameters to take into account design, zoning, neighborhood concerns, economics, and come up with the best project possible, given those constraints. Or we can just have an old car wash and no housing.	Fred Antaki	
138	Part of the procedure and guidelines you say you are following per State law, are that a city subject to SB 35 set objective standards. Santa Cruz has been subject to SB 35 for quite a while and your objective standards setting process only recently started. Why did so much time pass before the planning department started this process? How are the citizens supposed to be able to reasonably assess a development's compliance with standards that are not yet set? If city staff has identified what can be used as objective standards in our current general plan and accompanying applicable ordinances, why aren't those currently highlighted in one place for the community to use?	Lira Filippini	
139	Speaking of solar panels, does the 831 proposed building have any solar panels planned for on-site solar power production?	Peter Newton	
140	Many people looking for affordable housing in Santa Cruz are families with children, yet the vast majority of these units are very small, studios or 1 bedrooms. Why does this project make so little accommodation for families?	Kristen Sandel	
141	Rosemary Menard just explained to the Council that one of the limited options to deal with water shortages now and in the future is to REDUCE demand. More residents surely results in more demand.	Judi	
142	Have you calculated the sun's azimuth year-round to determine if shading on Belvedere Terrace solar panels and yards would occur? Maybe you should build this closer to the equator where the sun's angle is steeper.	Valerie Bengal	
143	Those opposing this project would oppose ANY project. Most people I know in Santa Cruz support dense affordable housing.	Tyler E.	
144	It seems that all traffic entering and exiting this project are on Water Street. Has there been any traffic studies that assess the impact of those trying to get to Branciforte (or east on Water for that matter) via the U-Turn lane in front of the (old) Gold's Gym? I can only imagine the traffic congestion at the Water/Branciforte with the addition of many tens if not a hundred more cars in that location. What traffic studies have been done to date?	Bob Scowcroft	
145	So does the Solar Shade Act prevent trees and shrubs from blocking panels but not prevent new, tall structures from blocking existing solar panels?	janedriscoll	
146	Can you review the costs-rent, parking, etc. for each building?	Jill Esteras	
147	Quite frankly this is pointless...this is not a dialogue. Why is Mr Novin not directly responding to our concerns?	Simon Ghorbani	
148	It seems that studios dominate the project, especially on the low income side. We need 1 and 2 bedroom units, otherwise it becomes more of a dormitory bldg. If you have space for kids on the roof, where are these children living? In a studio??	Nita nita	
149	"But I — and a ton of other city residents — are absolutely NOT IN FAVOR of a project like this that — as currently designed — is beyond anything resembling reasonable in size; that will cast a shadow (literally) over multiple streets in our area of the city many months of the year; that will create massive challenges at an already broken intersection; and that will create numerous other health and safety issues that the developer (and city) is completely ignoring."	Gabrielle Laney-Andrews	
150	Can the developer make more of the affordable units actually affordable to lower income people? "Affordable" isn't very affordable to many people who work in Santa Cruz!  Also is there a reason why the buildings are divided between the affordable and market rate units? Why not combine those units?	Debbie Gould	
151	What sustainability measures are being incorporated into the build? As noted above - solar powered? Storm water kept onsite with botanical cells? Will rainwater harvest or greywater collection and recycling occur for flushing toilets or landscaping? Will product and materials life cycles be considered? For instance, is recycled concrete aggregate to be used? Will low toxicity/ recycled fiber carpeting be used? Sustainability is great but at this stage, regenerative design (where the design is net positive in its output) is what is needed to curb our emissions and climate change.	Peter Wampler	
152	How can the City of Santa Cruz facilitate more affordable homes for very low income community members so that SB 35 will be irrelevant when discussing future projects?	Elizabeth Conlan	
153	Doesn't have to be this way.  The developer has chosen: conflict / confrontation / entitlement We ask him (again!) to turn to: collaboration / cooperation / neighborliness  Chosen path: ☒creates public safety hazards with expensive underground parking in/out Water St ☒creates public health and privacy threats by building so tall and so close to single-story homes ☒creates public health hazards by excavating into groundwater table for parking ☒creates public safety and privacy threats by creating rooftop open space near neighbors and schools  Can choose instead to: ☐Drop the SB35 process and follow regular order, engaging with the community ☐Build and expand the project voucher building; abandon the market-rate tower ☐Fit it within the zoned 3 story 40' envelope; surface park ☐Would eliminate all of the hazards your current design creates  You've shown the way and taken a couple of steps on this path with your modest changes. Commit to this path and be celebrated by the community, rather than vilified.	Doug and Robin Engfer	
154	At a minimum 149 units times 2 occupants equals approximately 300 people. How many residents live on Belvedere? The gradient between the two neighborhoods is extreme and I believe is the main concern about this project. When we, as a city, disregard the historical development of this neighborhood, we will be erasing how this area of our community was developed. Walking through Belvedere and Berkeley streets are a prime reminder of how Santa Cruz came to be. We need to preserve this historical	Katie	
155	I would absolutely support a two story all low-income building.	abby young	
156	Love the project. The live/work spaces is a good idea. Santa Cruz desperately needs more affordable housing. With the building now shorter could you add another floor of affordable housing? Thanks	Felix V	
157	I am deeply concerned about the parking entrance on Water Street being set so close to one of the busiest intersections on the east side of Santa Cruz. Water Street on a major commute corridor and impacts the N Branciforte/Water Street intersection. A major ingress/egress near that intersection would add considerably to an already congested intersection.	Connie and Elisa	

**Question and Answer Report: 831 Water Street - Community Meeting, Part 2 of 2 - August 12th, 2021**

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Question No.	Question	Asker Name	Answer(s)
158	I am in fovor of a project happening, but its design is so generic and reflects nothing of local neighborhood character.	Nita nita	
159	Of this is an affordable housing development, why are more than half the units market price? That doesn't seem to define affordable housing.	Susan Moren	
160	Is the availability of affordable units based on income limits as established by the State (HCD)? If so, "low income" for one person living in Santa Cruz is defined in the table as \$78,050. This is not low income and the rents based on this income are not affordable to most people I know. "Affordable" is a buzz word we kick around and don't define well. Individuals and families making less than \$50k should be able to afford rent in these new developments; and the affordability should be made permanent.	Shelly D'Amour (she/her)	
161	What are our objective standards or are they official yet? Where can these be seen?	linda locatelli	
162	Does the city council or planning department have any power to shape this project?	michaelfunari	
163	With all respect. Mr. Novin has been less than open to changes of his plans	B Matteson	
164	please answer the ques. " if the city has no descretion what are we talking about ?	Marty Williams	
165	Agreed Simon, why isn't the developer responding?	Deven Stark	
166	If this meeting, as advertised, is truly about giving the developer and the city meaningful input from its citizens, rather than a charade so you all can just say you did, here's my input:  I am completely in favor of building housing, including affordable housing, on this very site. But that doesn't mean I should support a project that — because of its immense size — would create untold number of health and safety issues for the people who live, work, and travel through this area of our beloved city.  In short, I absolutely DO NOT support this project, as currently designed. And I am disheartened that the city staff seems to be supporting this particular developer, who has shown zero interest in working with Santa Cruz residents in an effort to address our legitimate concerns.	Nancy Crowson	
167	Can you talk about parking spaces and predicted effect on adjoining streets?	michaelfunari	
168	Why build on this community corner? Were there not there other places not so impactful to this long time neighborhood? Also the architecture is just loud and so out of context for the neighborhood. Those tall blue pillars are are abominable. How much for the affordable? One side looks properous the other side looks inferior! Why not mix them as was suggested. It definitely has a feel of upper class and lower class. And the development and archetect are from Santa Cruz ot outside?	Jane Hancock	
169	What determined the square footage of the studio units, at 357 sq ft?	davemurphy	
170	I strongly echo and agree with the comments from Doug and Robin Engfer.	lisa ekström	
171	I'm not sure if you mentioned it already, but was there a VMT analysis conducted? If so, what were the main findings? Thanks!	Emily Ham	
172	It is good that the revised building is set back from the street. Not so good that the set back on the west side, next to the cottages is not 20 feet as required.	Rachel McKay	
173	Traffic is already terrible on Water Street. It gets log jammed on Water at Branciforte St. Today at 3 p.m. the traffic was logjammed and backed up from Branciforte all the way to downtown. This many units will only worsen an already bad traffic situation. In addition, since parking provided is only minimal and it comes at an additional cost, our already crowded streets will become much more crowded with cars. Have traffic studies been conducted?	Lauri Duncan	
174	how can water not be an issue -i am a city resident and am being told there is not enough water and have a very low allocation each month	918 7870 5149	
175	New buildings anywhere should be required to use alternative energy sources aka solar or wind .... This building does not show any solar panels - or did I miss this?	ka be	
176	I don't understand how "Modern Marine" can be considered to fit in with local architecture. Both buildings really look cold and unwelcoming.	natasha	
177	SO THE CITY COUNCIL HAS NO POWER???	B Matteson	
178	SB was passed in Sept 2017 and adopted in Jan 2018. Why is the City playing catch up now almost 4 years later..2 before the pandemic ?	Candace Brown	
179	And to those who want all affordable housing, please put together a feasible project (like the one at 708 Water down the street that ALSO got vigorously opposed by neighbors but thank god got built anyways and is providing much needed housing in an attractive well-run project.)	Fred Antaki	
180	The city is subject to SB 35 because it did not make progress in very-low and low income housing in the last RHNA cycle. I am so glad that this building with so many affordable homes (vouchers for disabled, transitional youth, veterans, etc) is being built!!	Janine R (she/her)	
181	Nathan Nruyen: What time of year will you do the traffic study and time of day?	Sabra Cossentine	
182	What would happen if the transit folks did away with the qualifying bus routes? Am I assuming nothing said in these Zoom meetings are made under oath>	Eric Herrick	
183	Is it fair to consider that in this project a relatively few number of houses will be directly affected BUT the precident this will allow will affect a countless number of other homes along in the midtown area?	janedriscoll	
184	I want to ask those of us who have already made several statements or asked questions to hold off a bit so that those of us who have not been heard can get our questions answered. Thank you.	Gail Jack	
185	A huge concern is the transit access. Our bus system is very inadequate with not enough frequency and most people unfortunately own a vehicle. The speed of traffic down Water Street hill can be dangerous so the access into the parking area can be a hazard.	conniewilson	
186	Is this considered a transit priority project?	abi	
187	We are all trying o conserve water due to the drought. Why would this project be able to take place at this time?	Cathy	
188	The State of California has a housing crisis. The City and County of Santa Cruz have a housing crisis. After seeing years of no action and project after project denied, he State moved to essential force cities to allow projects that meet reasonable design standards and higher densities if they provide affordable housing. The saying I've heard many politicians repeat is "Everyone's in favor of more housing, just no where near them."	Fred Antaki	
189	My guess is that everyone on the panel - can the city council - lives in a single family home somewhere in Santa Cruz city or county. Imagine this project in your back yard, or just down the block from you.	Eva Brunner	
190	Perhaps I didn't hear Nathan correctly, but Public Works is going to require a traffic study. But that will happen AFTER the city's review to determine if this proposal meets the city's objective standards? Are you kidding?	Jim Burns	
191	Is there any reason for not having 100% affordable units in this development?	Grace Stetson (she/her)	
192	In a possible CEQA exempt project, having thorough adopted objective standards is crucial to protect the public health and public safety of the citizen populations. Normal general plan zoning and regulations were set during a time when there was assumption that CEQA will protect the population. How will you ensure we will not be harmed in lieu of not yet setting these needed standards?	Lira Filippini	
193	what does deed restricted mean?	abby young	
194	Santa Cruz already has many retail buildings that are empty, and many have been empty for a long time. This includes retail space in our vicinity. How can an additional retail space be justified as part of this project?	Lauri Duncan	
195	What about parking? I have heard that there is not enough parking for all the units, and the limited parking currently costs \$300/month. Is the parking cost considered in the "affordable housing?" Where is the developer and the City of Santa Cruz planning on the "overflow" parking to be located?	Tom Gardner	
196	I agree Candace... huge time for the city to design and and publish PUBLICLY AVAILABLE standards for this law (that has a sunset clause). Why the rush now? If the city was behind the curve in this why do the residents have to suffer their lack of action?	B Matteson	
197	Can you explain "Density Bonus", and how it affects this project?	Randy Jones	

**Question and Answer Report: 831 Water Street - Community Meeting, Part 2 of 2 - August 12th, 2021**

All questions asked during the August 12th, 2021 Community Meeting for the proposed project at 823, 825, 827, 831, 833 - Water Street, application no. CP20-0121

Question No.	Question	Asker Name	Answer(s)
198	I am in favor of this project both as a neighbor and an affordable housing advocate. This creates a large number of affordable homes, homes that are near shopping and transit, and are desperately needed by people who currently work or study in Santa Cruz but cannot afford to live here.  Thank you to those who have brought this project forward, and your willingness to listen and to make significant changes in response to neighborhood concerns. Love the addition of Live/Work Units.	Henry Hooker	
199	Candace - not sure how your question applies. It takes time for people to respond to changing demographic and political realities (not to mention things like carbon in the atmosphere). Does that mean it's too late to do anything since change didn't happen before?	Fred Antaki	
200	Thank you for answering my question. I am happy to support this project. I think it's pretty cynical to fight a project that authentically provides so many affordable units.	Reggie	
201	Mr Novin....  In 5 years timne SB35 may not exist anymore.  This project would be absolutley be suitable elsewhere in town not directly next to 1 storey houses.  Perhaps if you considered a 3 storey building you will be friend of the community and they will fully support bigger buildings in a more suitable area.  If you can be more nuanced I will be a champion of your endeavours.  Please be good neighbour...I'm begging you	Simon Ghorbani	
202	The public and the city council will have no way to review and assess the geohydrologic reports if the geotech report won't be done before September 14th. This is a serious safety issue, and it is unacceptable that city council and the public will not be able to review what study has been done ( or not done) to assess the known hydrology, geology and soils hazards on this site.	Sue Terence	
203	Nice Mr. Novin. Segregation. That is not in compliance with the state laws you are trying to take advantage of.	B Matteson	
204	Why are the very low income units segregated into one building? Why can't the buildings be mixed with all income levels in each building?	tom Mckoy	
205	Thank you for helping us move Santa Cruz away from being autocratic. We should ENCOURAGE residents to get around without a car.	Tyler E.	
206	PLEASE PUBLISH ALL THESE COMMENTS	B Matteson	
207	What is the expected change in Vehicle Miles Traveled (VMT) for the neighborhood?	Kyle Kelley	
208	Can you give us an idea of how much the units will rent for?	Milo マイロ	
209	"Unbundled parking" means parking will be in the surrounding neighborhoods.	Eva Brunner	
210	I would love to hear how UC students view the project vis a vis the need for additional housing and rental houses being lost thru the overall Covid-driven hyper inflated RE market. What happens when they come back in force and find no where to live, or compete with lower and middle income residents for housing?	Fred Antaki	
211	Are you kidding me?	Michael	
212	What about parking for the retail space. Is there on site parking for retail space and for visitors to residents?	Elizabeth & George Bunch	
213	What the heck CAN the "Planning Dearthment" DO to effect PLANNING???? Come on	B Matteson	live answered
214	If both buildings need to be separate, please make them the same color scheme.	Jacqueline Tuttle	
215	We are under water restrictions. How can we support more housing with limited water	darci hodder	
216	Please address the question of whether this is student housing? I believe tax credit housing cannot include students so that would mean Bldg B not for students and only possible market rate bldg A.	Candace Brown	
217	Why is ONLY the developer allowed to comment live????	B Matteson	
218	What will happen to the existing business? Will they get an opportunity to come back in the new space?	Teresa Mendoza 831.239.5252	
219	Simon - I would love to see you put together your own projects. You will be fought no matter what you do. I saw it happen in Seaciff when the neighbors wanted to buy a 3 acre parcel for a park (which is now a really nice affordable housing project with a smaller park and skate park). They got shot down by folks who didn't want to pay the higher taxes for the park. It's incredibly difficult, time-consuming and expensive to build ANYTHING these days and my hat is off to those willing to try.	Fred Antaki	
220	Will story poles be required?	Rachel McKay	live answered
221	Iman gets to say whatever he likes with no other comments. Completely unfair.	B Matteson	
222	Please address the questions about roof top solar and rain catchment. There are many questions asking why there is not roof top solar on this project.	Eva Brunner	
223	how exactly will solar shading legal impact those whose panels will be shaded?	Marty Williams	
224	As a neighbor living on these side streets we experience a huge level of speeding traffic, and on days like when there was a jumper on the bridge, the entire city was shut down. The level of road rage on our quiet street was insane, and having another larger building in this neighborhood is dangerous. I watched a small kid almost get run over recently by someone cutting through our street on Stanford ave.	Tina Short	
225	I fully support this project and am happy the city council has approved similar high-density projects to help alleviate the desperate need for housing in Santa Cruz.	Tyler E.	
226	Considering parking... developer says there is a parking space per unit... the cost is \$300 per month. Why would the "affordable units" pay this? This is ludicrous. My expectation is that there will be a lot of cars down Stanford and other side streets. Do you plan to make all local streets "permit parking only" so we can have overflow parked cars towed? Note that we deal with businesses shunting cars into our neighborhoods. Perhaps you can have an expedited "tow away" number?	bob reed	
227	Are you applying non objective, discretionary standards in favor of the developer? LU 3.8 does not indicate that SRO and SOU developments are exempt from the zoning density regulations, it merely states to "allow for higher density." That could mean 1 extra unit. This general plan element implies discretion and is not an applicable objective standard. Objective standards cannot be unilaterally applied, so we do everything we can to protect health and public safety.	Lira Filippini	
228	How will garbage trucks, emergency vehicles and delivery trucks turn around? CONSTANT backup beeping would be intolerable noise pollution. Is there any reason these trucks can't use the easement on the south side of the buildings?	Sue Terence	
229	Seems like the developer addressed a lot of community feedback in the new design. This affordable housing is in demand - what have the application numbers been like for other recent affordable units?	Bennett Williamson (he him)	
230	Sam, you are doing a great job in a difficult situation. Someone should be monitoring the Q & A for you and passing along relevant questions.	Deven Stark	
231	Seriously?! Old buried foundations? The entire City of Santa Cruz was grounds for the Native Californians who lived here. A burial ground is one thing, an abandoned old foundation something else, and has been of NO INTEREST whatsoever to folks before the project was proposed. And if our standard is that there should be no disturbance of any previous inhabitants buildings, we may all need to move.	Fred Antaki	
232	Will this building have access to discounted Metro Passes & discounted Bike Share & Uber/Lyft access for those living there (or free)? Lyft has a way to geofence and send monthly funds for individuals to use.	Michael Pisano	
233	How can a family of 4 or 5 live in these small units???? Reminds me of immigrant tenant living in 1920s in NY	Jane Hancock	
234	can a lawsuit be filed to stop this	918 7870 5149	
235	Reminds of how the open space advocates used the tar plant to try to stop the bike path thru Arana Gulch and ended up with the bike path and most of the open space being fenced off.	Fred Antaki	
236	Does the fire department sign off on this project, umm?	Michael	
237	To my knowledge, this is not in any dedicated as student housing. It is being built for community housing, which is everyone.	Fred Antaki	
238	How will the city council be able to fulfill their responsibility to provide for people's safety if they cannot review the geotech report before September 14th.?	Sue Terence	

**Question and Answer Report: 831 Water Street - Community Meeting, Part 2 of 2 - August 12th, 2021**

All questions asked during the August 12th, 2021 Community Meeting for the proposed project at 823, 825, 827, 831, 833 - Water Street, application no. CP20-0121

Question No.	Question	Asker Name	Answer(s)
239	The noise of delivery vehicles seems like a reasonable concern to address...	Fred Antaki	
240	Service trucks BACKING up onto Branciforte street GREAT	B Matteson	
241	will the elec hook-up be under grnd. ie: no wooden pools?	Marty Williams	
242	NOVIN says his funding is a defense to create tiny living spaces with poor parking... REALLY??? His FUNDING???? POOR ME	B Matteson	
	I'm reiterating a question/concern surrounding the sizes of the units. As someone that rents and would qualify for affordable housing and would also be interested in affordable housing and who also lives one block from the proposed unit and also has a family, how will this development help me? I need a 2 bedroom unit, minimum. So do many other folks searching for affordable housing - because they have families - i.e. kids. For those trolling on neysayers and calling them all entitled homeowners, YOU ARE WRONG. This is not me and I support affordable housing and would love to be able to access it if the eligibility lists weren't closed because the wait is outrageously wrong. I am for smart development that will match the feel of the neighborhood and not overburden the area. 140 plus units and a 5 story building will overburden the area and not match the feel of the neighborhood.	Peter Wampler	
243	I would also like to have the question about student house addressed.	janedriscoll	
244	How does the "affordable" rate get determined? Or do we know what that will be already for a studio the size of 2 parking spaces.	janedriscoll	live answered
245	It is INCORRECT that the 708 Water was vigorously opposed by the Community. I was at ALL Community meetings and met with the developer and he allowed input on site position, view shed, roof design, added courtyard, twice the required parking after taking parking count input at night and offered 3 design options after Community sent images and design types that would honor the historical nature of the area. The developer worked closely and well and in collaboration with Community input. This developer has taken a very different entitled approach. The City made it easy by not having SB35 guidelines and objective standards 3 to 4 years after they were required. Other cities are kn 2nd and 3rd objective standard draft.	Candace Brown	
246	In response to "health and safety" concerns, the buildings themselves will be built to latest fire and EQ codes, and developer has provided parking as required. How does the lack of affordable and housing in general contribute to health & safety of a community that is experiencing historical levels of both homelessness and shortages of rental housing?	Fred Antaki	
247	this is concerning bke safety on Water street: already now garbage cans are parked in the bike lanes on trash days (further down from this site) - I hope this (or cars stopping for passengers) will become not more of an issue with the proposed building! The same with bus stops. If bikers have to veer into traffic to prevent collisions it could become even more dangerous	ka be	
248	OMG Twice the size of parking spaces! U nbelievable comment. THat gives usall comfort.	Jane Hancock	
249	Bravo Novin! (sarcasm here) for scamming the system. "Studio units are twice the size of parking spaces". How does that make a difference to working families?	bob reed	
250	How is winter rain water managed?	Rick	
251	Can you explain how not having a bus "pull out" on a "high transit corridor" is not a safety issue?	abi	
252	It is my understanding that the developer of 708 Water was sued by the neighbors - is that not true?	Fred Antaki	
253	I would supprt a lawsuit to stop this if this is what it would take.	Jane Hancock	
254	What is the estimated water savings from eliminating the car wash currently on that site? Isn't housing better? I am all in for this project!	Janine R (she/her)	
255	Oh, nice... latest comment from your representative tonight said: "Studio spaces are roughly twice the parking space size" Hmmm... lovely. Number ONE, you are not providing equitable or sufficient parking, and B: have you LOOKED at the size of a single parking space? Mr. Novin, you are clearly caring about the health and safety of not just the neighbors but your tenants! I'd love you live in a double wide parking space. What a kind guy.	B Matteson	
256	Are other cities further along in getting their objective standards together? Are there any standard sets that can serve the city as a model?	jim warner	
257	If you are having 50 units for special needs, are you coordinating with Housing Matters?	Joan Martin	
258	For those who didn't see this: <a href="https://www.santacruzsentinel.com/2021/07/31/mark-primack-putting-santa-cruz-in-its-place/">https://www.santacruzsentinel.com/2021/07/31/mark-primack-putting-santa-cruz-in-its-place/</a>	Fred Antaki	
259	please address the lawsuit question	918 7870 5149	
260	If we want to help with the housing crisis, why are there not more 2-3 bedroom apartments? Studios are needed in town, but if we want to accommodate families don't we need larger units?	britnee	
261	Please address all questions. Out of respect.	abi	
262	Why would you not ADD to the renewable grid with roof top solar?? Also, it would be the responsible thing to do to add rain water catchment.	Eva Brunner	
263	CEQA review and approval helps to ensure public and environmental safety. Because the City has not created objective standards, then can a CEQA process be included in order to help ensure for the objective safety of this proposed project?	maura	
264	This is a bad project for the location.	Sabra Cossentine	
265	Given that we are within 15 miles of at least 6 major faults, what size earthquake will this project be built to withstand? When will we learn this?	Sue Terence	
266	re: lawsuits.. Turns out in this great land of ours, anybody can pretty much sue anybody for anything, and there are probably at least a dozen attorneys who will take on any case (if you have the money to pay them).	Fred Antaki	
267	Has the fire Department signed off on this project. umm?	Michael	
268	Can you please make a FAQ of the questions being asked that is available on the city website so people don't have to re-watch the entire zoom to hear answers?	Katie	
269	The courts ultimately decide who is more "right" in any given situation, or even if the case has merit in the first place, once the facts are taken into consideration.	Fred Antaki	
270	Fred - I'm not anti a lower building...it's simply too tall. I appreciate it's difficult but I'm not going to hide the fact that a 4 or five storey building directly behind our street is going to be a jarring and depressing feature in my life...And I challenge you to find anyone a similar thing has actually happened to who is pleased with it.		
271	Again - I would be fine with a shorter building.	Simon Ghorbani	
272	WE CAN'T CALL IN	B Matteson	
273	Are you kidding me?	Michael	
274	Is there a limit on how many high density projects can be built on the same intersection? If another similar project is proposed next year, will the planning department allow high density projects on every corner of the Water/Branciforte intersection or is there some sort of limit on future high density projects if one already exists?	mcsturdy	
275	thank you for offering this platform	Teresa Mendoza 831.239.5252	
276	I can totally understand why folks want smaller/lower buildings in line with what most of our current housing stock is. I suspect what is true is that the lack of buildable land and cost of building drives the need to go up over 2 stories.	Fred Antaki	
277	I want to know why no environmental report, my neighbors had to do one for their single family residences. This project is highly impactful on the environment. Especially in flood years.	Gabrielle Laney-Andrews	
278	Why would the developer not want to add to renewable grid? It would at least appear that he cares about the community beyond profits. Why would you not want to give back to the community rather than simply taking from it?	janedriscoll	
279	You are only limited as you want to be.	Michael	
280	This presentation was very helpful and my comments were addressed. Thank you for reaching out and taking feedback from the community.	Tyler E.	
281	How many car charging stations are required by our standards? The future of cars seems to be mostly electric.	linda locatelli	
282	I do not want to talk my question is is it possible to file a lawsuit to stop it to make design more in line with the design of the neighborhood	918 7870 5149	



**Question and Answer Report: 831 Water Street - Community Meeting, Part 2 of 2 - August 12th, 2021**

All questions asked during the August 12th, 2021 Community Meeting for the proposed project at 823, 825, 827, 831, 833 - Water Street, application no. CP20-0121

Question No.	Question	Asker Name	Answer(s)
283	Speaking of trees, I believe that the two existing trees are sycamores, which are native. It would be great to keep them and add more native trees. This would be in keeping with the neighborhood. There is a bluff to the west of the project which is the remnants of a riparian corridor when Branciforte Creek ran free. It is a haven for birds and other critters. I am well aware that our laws do not address this, I feel that it is important to keep nature in mind. If we did, we might not be in the climate crisis we have now. It is not too late to start. I support a building project on the site, just not at the scale it currently is. It is so important to provide housing for low income folks. It is also important to be neighborly to both people and critters.	Rachel McKay	
284	Can you please answer why no environmental report?	cmartin	
285	I am hopeful that the City Counsel and Planning Department can somehow come up with a way to do the right thing, clearly the majority of us are in disagreement with this proposal.	Deven Stark	
286	Has anyone brought up the historical environmental impact of this site? How will the city protect environmental sensitivity of this site?	Deborah Elston	
287	Who created the Objective Standards?	janedriscoll	
288	Appreciate all of you for having this meeting.	Cathy	
289	The proposal regarding access to unload commercial trucks on north side of B40 appears to have trucks backing onto B40 on both lanes. Is that true? And there is only 2 commercial parking spaces on the north side. Will there some discretion regarding what commercial space is used for. A mini market has far more parking and traffic than a floral shop for example	Cathy puccinelli	
	"the objective standards are all going to be different". How on God's great Earth is that objective????		
	That's not the case in other cities...		
	It really looks like You guys didn't have them sorted and are trying to justify it.		
290	Sorry to be rude but it's very much looking that way,.	Simon Ghorbani	
291	Do you have a scintilla of evidence that the developer will do anything with your recommendations and comments from the citizenry? Why would you believe that they would spend two cents what the local residents desire.	Michael	
292	OK. That really wasn't a very good answer to the question, asked repeatedly, why you still don't have objective standards done. Yet you are seemingly in the window right now in which you are analyzing this application for compliance to objective standards. Wow. What double talk.	Jim Burns	
293	What do you MEAN "OBJECTIVE STANDARDS" are in flux???? Depending on zoning standards? Are there any? Come on, the city is behind the curve and we citizens are suffering from the lack of standards, planning ant direction. Please help us!	B Matteson	
294	I am 100% pro this project . For those who complain about the size of studios, Isn't " two parking space area" better than NO SPACE at all ?! Look around your city and you will find so many individuals willing and wishing to have a roof over their head.	Zohreh Ahghari	
295	Could you please explain how not requiring a bus pull out on a "high transit corridor" is not a safety issue? Thanks!	mjlw	
296	So, objective standards are dependent on the project? Who develops these standards?	janedriscoll	
297	This project plan is a moving target. 145 units on July 27, now 149. All balconies on the Water Street frontage (architect's letter 7/27), but schematic shows balconies on 3-bed units on 5th floor facing Belvedere Ter. Also on floors 2, 3, 4 & 5 facing B-40. Which is it? What can you believe?	Guy	
298	It appears there are zero set backs on B40. That is a traffic nightmare. What changes can be made to create safe sidewalk. There is an school that is not currently in session. Many children bike using the sidewalk. Zero setbacks and trucks using off loading and backing into the street is a hazard. How can this be changed this is a health hazard.	Cathy puccinelli	
299	Berkley has objective standards published and readily available for ALL projects as far as I understand.  <a href="https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/SB%2035%20Project%20Application_Submittal%20Requirements.pdf">https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Land_Use_Division/SB%2035%20Project%20Application_Submittal%20Requirements.pdf</a>	Simon Ghorbani	
300	Please give us an estimate of the cost of these affordable units. People are going to be surprised how expensive affordable is in Santa Cruz due to the median income here being so high because of the tech salaries	Anne F	
301	Yes, we have an unhoused community living in our City. How does a development like provide avenues for shelter to this particular population? What are the mechanisms for that?	Lira Filippini	
302	Shouldn't the geotech report have been submitted BEFORE the SB35 application was accepted as complete?	Sue Terence	
303	What process is being conducted to verify the "economical feasibility" or penciling out aspect of this development? Burden of proof and transparency should be applied to this part of the process.	Lira Filippini	
304	Can you please address the economics related to the developer's choice to apply project vouchers to the (segregated) affordable building? Specifically, will the developer receive market-rate rent for those units, subsidized by vouchers?	Doug and Robin Engfer	
305	Are units for rent and for sale?	Sabra Cossentine	
306	Will there be Section 8 units?	Rachel McKay	
307	Why do you only have 13 units for very low income residents?	abby young	
308	Good question Doug and Robin. If section 8 vouchers are being applied to how these are rented, how does the tax credit also apply?	Lira Filippini	
309	BUT YOU HAVE NO OBJECTIVE STANDARDS!!!!!!	B Matteson	
310	Again...Since this seems to be our only avenue to appeal to the developer...  Mr Novin...  Please keep the neighbours inside...Make a smaller project here and take advantage of a more suitable area next to taller buildings to make a larger project.  Be a good neighbour help develop more responsibly and with more nuance and you could be a town planning hero of the people.  But right now you're trying to fix a pocket watch with a sledgehammer.		
311	I'm begging you unashamedly...Please consider those right next to this project.	Simon Ghorbani	
312	There is a desperate need for section 8 housing.	Rachel McKay	
313	How can you possibly protect us?	B Matteson	
314	When, Where & How would someone apply for the affordable housing?	Michael Pisano	
315	WHY NO STORY POLES WHEN THE CITY DOESNT EVEN HAVE PUBLIC INPUT????	B Matteson	
316	Thank you for saying that we need more affordable housing !!!	Pete Kennedy (BGS)	
317	Yeah, maybe you are limited in influencing the design (too bad, because this design is completely incompatible with this part of the city).  But you are certainly not limited in influencing (or rejecting) an application that has a long list of issues that will create major health and safety issues for the residents you should be representing.	Jim Burns	
318	Is the state or city going to compensate homeowners for the loss in property values due to bypassing all zoning, environmental and neighborhood standards that were applied to the established neighborhood?	cmartin	
319	Are you counting the proposed large complexes on Ocean St to apply to the SB35 requirements that need to be met?	woutje	

**Question and Answer Report: 831 Water Street - Community Meeting, Part 2 of 2 - August 12th, 2021**

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Question No.	Question	Asker Name	Answer(s)
319	How many housing units does Santa Cruz need to meet SB35?	Deborah Elston	<a href="https://www.hcd.ca.gov/policy-research/docs/sb35_determinationmethodology.pdf">https://www.hcd.ca.gov/policy-research/docs/sb35_determinationmethodology.pdf</a>
320	Why aren't all the affordable units qualifying a development for SB 35, set at the income level that we are currently deficient in? Doing that would help us fulfill our RHNA.	Lira Filippini	
321	Thank you for explaining SB 35 and our area's housing deficit.	Tyler E.	
322	It's just crazy that only the developer gets to answer questions or comment. Completely one sided info	B Matteson	
323	great. link to website for housing cost table appreciated. thanks for looking at my question.	janedriscoll	
324	I understand the city has met all the state housing goals for very high, high, and moderate income levels except for very low income units. How many very low income units will be in this development?	Michael scott	
325	Novin, would you consider setting all the affordable units to very-low income so that our City can get as close as we can to our RHNA allocation? That is what would help our community the most.	Lira Filippini	
326	How can we repeal SB35 and, if successful, would it apply to this project?	Monika Maier	
327	I for one will demand that this "meeting" (where only the developer gets to speak) IS NOT suitable as a - " public meeting" Not acceptable.	B Matteson	
328	So, you said the garbage trucks will have someone who stops traffic Branciforte while they back out. Does that mean delivery trucks will also have to back out onto Branciforte?	Sue Terence	
329	Is the applicant REQUIRED to include commercial uses? If not, could the commercial spaces be eliminated, thus freeing up space for residential units, and thus allowing the height of the project to be reduced.	Gary Patton	
330	Is the area on the rooftop available to the general public as the other plan stated?	Sabra Cossentine	
331	Given that it will soon be impossible to purchase an internal-combustion engine (ICE) vehicle in the State of CA, how are 6 EV stalls (as depicted in the revised 27 July plans) sufficient? Is it OK to discriminate against the residents of this development and this neighborhood, and consign them to the ongoing air pollution impacts of ICE vehicles? How does asking for a waiver on this support the developer's professed DBL approach?	Doug and Robin Engfer	
332	Thank you Samantha for readin all the comments as best as you can. Respectfully though, this is not a true public meeting. I appreciate your efforts.	B Matteson	
333	As we have recently seen in Florida, geography affects safety. It is critical that a hydrologic reports be done prior to approving this building. How will you address this?	Rachel McKay	
334	Can the city council please answer why not one person in opposition (not the developer) is allowed to speak? Zoom allows multiple speakers. This is not a technology problem. This is a public process problem.	cmartin	
335	Are there any very low income units in this project which could be used by families?	Michael scott	
336	Any recourse for neighborhood parking impact ? Will the neighbors need permits?? Thanks.	mjlw	
337	Studios in Santa Cruz at the Five55 development are going for 2,245- 2600 are we considering that as market value for these apartments?	britnee	
338	How important is this development in helping the City to meet its RHNA?	Matt Huerta	
339	Will there be bike lockers available to residents to help encourage alternate transportation?	Carolyn	
340	708 Water did not have a lawsuit that I am aware of...someone is trying to create misinformation against the surrounding neighborhood. Please stop.	Candace Brown	
341	Why isn't the City providing financing so it can have more input into design?	Matt Huerta	
342	Nanda studios go for \$2762 - \$2,892, is that market value for these? Is that affordable?	britnee	
343	There will be parties on that roof, don't be fooled. These are dorm like apartments, not family units. Novin pretends to be helping our community, but look at how the property is managed now.	rosa	
344	7:34pm	Deborah Elston	
345	Is it not true that Santa Cruz is subject to SB 35 because in the last six years, we've only built 12 of the 180 very low income units the state requires of us? How many very low income units will this project add towards our goal of 180 VLI homes?	Rafa Sonnenfeld	
346	Very hard to follow where you are?	Deborah Elston	
347	Half Moon Bay and many other cities use story poles	Sabra Cossentine	
348	STOREY POLES....A VISUAL NUISANCE ...AHAAHAHAHAH  THE IRONY	Simon Ghorbani	
349	What's the city's status with regard to meeting it's RHNA goals? How many other infill opportunities have been presented to staff that add 145 homes to Santa Cruz' housing stock, 71 of which will be affordable with 54 project-based vouchers for disabled households (as defined by HUD), Transition Age Youth with disabilities experiencing homelessness, and qualified veterans? The other 74 units of middle-income workforce housing will target critical employees like nurses, teachers, firefighters, seniors, etc. who may not need a whole lot of space. This project is in agreement with Native American tribes, is in a prime location for easy access to public transportation, conforms to the city's general plan, and by state law, qualifies for streamlined approval.	Ashley Gauer	
350	I had questions at 7:34 and 7:48 Can't follow if you are going forward or backward....	Deborah Elston	
351	Can you answer how many units this project adds to meet sb35?	cmartin	
352	Has anyone brought up the historical environmental impact of this site? How will the city protect environmental sensitivity of this site?	Deborah Elston	
353	"Story poles require their applicant to put up story poles... they cost alot they are difficult to remove, they don't ...." REALLY? That is not a respectful response to citizen requests for a project of this exceptoinal size, density and public safety impacts.	B Matteson	
354	Can the developer reduce the building by one floor for the market level units as done for the affordable units??	abby young	
355	Actually, many cities require story poles and this gesture shows respect for the community and a desire for the community to be involved in, and approve of, development proposals.	Lira Filippini	
356	I don't think you've addressed the question relating to the developer/landlord economics relating to the project voucher approach to the affordable building. Can you please let folks know what level of rental income the developer will receive for those project voucher units in the affordable building? (For example, how closely will LL income map to market rates?)	Doug and Robin Engfer	
357	Segregated housing is not an integrated experience.	Lira Filippini	
358	Please stop stating that you are not required to have this meeting. Intentionally or not, it makes it sound as if you are deigning to allow the peasants to speak....  It's really a kick in the teeth...Whether you are obliged to or not, YOU SHOULD BE DOING THIS. PLEASE DONT PAT YOURSELVES ON THE BACK FOR DOING THE BARE MINIMUM IN TWERMS OF TREATING THE SURROUNDING AREA'S RESIDENTS WITH RESPECT.	Simon Ghorbani	
359	How does the developmer weigh community input? There is a lot of support (including future residents) as well as push back from the community. How does the developer weigh minority input?	Carolyn	
360	Does that answer by the developer mean that there still is a bar on the rooftop, but that it is restricted to only residents of his development?	Jim Burns	
361	Re: community meeting, you know that the first (required ) meeting was inadequately noticed and this second one was promised at the time -- January -- so it really IS required.	Guy	
362	Story poles are currently used in many California municipalities. They give the public a visual way of seeing what to expect at a development site. Even if the planners don't normally use this visualization tool, could the City Council require story poles for a particular development if they think it is important for the community to visualize the height and mass of the project?	Michael scott	
363	Afordable refers to developer profits not the cost to the occupant!!	Lee	
364	Will you provide a shade study for the revised plan? How many months a year will Belvedere neighbors have to live in full shade? How will you preclude the possibility of black mold?	Sue Terence	

**Question and Answer Report: 831 Water Street - Community Meeting, Part 2 of 2 - August 12th, 2021**

All questions asked during the August 12th, 2021 Community Meeting for the proposed project at 823, 825, 827, 831, 833 - Water Street, application no. CP20-0121

Question No.	Question	Asker Name	Answer(s)
365	Is the retail space required? If not, could the overall height of the development be lowered? I'm in favor of low-income housing, but the height of this project is out of balance with the neighborhood. I also bike down Water Street, & safety doing that with in & out from the parking garage is frightening. Similar colors & mixed use between both buildings would help our city be more inclusive.	Linda Weyers	
366	Question: Why is it that a developer always asks for (and is usually granted) "Special Variance" "Special Exceptions" "Special Waivers" "Special WHATEVER"? When is it ever considered for existing neighborhoods, citizens regular folks that have lived her for years to be granted that sort of consideration? Is my house not as important as a developers need to make his financial nut? Why am i (or we) responsible to help him make his investment profitable??	B Matteson	
367	Does SB 375 supersede Gov. Code 65913.4?	abi	
368	I appreciate the Zoom format at least in the ability to have a controlled discourse (with background Q&A) and eliminate a lot of carbon being pumped into the air driving to a physical location.	Fred Antaki	
369	I too am confounded by the numerous referrals about following the Objective Standards when it seems they haven't been created yet.	janedriscoli	
370	How about the 20' minimum setback on the west side of building B?	Sue Terence	
371	How is the SRO/SOU clause in our general plan (LU 3.8) an objective standard that can be applied to this project? Its language dictates discretion. Objective standards cannot be unilateral -SB 35 does not allow for that	Melvie Filippini	
372	Can you please answer the question of whether retail can be removed to reduce scale and traffic. That does not satisfy affordable housing goals.	cmartin	live answered
373	Please answer—could the developer reduce the market level building height to four floors not five?	abby young	
374	Perhaps we shouldn't require that every new shop has a parking lot cos of lack of decent public transport or willingness to walk and we might find more space for affordable housing. And not have to crowbar in huge buildings in inappropriate places.	Simon Ghorbani	
375	Why did the Developer have to apply for SB35 status? Was the Developer not able to work with the City and it's residents in a amicable manner?	Tom Gardner	
376	Ifind it so ironic that this building is gonna happen no matter what public opinion is, while half a mile away the "Historic Weinerschnitzel building" had to be preserved when being converted in to a pub.	Simon Ghorbani	
377	Great question Sue Terence - is the setback that is up against the cottages on the west side of the project considered one of the concession/waivers? The zoning standards do not allow for that small of a setback up against single family zoning	Lira Filippini	
378	Why can't this project be 100% affordable housing too?	abby young	
379	The question on retail was not if it is allowed, but if the city can deny it to reduce scale and focus on affordable housing?	cmartin	
380	How many units is the city planning which are for very low income referencing Sam Hascherts comment at 8:15	Sabra Cossentine	
	I continue to be impressed by the willingness of the panel to treat with respect and patience questions and comments that have already been addressed. Thank you.		
381	This project is huge contribution to the stock of truly affordable as well as market rate homes in Santa Cruz.	Henry Hooker	
382	Story poles are not currently required in the city. Hmmm... But public input is also not required? How is the city tending to the interests of the citizens?	B Matteson	
	Mr Novin...		
383	Would you honestly be ok with a building this height 20 ft from your fence?	Simon Ghorbani	
384	Has anyone brought up the historical environmental impact of this site? How will the city protect environmental sensitivity of this site? Not speaking of CEQA..... Speaking of what was found in previous developments in the area....."historically". Question not answered thus a problem of not having open conversation.	Deborah Elston	
385	Yes Mr.Novin? Do you want this behind your house (20 feet away)?	B Matteson	
386	Can you please answer how many of these units address our SB35 very low income deficit?	cmartin	
387	The Water Street Creek flows out of the base of this project into the gutter on Water Street. Always has, always will. Eh?	Cap Pennell KE6AFE	
388	RE: Section 8 vouchers, the question raised earlier is that the developer collects market-rate rents, but the renter pays a reduced rate with HUD making up the rest. Right?	Guy	
389	You reducedd the west setback at the expense of the North!!!	Simon Ghorbani	
390	Who is NOT on this call? The people who would rent these units. This is affordable and workforce housing. Why aren't we more welcoming of our potential new neighbors?	Janine R (she/her)	
391	PLEASE POST ALL THE QUESTIONS WHERE WE CAN VIEW THEM	Lee	
392	That is rotten about the zoning of the cottages. The 2 houses closest to the project have solar panels and will be adversely affected by the shadow of the building. Do you really want to go by the "letter of the law" or to respect the neighbors?	Rachel McKay	
393	THIS IS THE SCALE OF THE PROJECT IN RELATION TO THE 1 STOREY HOUSES BEHIND.....I'll say it again....CROW-BARRED IN <a href="https://drive.google.com/file/d/1stDhQWOPaIStqnKgt8KBaB_7t3vaRjv/view?usp=sharing">https://drive.google.com/file/d/1stDhQWOPaIStqnKgt8KBaB_7t3vaRjv/view?usp=sharing</a>	Simon Ghorbani	
394	The storm water drain on Branciforte at Water is currently always clogged during storm events and makes it impossible for bikes and difficult for cars to turn right onWater. I believe the developer was asked for an easement so that that the city could create a right turn lane on Branciforte. What happened to that on the revised plan?	Sue Terence	
395	Seriously.... Why do all we citizens have to suffer (public safety, traffic, noise pollution, parking, triple density) etc etc.... ALL SO MR NOVIN CAN MAKE HIS INVESTMENT PROFITABLE???? What about my investment in my little house? What about m,y neighbors who chose to live on this sweet street? What about surrounding neighborhoods that will also suffer increased traffic, congestion, noise and air pollution? What about the safety of my kids on their bikes in the newly created bike lane? Do none of our concerns warrant "SPECIAL VARIANCE"? "SPECIAL CONSIDERATION"?	B Matteson	
396	For the record, the only RHNA requirement where the City is non-compliant is very-low income. Would be nice if the developer would choose to address that specific deficiency more substantially.	Doug and Robin Engfer	
397	Re: Historical impact, with all due respect the biggest impact IMHO will be the loss of the car wash, but seems like the need to house our residents outweighs the need for slightly cleaner cars moving forward.	Fred Antaki	
398	Multiple questions about SRO/SOU land use designation have been passed over. LU 3.8 is a discretionary clause. When objective standards have not been officially adopted for an incidence in which a "significant" development won't have CEQA applied, how can you apply discretionary standards unilaterally?	Lira Filippini	
399	Will the retail be a affordable grocery store (not having to drive or take a bus with children to grocery shop - would be most helpful & sustainable)?	Michael Pisano	
400	EVEN FROM THIS ALTITUDE IT CLEARLY TOWERS ABOVE THE SURROUNDING AREA <a href="https://drive.google.com/file/d/1PSiIHWnBtYXP6YvG8VvkDJMhAyyTPIT9/view?usp=sharing">https://drive.google.com/file/d/1PSiIHWnBtYXP6YvG8VvkDJMhAyyTPIT9/view?usp=sharing</a>	Simon Ghorbani	
401	HOW ABOUT FROM THE STREET?		
402	<a href="https://drive.google.com/file/d/12sBMGmPymFHO1uDX3e-NBrqXNvbbE72o/view?usp=sharing">https://drive.google.com/file/d/12sBMGmPymFHO1uDX3e-NBrqXNvbbE72o/view?usp=sharing</a> Thank you that was an answer I was looking for.	Simon Ghorbani Deborah Elston	

**Question and Answer Report: 831 Water Street - Community Meeting, Part 2 of 2 - August 12th, 2021**

All questions asked during the August 12th, 2021 Community Meeting for the proposed project at 823, 825, 827, 831, 833 - Water Street, application no. CP20-0121

Question No.	Question	Asker Name	Answer(s)
403	What is the city doing to meet our very low income deficit so that we are not continually bypassing community input to enable developers who are maximizing loopholes to optimize profits without addressing that deficit? When this project is passed, every open lot will follow this model unless very low income units become required.	cmartin	
404	Fred Antaki - you clearly are not up to date on archeology or the Villa de Branciforte. You might be interested if you look into it	Lira Filippini	
405	How many units will be for special needs residents?	Sabra Cossentine	
406	I would respectfully suggest that the developer should be required to demonstrate that there are no historically-significant structures on the site, given that there were significant resources found on the immediately adjacent parcel, BEFORE the City grants a building permit. If there are adobe foundations on the 831 site, then the project design is untenable - can't destroy those historically-significant resources, after all. So, can we please require that the archaeological survey uses ground-penetrating radar or similar techniques BEFORE the design is approved or permit is approved?	Doug and Robin Engfer	
407	It is WEAK to have the staff cave (no matter how caring or well intended they may be) and pressure, intimidate, or attempt to direct the ELECTED CITY COUNCIL. I simply will not accept that lawyers and staff can deny elected officials their responsibility AND POWER to protect public safety and concern.	B Matteson	
408	The city has reported that the intersection needs a right hand turn lane heading south on N Branciforte. Is that being fulfilled, as requested?	Lira Filippini	
409	Thank you Sam	B Matteson	
410	Still have not addressed question related to student housing.	janedriscol	
411	Thank you Sam!	Grace Stetson (she/her)	
412	What will be the bus routes that will have "service intervals no longer than 15 minutes during peak commute hours?" Metro's schedule changes 4 times a year, how do you guarantee the bus routes in the future will consistently meet this definition of major transit stop or high-quality transit corridor?	abi	
413	i'm looking at the plans now and I don't see the live workspace shown or it's layout? Can you add slides or details?	Andree LeBo	
414	echo c martin 8:32 question.	janedriscol	
415	Thank you!	Kristen Sandel	
416	The city has the ability to include both the developer and a neighborhood representative. It is not acceptable to say you do not have the ability to present both sides.	cmartin	
417	Novin counsel at the ready. Wonder why? Perhaps we should join in the opposing argument. You are clearly taking advantage of SB 35, it's shameful.	Deven Stark	
418	Interesting - over 400 questions asked & many answered - if this was a regular in-person meeting maybe not all people would talk & maybe only for a minute or two each. Thank you all for the opportunity to ask questions & get answers - whereas otherwise I may not of.	Michael Pisano	
419	When is that deadline for comments?	Fred Antaki	
420	Thank you.	Anne Murphy	



Thank you for your interest in the proposed project for 831 Water Street. Please provide any project related question or comment in the fields provided. Your comment/question will be automatically directed to the City Planner assigned to this project. Please note that questions and/or comments entered here are public information and subject to release in accordance with the Public Records Act.

Open Comments below reflect time frame of 10/28/2020 through 9/9/2021 3 pm

Submit Date	I have a question(s).	I have a comment(s).	In Support	In Support with Concerns	Concerns	Question(s) only.	Question/Comment:
11/10/2020 8:54							Please don't approve this. It's totally out of scale with the neighborhood. The design proposal is hideous... like something you'd see in LA in the '70s... and not in a cool retro kind of way. Kill this project now.
11/10/2020 8:54							Please DO NOT build this! I live on Stanford Ave and this would ruin our neighborhood..
11/10/2020 10:11							That corner is already a traffic nightmare, in part because there is no dedicated right turn lane from westbound B40 onto Water (if going towards downtown). And as a resident of North B40 just east of Water Street, I sometimes have to wait up to 5 minutes to get out of my driveway as it is!! Hard to imagine 300+ additional people driving past my house to and from the highway. I am all for cleaning up that corner to eliminate the loitering at DJ's and questionable activity at the massage parlor...but something much smaller in scope would be preferable due to existing problems with traffic congestion. Sometimes traffic is backed up all the way to Keystone and even beyond!! I have watched someone stuck at the traffic light @ B40 and Water literally exit their car to urinate in my yard because they were waiting for so long...
11/10/2020 10:35							I strongly object to the city planning to build a FIVE STORY building in our neighborhood. This will severely effect noise, privacy, sunlight. 151 apartments????? This is completely out of keeping with the neighborhood.☹ We will fight this!☹ THREE stories should be the maximum. Where will guests of 151 apartments park????? UNACCEPTABLE
11/10/2020 11:16							If the city's goal is to create traffic gridlock, noise pollution, and an urban blight on the charm and character of the Branciforte neighborhood, you have succeeded.☹ I am 100% opposed to such a degradation of our neighborhood and our plans for the Water street complex is outrageously overdone, underplanned, in no way enriches the community of Santa Cruz. ☹ Come on Santa Cruz, scrap this audacious plan, scale down, settle down, and integrate ☹ an upgrade to the water st. strip mall, squalor, but do it with restraint.☹
11/10/2020 20:44							151 residential units -- how many parking spaces are allocated for their use? ☹ ☹ How many parking spaces for the ground floor commercial space?☹ ☹ How many parking spaces are reserved for the 6th floor bar?
11/10/2020 21:09							No! We are not San Jose. We are in Santa Cruz. What kind of place are you trying to turn this into. We do not need high density housing in a sweet little residential neighborhood.
11/10/2020 23:40							Oversized, UGLY!!!
11/11/2020 20:54							As this is a pre-application, perhaps you really aren't soliciting input from neighbors whose homes would be completely overshadowed and impacted by this grossly out-of-scale proposal. But since one of my neighbors just happened on this upon this site (none of us were alerted to it) and it seems as if you are seeking comment on this form, I'll go ahead and give some early feedback:☹ ☹ • This is completely out of scale — in size and in uses proposed — for the neighborhoods it will place in its shadows. ☹ • This will have massive impacts on the natural light received on Belvedere Terrace and beyond, on noise, on parking, and on traffic in the area. ☹ • 5 stories? Really? And they expect you to grant a height variance to get there? ☹ • A rooftop bar? Really? ☹ • If the rationale for such a monstrosity is the need for smaller units, why devote so much space to retail and to a bar? Especially given the tremendous and unmitigated impacts this will have on people residing in nearby properties. ☹ • What assurance would you even have that the units would be utilized by local people in need of housing? As opposed to people moving here from elsewhere? ☹ • We have tremendous traffic, water, and other infrastructure problems that projects like this will only exacerbate. ☹ I could go on and on, but I'll stop now. Suffice it to say, this project, at least as proposed here, is — in a word — awful.
11/12/2020 11:45							• What impact to traffic is anticipated from 200+ residents, commercial traffic? • What additional commercial use is anticipated? • Will this displace all current business at these addresses? • Will from the below ground parking entrance and egress be west-bound on Water St. only ? What about east-bound travelers? • Is the 2000 sq ft rooftop bar open to the public or for residents of the building only? •What hours of operation and/or noise restrictions, if any for the bar?
11/12/2020 14:43							We live at 115 Belvedere Ter., right behind the proposed 831 Water St. development.☹ ☹ There comments are based on an initial review of the concept plans. I am in favor of more housing for Santa Cruz, and this parcel is ripe for renewal/reuse. The existing uses are attractive nuisances. That said, this is a mammoth project akin to placing the County Building on the site, a hilltop overlooking the town. ☹ ☹ I realize developers propose a lot in order to achieve a compromise and approval. Five stories is simply not compatible with not only the immediate neighborhood but the surrounding area as well. ☹ ☹ Further, the developer is asking for excessive height variances as well as allowances for fewer parking spaces. That's just for starters. ☹ ☹ This pictures are pretty, though. ☹ ☹ I hope this project is fully and carefully vetted in public before a reasonable compromise is reached that will provide needed housing, respects the neighborhood and town ambience, and gives the developer, his family and partners a reasonable profit, which is of course what they're after. ☹

Submit Date	I have a question(s).	I have a comment(s).	In Support	In Support with Concerns	Concerns	Question(s) only.	Question/Comment:
11/12/2020 16:09							Could you clarify this portion of the text on the web page? It's not clear what height they are requesting. I will have more questions but that's all for now. Thank you.☹ "The applicant is also asking for a height waiver to increase the maximum building height of to 59 feet to be able to achieve the density and height needed for project feasibility and accommodate density bonus units."
11/16/2020 10:19							I applaud this effort to build more housing within walking distance of downtown Santa Cruz. ☹ However the 831 water street project is completely out of scale for this location. Two enormous five story buildings dwarf the adjacent one story family neighborhood. ☹ Approving a 6th floor rooftop bar next door to family homes is not fair to those families, nor to the rest of us living in this neighborhood. Sound carries. It's not uncommon for us to hear ocean surf, sea lions barking at the beach or music from outdoor events downtown. A 2000 sq ft. outdoor bar with music and loud patrons will be a daily nightmare for our neighborhood. ☹ I would be much more likely to support a more modest housing project at this location, no more than 3 stories, fewer apartments, smaller footprint and no rooftop bar. The current project is far too big for this site.
11/17/2020 13:06							Does City Planning staff work with the developer to coordinate with Coastal Commission staff to ensure that all regulatory agencies are on the same page?
11/21/2020 11:12							Dear Mr. Ferry,☹ I note this Project would include a 2000 SF bar and likely the "unique viewing room" would become the lounge. How is this consistent with the character of the neighborhood? Does City code allow bars in residential areas? How would the high water table and naturally-occurring spring on the site be handled relative to the underground parking? Is there a capped well on the site? How would the historic and cultural resources of the Villa de Branciforte settlement at the site be surveyed and given respect?☹ The architecture of the proposed Project should at least reflect the significant location of the former Villa de Branciforte settlement that was initially there.☹ Please add me to any and all contact lists for notifications regarding this proposed Project. ☹ Thank you.☹ Sincerely,☹ Becky Steinbruner
11/25/2020 9:15							
11/25/2020 11:16							Mike...I think I've seen this building...in Rome! I'm not sure what these guys were thinking but this thing is so ridiculous as to defy comment. I'm sure you will hear it all from the neighbors. Just a few questions. What is the parking scheme down below. I am confused about the required parking and the stacked or tandem arrangement. How are the commercial customers supposed to access the commercial areas. Is this the beginning of a process? Unfortunately this stupidity is the result of too many restrictions on residential zoning that would allow some reasonable infill and the exclusionary ordinance that has produced no new market rate rentals and the density bonus scheme that attempts to alleviate the issue that we created! Is this how we are going to re imagine Santa Cruz?☹ Craig Rowell
11/25/2020 13:28							I fully support adding density to this corridor, and feel it will add much needed housing to Santa Cruz.
11/25/2020 20:23							Absolutely NO! This is a residential area, this not only would be an eyesore, but will completely ruin the neighborhood! The two recent projects on water st have already increased the traffic and amount of congestion on our small neighborhood streets. None of these residential on top and businesses on bottom are appealing. I have yet to go into 1 business on the floor level of these eyesores throughout town, mostly because there aren't business in them. Please consider rethinking the planning of this city. What are the priorities? Who are you as the city leaders really supporting? I would be curious to know more about this project in an effort to fight it. This town is turning into a giant block project. Not in my neighborhood!☹ Best,☹ Lisa Burdick☹ Santa Cruz native and resident of WestB40 neighborhood. ☹
11/25/2020 23:42							This planned development is far too dense and high for the area/neighborhood. There are already projects approved for the downtown it makes no sense to have a project like this one. It will cause additional traffic, congestion, and pollution at this location. This project is out of scale and too impeding by blocking views and bringing shade to the houses behind it. There are many units like this building that contain which have not been rented or purchased in Santa Cruz right now. People are not living in the units. There are continual openings listed on craigslist. There are far too many unoccupied units of this type to build more. Many units will sit empty except for the affordable ones. Nothing over 3 stories should be built at this location. The corridors plan was removed and this should not be built.
11/26/2020 1:14							It's so hard to support these developments when they are so fucking ugly. Why can't designers take a look around at our architectural heritage? Why not build something we can all be proud of, like the flatiron building that went up after the quake? This one is a soulless wart on the heart of Old Branciforte.
11/26/2020 9:10							I'm very excited about developing a project for this corner, providing that 1) the maximum amount of low income housing possible is made available for locals who are currently priced out of current market rate housing, 2) the rooftop terrace be utilized for a family- friendly use (ideally for residents and workers) and not a bar open to the public, which seems incompatible for a housing project (even mixed use), and 3) That the height waiver is NOT granted (with the capacity adjusted/reduced as necessary starting with commercial use.)
11/26/2020 11:04							
11/26/2020 11:07							I live down the street so I'm interested in keeping current and offering input.
11/26/2020 15:07							How long will the horizontal shadow be on the North side be in the winter at noon? Same for the Spring or Fall and summer...
11/26/2020 20:27							I support more housing and would also like more neighborhood input on design and size (I live 11 houses north on the east side of B40). ☹ I like the project just completed on Water Street, but because it is on the downslope of the hill instead of at the crest as this site is, the height of this proposed project seems too high/out of scale for this location.
11/26/2020 23:36							The view of this development from Water Street looks very much like the Contra Costa County Martinez Detention Facility--are you sure there is not some mix up?
11/27/2020 12:04							PLEASE DO NOT APPROVE THIS MONSTER PROJECT!!!
11/27/2020 14:10							Way too big for the area... traffic will be awful.☹ We are not San Jose
11/27/2020 15:47							This project is definitely overbuilt for the area. ☹ The anticipated increase in traffic for this north Branciforte neighborhood will be a nightmare. It will change the local community feel. Please re-think the size & scope of this project.
11/27/2020 19:06							While I know the need for and support more housing for Santa Cruz, this project seems way oversized for the location, both visually and regarding impact on traffic!
11/27/2020 21:59							This proposed project is absolutely hideous. It looks like a hospital; more fitting for San Jose than Santa Cruz. The height of the buildings is an insult to the surrounding neighborhoods. What in the world are the architects thinking? These multistoried boxes look like the Projects! Regardless of the political panacea of low-income inclusion, the developer clearly is thinking only of their bottom line, with zero regard for the quality of the neighborhoods that this monstrosity abuts. Further, there is no way that Water St. can accommodate the enormous increase in traffic. I, and many others, hope that this disaster gets shot down.
11/27/2020 22:10							Enough of this mega building around our town..this is hideous and out of synch with downtown..this should be tossed out pronto

Submit Date	I have a question(s).	I have a comment(s).	In Support	In Support with Concerns	Concerns	Question(s) only.	Question/Comment:
11/28/2020 9:23							This design is totally out of character for the neighborhood. WHY aren't you insisting on designs that are in character? We all treasure the charm but if you continue to allow out of character structures and architecture, the City will look hodge podge and poorly planned. Think long term and require something more of the developer/investors. They want to capitalize on and profit from the charm but don't want to contribute to it.
11/28/2020 9:55							Is there a December 3 public Zoom meeting and if so, how do I receive instructions to join the meeting?
11/28/2020 11:14							Comments on Proposed 831 Water Street Development I am a resident of Belvedere Terrace and would like to comment on the proposed development of 831 Water Street, currently the DJ's Market area and associated businesses. After looking at the illustrations and noting proposal details, it is obvious that the proposed development is beyond the scope and scale of the surrounding neighborhood. There is an entire block of single unit family homes directly behind the property that would be affected immediately and profoundly by a development of this size. Parking for employees of the commercial units, residents of the apartments, and patrons of the rooftop lounge would negatively impact our small street, from very early in the morning to very late into the evening, including on weekends. Two five story buildings would block much needed sunlight from our yards, resulting in darker days and cooler temperatures, especially in the winter, when the sun is much lower in the sky. We would lose any semblance of privacy, because our new neighbors would be able to look down into our yards, and for some of us, directly into our windows. Increased foot traffic on our street would also affect our privacy negatively. Increased foot and automobile traffic, the noise associated with nearby large apartment houses (phones, TV's, music, loud conversations), and a vibrant lounge on a nearby rooftop would result in an unacceptable increase in noise levels throughout the day and into the evening. The historic nature of the site warrants special concern. Belvedere Terrace was the home of now deceased local historian Ed Silveira, who spent years bringing to light and sharing his love and respect for our historic Villa de Branciforte neighborhood. There are no doubt remains of the old Villa Branciforte structures around and under DJ's and associated buildings in the area; they would be forever lost or damaged during the construction of a development of this size. Needless to say, the appearance of the proposed development would not be in keeping with the historic tenor of Villa de Branciforte. Seepage of a natural spring from the rock cliff in this area adds to the concern that two immense buildings, side by side and very close by, would have a negative impact on the fragile geology of our neighborhood. Indeed, the residence at 170 Belvedere is no longer habitable because of water-related issues. COVID-19 prevents us from gathering in a large group to assess/discuss this plan. Developers and local supporters of the project may use the COVID situation as an excuse to move ahead with plans on the development before there is proper community feedback. David and Rosa Lavorando 108 Belvedere Terrace Santa Cruz, CA molamola@cruzio.com
11/28/2020 11:29							I don't object to large development per se, but this one is so darned ugly. It's also totally out of scale with the neighborhood (and Santa Cruz in general).
11/28/2020 12:44							THIS SUCKS!!! Santa Cruz does NOT need this!!!
11/28/2020 18:17							Hi Mr Ferry, although I understand we need more affordable housing in Santa Cruz, could we please keep the character of our lively little city. 5 story building on the corner of water and branciforte would be awful and change the neighborhood greatly...since it sits at the top of the hill it would see even bigger. Could a limit to 2 stories., 3 at most...mixed use, commercial/residential Be considered? Thank you!
11/28/2020 21:45							I don't think rules should be changed for any development of this size. This at first glance feels like way too big of a building for this area that has a more suburb feel. Could negatively impact the area with traffic and water supply issues.
11/28/2020 22:27							I'm pleased to see more affordable housing for Santa Cruz. We complain about homelessness and the high cost of living here. Let's make it affordable for more people. I like the idea of a mixed-use property, especially in the city center.
11/29/2020 12:26							Way too big!!!
11/29/2020 20:13							I urge the Planning Commission to reject the current proposal for 831 Water Street. The scale of the proposed 5 story building would have a severe and disastrous impact upon this significant and historic Eastside neighborhood. Branciforte Avenue is one of the oldest, if not the oldest settlements in the city; in fact, less than a half mile north is the Branciforte Adobe, established in the late 1700s. Such a massive development is not in keeping with the significance of the area's cultural heritage.
11/30/2020 8:59							I live close to this area and find this project immensely disturbing. The presence of such a massive building on the hilltop is imposing. The height is the worst part. Give us a break! Bring it more in keeping with other developments in the area
11/30/2020 11:35							
11/30/2020 12:15							I just went through the concept plans. Looks good to me. Myles
11/30/2020 13:37							This is such an ugly complex — Soviet style utilitarian. May the city ask for a more aesthetically pleasing proposal?
11/30/2020 16:55							I think the overall plan looks promising. I do wish the design captured the region more. What this building is replacing is an ugly strip mall, but this isn't a beautiful building. I'm afraid that as time passes, this will soon look dated, cold, and won't enhance the area.
12/1/2020 9:30							The proposed height of this building is too tall for our neighborhood. Less units with a roofline in scale to homes nearby seems reasonable. Ad nauseam allowing an oversized penthouse view and skyline stealing thumb stuck in the air giant. No. Proposal is Completely out of scale and possibly hideous with poor facade too.
12/1/2020 11:11							Zoning for this project impacts the neighborhood parking, access to sunlight, and privacy.
12/1/2020 11:52							I just want to say, as a future neighbor of this building, that I hope it will be affordable, that is to say, actually affordable, for people who live and work in this city. I see what other new units go for in this town (as, for instance, in the Nanda building), and it is appalling. However affordability can be maximized, I support it, as I am tired of living in a place with one of the worst wage-to-rent ratios in the country.
12/1/2020 12:42							How will parking be planned? Who benefits from this? How will this make Santa Cruz a better place?

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12/1/2020 14:45							Quoting the website, "The applicant is also asking for a height waiver to increase the maximum building height of to 59 feet to be able to achieve the density and height needed for project feasibility and accommodate density bonus units." This strikes me as completely backwards. The developer should develop the project to be within the maximum building height WITH the density bonus units included as part of the plan. That is to say, adding density bonus units should not be a basis for violating zoning requirements. Am I missing something here?
12/1/2020 20:32							No we do not want this in our neighborhood. We have water issues, traffic issues, and lots more. We don't want more of these big things in the neighborhood. A 2 story building is fine.
12/2/2020 10:59							This monstrous building is the anti-Santa Cruz nightmare! Harsh, cold, lifeless, it is an affront to the modest housing in the background. More suited to crowded New York grime and crime. What about the songs of birds? And, where will children play? My comment, and request to you young planners in Santa Cruz is this: Why do you think there is so much opposition to such buildings in our City (and County)? Take a long, deep look at cities and towns that are attractive. Are there planning design codes that make buildings more... comforting? Likely you will find some continuity, a reflection of local historical design elements, and a "human scale" in sizing. Consider Santa Fe (New Mexico) and our own Monterey, across the bay. Look to Europe - the attraction again is a reflection of history, of long-standing place. Santa Cruz of late, over the past 50 years, is none of this! It is a jarring mish-mash that is hard on the psyche.
12/2/2020 12:49							At first read and first look through the concept plan, I am wondering about the impact of 141 parking spaces on the current bicycle lanes on Water Street and Branciforte. I'm thinking about how motorists would enter the parking lot if they were headed up the Water Street hill. It seems like there is one way in and out from Water Street. Would there be a large number of vehicles making a U-turn to head back down Water Street to access parking for home or commercial businesses? How might cyclists navigate the intersection with increased U-turning vehicles?Is there a possibility that we might lose part of the bike lane at the top of Water Street to make way for vehicles going into the parking garage. I see a lot of bike parking on the first floor, but who is that for? How do folks access it? Thank you for your consideration.
12/2/2020 13:12							First of all, the above images show a monstrosity that does not fit into the neighborhood where this building project is proposed. Not to mention, we're in the middle of a gnarly pandemic, and so any discussion of something this large and impactful on the neighborhood should be postponed until things return to normal. There are no structures in that neighborhood standing taller than two stories. A leap to five stories is unacceptable.
12/2/2020 20:21							I live just up the hill in Prospect Heights. We need more housing, more density, and this corner is ripe for an overhaul (although I'll miss DJ's market). I love the underground parking, but I am concerned about the intersection which is already trafficked and challenged due to lane reductions. I am also VERY concerned about the disproportionate height, towering over the neighborhood as well as a weird mid century hospital aesthetic. Can we find an cost effective aesthetic that matches the area? Like just down water the newer apartment building was really well done and fits the Vill de Branciforte aesthetic much better. Also, could the number of floors be reduced? It is just TOO tall to put next to a neighborhood street of single family homes comprised of mostly smaller historical footprints.
12/3/2020 13:17							I live half a mile away from this site, on Poplar at Keystone. I have reviewed the rendering, plan, and elevations. This would be an excellent generic building for downtown San Jose or San Francisco, single tenant occupancy. It is not compatible with the scale or architectural style of our small commercial and historic residential neighborhood. It does not fit the terrain, our existing environmental features, our sense of place, and our need for affordable housing. I am glad to at least see the stormwater-collecting green roof, an excellent feature for any of our new buildings. I also agree with solar panels, but they should not face north. (This shows a lack of attention to detail and site planning) Please cancel this project. Find a nonprofit organization to develop the property to avoid profiteering by commercial builders who take more from us than they provide.
12/4/2020 5:09							I for one think this is an absolutely terrible idea. I frequent the current businesses in that location as I have for years. I am not a fan of all this development by investors who have no roots in our town and no cares as to whether it fits the area it is in or how it will affect the neighborhoods around it. It's ghastly architecture as well- is it laziness that everything just looks like a block these days with absolutely no design whatsoever? This isn't fitting the area, it's going to make an under abled intersection far too busy, and probably rise the costs of the areas around it even further which I personally can't afford and do not condone. I live in the 600 block of water st and I STRONGLY OPPOSE this idea.
12/4/2020 16:02							How is traffic being addressed for such a large project? The narrowing of Water St south bound at N Branciforte pre-pandemic was a nearly constant bottleneck--and a near standstill at rush hour. I can see no traffic lane changes on Water st for the entrance/exit to the parking structure or any plan to widen N Branciforte for access from that direction. Is there a plan? And where do I see it? I saw 141 parking spaces for 150 or so units— not counting the retail space that seems limited. Doesn't that necessarily mean some parking overflow issues would arise? Will there be parking permits issued for residents on Belvedere terrace? Has hydrologist been consulted to look at the underground parking in such a wet location? The water table is very high for months and the hill on Water St “weeps” water continuously. As there have been many years of drought on and off this may not be apparent right now but has this been considered carefully? Is a rooftop bar terrace really a good idea adjacent to a low density residential neighborhood? And 5 stories up- would not the impact be on a large area of residential neighborhood around the project that otherwise would not be affected so much?
12/5/2020 21:25							Hello, I am writing a second letter, this is because I forgot to mention a few things. First, I am opposed to the height of this project. This would be towering over any nearby structures creating disharmony and increased shade, blocked view especially to those residents on Belvedere, forever dominating the landscape and views and simply doesn't fit. Second, I oppose a bar on the rooftop. Santa Cruz does not need another bar. Especially across from a school, and in a neighborhood. Please keep the bars downtown, I can imagine the noise this will cause in the neighborhood. Not an ideal neighborhood attraction. Third, this design includes zero out side area/gardens, for way too many units. 151 units?! That is insane, way too many! Where will these people go outside? In their neighbors yards. That is more people in one corner than over most of more than a few streets in our neighborhood. Please reconsider the scale of this property. Look at the new structure on the corner of Brommer & 17th. This type of structure would be a much better fit for our family neighborhood. We already have a significant increase in traffic and foot traffic from other recent developments in the area. There are several other large developments under way creating a mass increase in cars, people, utility services etc. This cannot be sustainable for this small city. I have lived here over 40 years and have never seen growth like this in such a short span of time. It's simply too much. Please don't let money make all the decisions. I know it's not easy, and not like how everyone(as in other cities) else is doing it, but this is a chance to be something unique preserving and promoting the existing population making it respected rather than exploiting and selling out to the highest bidder at whatever costs. Planners have the power to make this right there must be a happy medium and it's not 5 stories with 151 units. Thanks again, Lisa Burdick
12/7/2020 7:26							My wife and I are owners of the home at 124 Belvedere Terrace. While we understand the need for additional housing in Santa Cruz we are strongly opposed to a project of this size at this location. The traffic and parking would impact this neighborhood in a very negative way. Based on the description it appears that the available parking provided in the plan is woefully inadequate which will result in large overflow into the adjacent neighborhoods which already have parking problems. This appears to be the case for just the housing portion of the project not including the impact of the roof top bar with the additional parking and noise late into the evening. Again, my wife and I are not opposed to some type of project that helps with housing, just not one of this size with a roof top bar.
12/7/2020 9:06							My name is Nick Torres. I was born and raised in Santa Cruz. I grew up in the general neighborhood of where this project is proposed and strongly Support the project in its entirety. In looking over the scope of work and the Affordable Housing it will provide, I think its a no brainer. This will allow north of 70 affordable units to those Santa Cruz cannot seem to retain, such as Teachers, Students and essential workers. This will also bring some style to a corner that has been Long neglected. I understand both sides of the support of this project, but as someone who grew up in this neighborhood, I would love to see this property developed to support affordable housing, I strongly encourage approvals to move forward.
12/8/2020 18:36							I hope that the development include low-income housing that does not get cut and pay the housing fine once the building is finished.
12/11/2020 12:13							I hope there will be accountability if promises are not met and how the developer can be transparent and forthright with their intentions.
							test



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12/11/2020 13:37							
12/12/2020 15:34							<p>The scale of the project is completely out of bounds given its location. It will cast a shadow — literally and figuratively) over much of an entire street. A project this size might be a great idea for the downtown, but not in a location that abuts an entire single-family neighborhood. ☹</p> <p>There are already huge water drainage issues on this hilltop terrace, the back yards of the houses directly behind the proposed unit flood with rainfall. ☹</p> <p>The noise impact that a project of this size, especially with a rooftop bar overlooking our street, could have a huge impact on our quiet neighborhood.☹</p> <p>The traffic impact that a project this size and with these uses (residential, retail, the bar) could have on an intersection that already appears at times to be failing.</p>
12/12/2020 16:01							<p>The scale of the project is completely out of bounds given its location. It will cast a shadow — literally and figuratively) over much of an entire street. A project this size might be a great idea for the downtown, but not in a location that abuts an entire single-family neighborhood.☹</p> <p>There are already huge water drainage issues on this hilltop terrace, the back yards of the houses directly behind the proposed unit flood with rainfall.☹</p> <p>The noise impact that a project of this size, especially with a rooftop bar overlooking our street, could have a huge impact on our quiet neighborhood.☹</p> <p>The traffic impact that a project this size and with these uses (residential, retail, the bar) could have on an intersection that already appears at times to be failing.</p>
12/13/2020 10:48							<p>I would like to voice my strong support for this project. I live on Soquel, near Branciforte, so this project is in my neighborhood and I am thrilled about the possibility of 77 new below market rate homes nearby and on a major transit corridor. A project like this is an essential part of the housing mix that we should be streamlining and approving as a city to relieve the strain on hundreds of our neighbors who are rent-burdened or living in overcrowded housing. These project must be tall in order to house more people. Aesthetics are not a sufficient reason for opposing new homes for people. Please keep this project tall, keep parking unbundled, and approve it as soon as possible.</p>
12/13/2020 16:04							<p>My concerns include (but are not limited to):☹</p> <p>Height. The building rooftop open space will be at 59’ above grade (with additional height above that for equipment and furnishings in the rooftop area). This will rise up between 20 and 27 feet from the property lines on Belvedere, due south of those homes.</p> <p>Massing. Units on the north side of the building will look down into the yards of folks on Belvedere. As I read the conceptual plans, there are no planned “step backs” on the higher floors of the building.</p> <p>Traffic. Primary ingress/egress from the building’s parking is on Water St, at the west end of the development. Traffic patterns will have to be adjusted to ensure safety for drivers, cyclists, and pedestrians. All traffic in and out will have to cross the existing bike lane, well below the “top of the hill” on Water St. Bikes are typically moving 15-20 mph by this point, creating likely conflict with right-turn traffic into and out of the building. Similarly, traffic exiting the building will have to merge into potentially fast-moving traffic on Water. Finally, all traffic to the site from the west would have to make a U-turn at Branciforte. I would also note that Branciforte Small Schools (formerly Elementary school) is in this same intersection, driving pedestrian traffic.☹</p> <p>Parking. The developer has proposed unbundled parking, which enhances affordability for tenants. I support this, but am concerned about overflow parking impacts on Belvedere and Branciforte, and how the City will mitigate or manage that. I imagine the result will be neighborhood parking permits.☹</p> <p>Bar. The developer proposes a publicly-accessible bar on the roof. As noted previously, there is a school across the street, and neighbors living within 30’ of that roofline. The noise, behavioral, and resultant traffic safety issues attendant on that use would seem to argue against it (despite the “awesome views” (per Mr Novin, during recent YIMBY presentation) that one would have from up there). Perhaps this could be somewhat mitigated by restricted hours of operation and preventing or restricting alcohol use up there.</p> <p>Design. While we can’t legislate good taste, something along the lines of the Water St Apartments would be more in keeping with the historical character of the area.</p>
12/13/2020 21:17							<p>Having listened to a presentation by the developer of 831 Water Street on Thursday, I am very excited about this project. The fact that they are able to provide so much deeded affordable housing as well as market rate units shows the skill of this group to put together a very complicated project with tremendous value to the city. It is near neighborhood retail, on a transit corridor, and walkable to downtown. And it provides the density the city needs to encourage to meet its housing needs and to encourage more robust public transportation. The program, the size, and the height are all appropriate to the need and the site. ☹</p> <p>Questions of the massing and elevations would be facilitated by continuous elevation drawings along both Water St and Branciforte showing a good amount of the existing neighborhood buildings at both sides.</p>
12/14/2020 15:11							<p>I grew up on Belvedere Terrrace and currently own and live in a home on Arbor Avenue. This project is simply too large for the surrounding neighborhood and does not fit in at all. Certain times of the day the flow of traffic on Branciforte, Water and Soquel all ready becomes grid locked I cant imagine what it will become with that amount of housing added. I also believe it will devalue the homes in the surrounding neighborhood especially on Belvedere . This is not Santa Cruz keep our family neighborhoods in tact and please do not allow this monstrosity to be built.☹</p> <p>☹</p> <p>Respectively ☹</p> <p>Lorri Evans</p>
12/15/2020 15:25							<p>Build this in San Jose, where it fits in. To place this in those neighborhoods is obscene. An architect drawing , with no sense of place. Just a project to draw up. Are city personnel awake?</p>
12/19/2020 10:03							<p>Too big - too tall for a historical residential area of Santa Cruz. I recognize the need and I am all for high-density housing and building vertically but this is gross. Too big, too tall, stylistically atrocious! Right at a corner where traffic funnels from 4 lanes to 2 lanes. I absolutely oppose this 5 story design. Cut it down to 3 stories and give it an aesthetically appealing design that blends with neighborhood and I would be for it. I am a homeowner in the neighborhood.</p>

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12/21/2020 8:42							<p>December 21, 2020</p> <p>Dear City of Santa Cruz Planning and Community Development Department:</p> <p>I'm writing to express my serious concern about the proposed seven story housing development at the intersection of Branciforte and Water Streets in Santa Cruz, California. My family's home is a scant block away from this proposed housing development, at 112 Belvedere Terrace, and our neighborhood would be profoundly impacted by this development. Most of the impacts stemming from construction of this new housing complex proposed at 831 Water Street would be negative in my view.</p> <p>The proposed housing development would negatively impact viewsheds, light pollution levels, noise pollution levels, parking, public safety and security, air quality, water quality, traffic congestion and access for residents and emergency responders who routinely use Branciforte and Water streets, nearby school activities, recreational access to green spaces and frisbee golf, area housing market values, and, most gravely, could undermine the geologic stability in our neighborhood with two stories of underground parking. That's a long list of impacts that need to be assessed, and mitigated, at the very least by reducing the proposed number of above ground and underground stories to be constructed in this development.</p> <p>I understand that the proposed development is intended to provide needed housing to populations that face major housing shortages in the Santa Cruz area. I want to clarify that, while I think it is very important to address and reduce those shortages, I do not think this project is worth the trade-offs it represents. If we are building affordable, mixed density housing at the expense of the health and safety of our existing residents, is this truly a winning proposal? I would argue that it is not. "Affordable" housing, but at what cost? What if this proposed housing complex develops the community into a less livable, safe place?</p> <p>Before rubber stamping this proposed housing development in the name of progress, please weigh the potential risks and negative impacts posed against the benefits we stand to gain by building the tallest building in the vicinity by a long shot. Have other locations for this development been identified and considered? Why have they been ruled out?</p> <p>This development will radically change the character of one of the safest, most cohesive and friendly neighborhoods left in Santa Cruz. Simply put, that's not worth it.</p> <p>Thank you for considering my input, for acknowledging its receipt in writing, and for compiling and transmitting to me a substantive response to its contents in writing before proceeding with this development. My e-mail address is terenski@gmail.com, and my cell phone number is 530-925-9710. You are welcome to contact me via either channel.</p> <p>Sincerely,</p> <p>Erica Terence</p>
12/22/2020 18:06							I'm all for more affordable housing, but what will this do to the neighborhood and what will happen to the current shopping center in that location? And are the units really going to be affordable? I grew up here, make a decent income (around \$75k/year) and I currently am just able to afford to rent here without any hopes of ever affording a home/condo. A big part of the reason I stay is because of the uniqueness of Santa Cruz and these massive apt/condo buildings are not what Santa Cruz is about.
12/31/2020 10:47							
1/1/2021 12:54							<p>Dear City Planner,</p> <p>As a resident of the North Branciforte neighborhood for more than 25 years, I object to the proposed 831 Water Street development in that the 5 story structure is not in keeping with the neighborhood and the traffic generated by occupants of 150 units will make worse the Water/N. Branciforte intersection that is already overburdened and dangerous.</p> <p>Regards,</p> <p>Tom McKoy</p>
1/3/2021 18:57							<p>Dear Planning department,</p> <p>We live on Branciforte Ave, about 400 feet north of the proposed development at 831 Water Street.</p> <p>The proposed development concept is completely inappropriate to the character of our neighborhood. We are not opposed to apartment style housing in general, but two five story buildings, one with a bar on the roof, is completely unacceptable.</p> <p>Have the homeowners, particularly on the south side of Belvedere Terrace been advised that this proposed development would mean four stories of apartment residents plus patrons of a roof top bar would have a direct view into their backyards? Being due south of them, these proposed new buildings would also undoubtedly greatly reduce the amount of direct sunlight reaching those properties.</p> <p>Furthermore the grossly inadequate amount of parking being provided is certain to have a significant impact in our neighborhood. Per the concept plan formulas, the required parking is 1 space per residential unit plus one space per 250 sf of commercial development. With 151 residential units and 11,176 commercial sf (retail plus bar) this comes to 196 spaces required, where the development is providing a total of 141 spaces. This leaves a deficit of 55 spaces which the surrounding neighborhood would have to absorb. Add to that the fact that most of these units will probably house multiple adults, meaning more than one car per unit. Even if only 50% of the households have two cars that would mean an additional 75 cars needing parking, raising the total the neighborhood would need to absorb to 130. Street parking is already tight on North Branciforte; 130 additional cars would be an absolute nightmare.</p> <p>Finally, a bar is completely inappropriate to our neighborhood, and who would think it was appropriate to put a bar right across the street from public school anyway?</p> <p>We certainly hope that the City will send this proposal back to the developers rejected out of hand, advising them that if they wish to resubmit, they come up with a proposal in keeping with the neighborhood, with maximum two story building height, adequate parking for the entire development, and absolutely no bar, rooftop or otherwise.</p> <p>Sincerely,</p> <p>Ciro Milazzo</p> <p>Sheri Milazzo</p> <p>938 N. Branciforte Ave.</p>
1/7/2021 10:26							I fully support this project. It provides much needed housing with access to a transit corridor. It will also enhance the look of Santa Cruz as tourists flow into town from hwy 17.
1/7/2021 10:45							Yes! I live downtown and I support high density low income housing for my good neighbors

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1/7/2021 18:32							Since you asked:☒ Too high! Too much! Too ugly! Way out of scale for the neighborhood, the area and Santa Cruz! We are not San Jose! That's why we are in Santa Cruz.☒ Thank you,☒ Woutje Swets☒
1/7/2021 19:08							This proposal is exciting! I hope this happens!
1/8/2021 16:00							I want to express my support for this project. I've seen the developer's plan and it seems very sensible. I believe developments like this one would go a long way to holding down rents and reducing the number of people flowing into homelessness. Santa Cruz needs large, all-income housing developments to contain our housing crisis. The 831 Water Street project is a step towards that goal.
1/15/2021 8:00							Affordable housing is definitely needed in Santa Cruz. A housing structure that dwarfs the surrounding community is not. Scale it down—a lot.
1/16/2021 8:26							I live a few blocks north on Branciforte and I totally support this project. We need more housing and that corner is perfect for such development. Currently that block is just plain cruddy. This project will bring new life to the area.
1/17/2021 17:44							<p>The only person to benefit from this project will be Abe Novin, and not the community of Santa Cruz. While our community faces many challenges, this project is not the solution and will in fact compound many of the issues we already face. No one is questioning the need for affordable housing in our town, it just seems that a five-story building on top of a hill, located on a residential street seems a bit absurd. Before we sell out to commercial developers and become the next Redwood City or Carlsbad, we should stop and ask ourselves if this is truly best for Santa Cruz.☒</p> <p>☒</p> <p>How will 150 apartment units on the corner of Branciforte and Water affect the following issues...</p> <p>☒</p> <p>1) Traffic. Can the residential streets in the area handle the traffic and overflow parking? Will the residential homes in the area become ‘permit only’ parking?</p> <p>☒</p> <p>2) Public Safety Impact. Do our local Police and Fire Departments have enough staffing and equipment to protect the community as we make our housing denser.☒</p> <p>☒</p> <p>3) Education. How will this project affect the local schools? Do we have enough classrooms to absorb such large increases in students?☒</p> <p>☒</p> <p>4) Community Feel. Santa Cruz is a historically independent community. Do we really want to start down the gentrification pathway. Do we want to have the ‘another apartment building on top of a Starbucks’ vibe?</p> <p>☒</p> <p>5) Water. How does Novin Development plan to supply water to this development? Is our water system robust enough to handle the increased demands?☒</p> <p>☒</p> <p>6) Sewage. What does the sewage system in the area look like? Can it support 150 apartment units?☒</p> <p>☒</p> <p>7) Seismic Concerns. Having a five-story building built on the side/top of a hill seems like a recipe for disaster in a seismically active community. ☒</p> <p>☒</p> <p>8) Open Space. The project makes many references to 'open space'. However, we should all be clear that this is not actual usable open space for our community nor would it be used as such. It is just some plants next to a 150-unit apartment building. What will the impact be on the parks and actual open spaces be from this project.☒</p> <p>☒</p> <p>9) Energy. It takes a lot of resources and energy to build and maintain a structure this large. What are the developers plans to offset their building pollution and environmental impacts? Will they be using recycle materials or new for the construction?☒</p> <p>☒</p> <p>10) Affordability. The project lists 11% of the units as ‘low income’ housing. The rest of the 133 units will most likely be listed at around \$3,000-\$3,500 per month. This hardly seems affordable nor will it help with high housing costs in Santa Cruz. What are the developers plan to keep the units affordable?☒</p> <p>☒</p> <p>When one starts to think about these questions and the impact of this project, it seems that it would be better suited in a part of town that could support it. Places like the Ocean Street corridor, or in the downtown area where it would fit in and the City of Santa Cruz has already approved similar projects. Regardless, I look forward to the answers to these questions and to hear the thoughts of our City Planners.☒</p>
1/18/2021 13:52							Mike..I would like to see if I could speak to the Developer. I don't really want to be associated with the neighborhood group who will sound like the folks on Ocean St. Ext. I have some observations and maybe I could help him avoid the neighbors.

Submit Date	I have a question(s).	I have a comment(s).	In Support	In Support with Concerns	Concerns	Question(s) only.	Question/Comment:
1/19/2021 12:14							<p>To whom it may concern at the Planning Department of the City of Santa Cruz,☐</p> <p>☐</p> <p>Please assist in clarifying the City's requirements and status, i.e. the two following questions, in consideration of the three compounding factors:☐</p> <p>☐</p> <p>1. What is the current legal status for public hearings regarding new developments - especially ones proposed at height, density and design that do not conform to the current zoning/general plan and code for the location in which it is proposed?☐</p> <p>☐</p> <p>2. Principally, the pre-application posted on the City's website for 831 Water Street. When asked directly, the developer putting this proposal forward, told one of the neighbors of this site, that the "community meeting" was scheduled for January 27th. However, as of noon on January 19th, the neighborhood directly adjacent to the site has not received notification postcards alerting us to this meeting. Additionally, the City website currently shows no scheduled events/dates for this proposal.☐</p> <p>☐</p> <p>As we are currently in an unprecedented state of unrest that is hindering normal governmental functions in measurable ways, we request mitigation around insufficient notice due to -☐</p> <p>☐</p> <p>1. The severity of the public health crisis of the pandemic and its associated duration and of the inhibiting/disrupting nature of the SIP. A reasonable additional allotment of time must be allocated for the range of demographics within your Citizen population to prepare to use the digital system newly replacing the governmental standard of in-person public hearings.☐</p> <p>☐</p> <p>2. Unprecedented nation-wide political tension and unrest.☐</p> <p>☐</p> <p>3. The carrying capacity of the United States Postal Service has been exceeded, resulting in untimely delivery, which is further affected by the developer choosing to send their notice immediately prior to the Federal holiday of Martin Luther King Day.☐</p> <p>☐</p> <p>We request equal to or extended, legally required, sufficient notice, to the neighboring communities for any meeting or hearing concerning this proposed development, that any Elected Representative or City Staff will attend. Due to the compounding circumstances described, sufficient notice would include the full allocation recorded in local law, with extra consideration given to the preparation time required for the familiarization with a newly applied system of digital public hearings that will inequitably affect senior citizens.☐</p> <p>☐</p> <p>Your time and clarification are greatly appreciated,☐</p> <p>☐</p> <p>Lira Filippini130 Belvedere Terrace, Santa Cruz, CA 95062(831) 226-2853</p>
1/19/2021 12:55							There are a few things wrong with this design that are from aesthetically displeasing to dangerous. The scale of the building would be out of place in that neighborhood, but when you combine that with the fact that it is on the edge of a hill, it is going to appear to be huge and out of place with its surroundings. It says that it will have a rooftop bar. Is that allowed seeing as it is right across the street from a primary school? I grew up in that neighborhood and I know that cars, bikers, and skateboarders are all tempted to go way too fast down Water St hill. If a car has to slow to get into the parking garage, or a slow car is exiting the parking garage, its not hard to imagine that this will lead to many fatalities (as physics would tell you the stopping distance when going down hill increases by a lot).☐
1/19/2021 16:33							
1/19/2021 18:12							<p>Dear Mr. Ferry,☐</p> <p>Thank you for posting the application for this 5 story building.☐</p> <p>Every time some extreme building like this is proposed, the developers always, invariably, claim they need the height increase for "feasibility". ☐</p> <p>I think it is time to ask what the developers mean by Feasibility". Just because they want to make a profit is no reason for us, citizens of Santa Cruz, to have to suffer the results for the rest of our lives, and those of our grandchildren's lives and our great-grandchildren's lives, while the developers go on their merry out of town way.☐</p> <p>So, I think it is time for the developers to show us their "Feasibility". We need their financial information, and what kind of profit they are expecting to make this project feasible. 10% 50% 100%? You get my drift, I'm sure.☐</p> <p>In my opinion, that proposed building should not be any higher than the Branciforte Grammar School across the street, if that high at all.☐</p> <p>If the developers claim that in that case it is not financially feasible for them, then oh, well, so sad, too bad. That is just fine with us, and they should go build this over the hill where these sort of buildings seem to be accepted.☐</p> <p>Our lovely coastal town of Santa Cruz is not Silicon Valley and we have zero interest in becoming a dormitory town for Silicon Valley.☐</p> <p>Thank you,☐</p> <p>Woutje Swets</p>
1/19/2021 19:34							I want to voice my full support for this project. I am a downtown resident and welcome the upgrade to my end of town.
1/21/2021 10:26							
1/21/2021 12:51							I reiterate that I think the height of this proposed building is too high and I am concerned with additional traffic on this corner.
1/21/2021 14:37							looks like a beautiful and smart project that would house a lot of people. I cant tell whether these units are intended to be owned or rented by the occupants. Roof top bar seems problematic but solvble. Problems 1. loud music and TV☐ <p>2 smoking</p>
1/21/2021 21:35							<p>BUILD IT!!☐</p> <p>We so so desperately need quality and truly affordable units. As LONG AS that aspect is at least 50% of the units. I am a local teacher with young adult children who have lived our lives here. Please make it happen.</p>
1/22/2021 15:25							What a terrible eye sore. 59' tall is way out of line for the surrounding neighborhood except the school building. Ina's a neighbor am strongly opposed to this deleopment especially the proposed height restrictions wavier being ask by the developer. Come back with a more neighborhood friendly design
1/23/2021 9:10		1			1		This intersection is busy with foot and bike traffic, especially when school is in session of students traveling to B40 Middle and other schools. In the mockup, I see no additional mitigation taken to keep pedestrian and bike traffic safer, even though this project would 150+ cars to the immediate area with the parking garage. If this corner is to be redeveloped, now is an opportunity to make this intersection safer for kids and others walking/biking through this juncture.
1/23/2021 9:15		1			1		The proposed design does not visually fit the neighborhood, at all. It looks cookie cutter modern, which does not sit well across from Branciforte elementary.
1/23/2021 18:59		1		1			3 - 4 stories would be more reasonable and why not build a pretty building that is compatible with the historic neighborhood? This building has zero character!
1/23/2021 20:57		1			1		I cannot believe the size of this proposed project. Completely out of character for Santa Cruz. This is not San Jose, nor do we want it to be. Architecturally ugly; too dense; already high traffic on that intersection; there will be pedestrian accidents galore. There are other ways to address the need for housing than building monstrosities. Epic failure. 30-year Santa Cruz County resident.
1/23/2021 21:35		1			1		This is way too big for this neighborhood and the impact would be devastating. I pay crazy property taxes to live in Santa Cruz and don't want my sleepy neighborhood destroyed. New developments should not be so grossly out of scale with their surroundings. This project needs to be scaled way back or else scrapped entirely.
1/23/2021 22:18		1			1		With traffic that is horrendous and roads that are in disrepair and what about are water shortages.....what are you thinking? You haven't made provision for increased population or traffic....it's a crazy Idea. I understand we need housing but we also need resources to support the increase of any more growth.☐



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1/24/2021 8:10	1	1			1		Has this project had an environmental and engineering evaluation? If we value the environment, if we value children, then we must have a green roof, not an alcohol roof, we must have plants and trees. Can we ask for an architectural design competition? Maximum units and profits is too narrow a view of our predicament. If the banks gave loans to 100 homeowners in the neighborhood we could build 2nd or 3rd units on our properties, maintain the suburban quality and add the same number of units.
1/24/2021 8:58		1			1		This project is a monstrosity. The impact of the neighborhood and traffic in the area are going to be significant. It is completely out of place. It's too high, too big, and completely out of place.
1/24/2021 11:48		1			1		Hello, I have several concerns about this building. The size and design seem completely out of sync with the rest of the neighborhood and the city. The design is frankly ugly, and does not fit in at all with the rest of Santa Cruz. I am also concerned about how the five stories will impact the surrounding residential streets. What do the neighbors think. Lastly, the percentage of apartments for "low income" residents seems extremely low, given the high cost of rentals in this area. Please put the residents of Santa Cruz first. Thank you.
1/24/2021 11:51		1			1		The applicant should not be allowed a height waiver to increase the maximum building height of to 59 feet.
1/24/2021 12:45		1			1		I don not support this plan. I have lived in Santa Cruz since 1993. The dramatic changes and high rise structures are eyesores and disgusting. Frankly I have NEVER been more disappointed with the city council and board of supervisors. It's as if these people think they WORK FOR big business and corporate interests when they are ACCOUNTABLE TO THE PEOPLE. PLAN ON meeting opposition in your re-election bid if you support MEGA complexes such as this proposed mega complex.
1/24/2021 13:53	1	1			1		I do hope the scheduled Zoom meeting this Wednesday will not be limited to the / of participants allowed access. Many neighbors who will be affected by this proposed development intend to be in attendance. The massive scale of this project is not appropriate for our quaint Eastside neighborhood.
1/25/2021 12:17	1	1			1		I have concerns about the safety of pedestrians, bicycles and cars at the intersection of Branciforte & Water Streets and Branciforte & Belvedere Terrace with the additional traffic trying to get in & out of the 831 proposed project and the surrounding streets. These intersections are already a nightmare to navigate at commute times, especially when Hwy. 1 is backed up. The number of units proposed will add additional stress on a bad situation. It is my understanding that it got a "D" rating during the last traffic study. I also have concerns about the lack of adequate parking that is planned for the residents. This will greatly impact our neighborhood since we are on Belvedere Terrace. I get that we need more housing but it should be reasonable & there is nothing reasonable about this proposed development. Is a new traffic study going to be done post pandemic. Is an EIR going to be done? Also, how is the fire access lane between the current carwash & the cottages at the end of Belvedere Terrace going to be mitigated? It looks like there is none in the proposed project.
1/25/2021 14:13	1				1		A five-story building on Water and Branciforte would be entirely out of character with the East Side neighborhood. How did the height requirement get waived? We currently have NOTHING on the East Side at this height. I support more housing especially low income housing, but can this project be lower in height so as not to destroy our neighborhood character?.
1/25/2021 15:33		1			1		As a homeowner for 46 years on North Branciforte Ave, we have significant concerns regarding the proposed development entitled "831 Water Street". They are as follows: 1. Size of development - 2 5 story buildings on the site are totally out of character for the old established neighborhood. 2. Design of development - Ultra modern design does not compliment the area. 3. Parking - Not sufficient parking for the tenants and the commercial businesses. This leads to parking in the adjacent neighborhoods. 4. Traffic - The intersection of Water and Branciforte are very busy streets. Additional traffic will lead to more congestion. Currently we have a least 3 shuttle vans going to the Armory every hour and every day. It is very hard to get out of our driveway with the current traffic situation. 5. Noise - With an additional 300+ residents, this adds to additional noise and pollution in the neighborhood. In the summer, we cannot open our front windows due to traffic noise. 6. Impact on schools - We currently have multiple schools across the street on one site and we see there is new development on this site now. 7. Development of property - The project lists the proposed development for 823, 825, 827, 831 and 833 Water Street. The information Report states the project is for 823, 831, 833, 905 and 907 Water Street and no mention of 825 and 827 Water Street. The 905 and 907 Water addresses are located across the street from the proposed development. Is 905 and 907 Water Street included in the proposed development? 8. Rooftop bar - The rooftop bar is totally unacceptable for the area and will only exacerbate the noise. 9. Privacy - The houses on Belvedere which would back up to the development would have one of the greatest impacts as they would loose their privacy and the noise pollution from the 150 cars associated with the project and not to mention the rooftop bar. Respectfully submitted Sean Love Sharon Love
1/25/2021 15:42		1			1		We have lived on Stanford Avenue since 1978 and know the neighborhood very well. The project that is proposed for the corner of Water and Branciforte: the scale, density and design, is totally incompatible with the neighborhood and frankly any neighborhood in Santa Cruz. It is difficult to understand how the city planners could even consider such a development when the infrastructure: the roads, sewer, demand on our water supply, will not support such a massive project. Those of us, who choose to live in Santa Cruz, do so because we do not want to live in a big city, and do not want to live in a town that is trying to look like a big city. Surely, there must be a more reasonable, responsible approach to providing affordable housing for those who are struggling to live and work here.
1/25/2021 18:34		1			1		I am really opposed to housing like this. It does nothing to reduce housing issues in Santa Cruz. These apartments most likely will start at over 2K a month for a studio. I've done survey of rent prices in Santa Cruz and the average is \$ 1500 a month. Unaffordable for most. The only thing this does is force people to leave Santa Cruz and invite people from over the hill to come here and commute. At 72 yrs old I'm wondering when I will be to old to leave. The only reason I'm here is my landlord. And she is older than me.!
1/25/2021 20:43	1				1		Do I correctly understand that the project includes a bar on top of the proposed structure? What, if any, noise or lighting constraints are included as conditions of city approval?
1/25/2021 20:46	1				1		Please address how traffic will be mitigated at this intersection. And, How will the rents compare with what current tenants are paying. will there be allowances to help existing tenants continue? What is the nature of the 2000 sq ft bar? noise factors and hours of operation?

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1/25/2021 21:12	1				1		Will the developer meet and work with neighbors on a project that is less dense and less stories?
1/25/2021 22:18		1			1		<p>Please consider the impacts of such a large-scale development project in a residential neighborhood. A project like the one proposed will have drastic impacts on traffic, public utilities, emergency services, noise pollution, parking, blocked sunlight due to proposed height and location on top of a hill. These impacts, and more, will decrease the quality of life for those that live in the surrounding area.☒</p> <p>☒</p> <p>It seems logical that a project of this scale and size would benefit being placed near a transit center. In the currently proposed location, the residents of the apartment building will be exiting into a residential neighborhood and located more than a mile from the Santa Cruz Metro Center.☒</p> <p>☒</p> <p>Increasing the density of our population will have long term effects on the public utilities. Demand and use will increase on water, sewage, electricity, and waste. None of which are in infinite supply nor come without cost to the community.☒</p> <p>☒</p> <p>As developers like Novin Development profit from ‘developing’ communities, it is often left to the Cities and their tax payers to burden the cost from the increase in emergent and non-emergent services use. It is simple math, with more people and denser populations our police, fire, schools and hospitals will feel an increase in workload. Santa Cruz should require the Novin Development to pay for another Engine Company for the Fire Department, several police officers for the Police Department, and funding for both the schools and hospital. At the end of the day, Novin Development stands to make a significant sum of money at the expense of our community and we should demand something in return if the project is to move forward.☒</p>
1/26/2021 6:54		1			1		A massive 5+ story development on less than an acre will overwhelm the neighborhood with traffic and parking problems. Even if mass transit is improved, people will still have and drive cars. The proposed building at a height of 59 feet will loom over the space changing the dynamic of our residential neighborhood. This area is not part of downtown and the proposed development is not a safe, responsible, reasonable choice for our neighborhood. I support affordable housing, but not in this manner. Many of us who have chosen to make Santa Cruz our home for many years did so in part because our city is not filled with massive apartment buildings like cities on the other side of the hill. This development and others like them in non-downtown areas destroys the neighborhood, non-big city feel that makes Santa Cruz unique and desirable.
1/26/2021 8:36		1			1		<p>I am writing about the 831 Water St. project. I am totally in support of affordable and low income housing and hope that we can continue forward in that regard. This huge projects at the top of the hill is an an enormous impact on ☒ this neighborhood. ☒</p> <p>I support a smaller project. As a daily cyclist through this intersection multiple times a day the traffic and safety impact which is already an issue and concern will be much more impacted. With the access in and out of the project down water Street hill I have huge concerns for the safety of our community. I have watched cars going downhill in that section and they cross over the green lanes and with more in and out traffic it is going to be even more of an issue. I look forward to discussion and hope that the developer and builder will take into consideration the size of the building and the impacts of the infrastructure on our community.☒</p> <p>Sincerely ☒</p> <p>Connie Wilson</p>
1/26/2021 8:56		1			1		Without a doubt our county needs affordable housing and especially for families in our community. This large building provides studios and only high end limited family sized units. To address the housing shortage in our county it seems appropriate that this new development include much more housing for families. Second, my home is second from the end of our street, where our emergency access fire lane is directly next to my home, this is how the fire dept accesses our homes. The plan for this new development does not take our emergency fire lane/access into consideration. I’d like to see this addressed by the developer in a way that does not interfere with the safety of my hone and the others in our HOA.
1/26/2021 10:49		1			1		<p>☒</p> <p>☒</p> <p>☒</p> <p>The design of this project is very ugly- i.e. soviet style apartment building design- if it has to be built I would think something with more character and not as many stories- overbuilt for neighborhood that is next to it. I am concerned about traffic/parking and increased population in area- it is a negative impact – would hope that these types of projects could be spread out over Santa Cruz – this neighborhood on Water Street has 2 multiple stories apartments across the street already.</p> <p>☒</p> <p>☒</p> <p>☒</p>
1/26/2021 12:42		1			1		<p>I have concerns about the existing proposal at 831 Water Street in the historic Branciforte neighborhood. I am concerned that if approved it will set a precedent for future developments in the Branciforte/ Seabright area.. A precedent that their is no turning back on. ☒</p> <p>☒</p> <p>This project violates clear City Council guidance to staff to "preserve and protect residential neighborhoods and existing businesses".☒</p> <p>Current zoning allows 40 feet. This developer is asking for an increase to 59 feet. I say no to that. ☒</p> <p>☒</p> <p>There is not sufficient parking. Many tenants will have more than one vehicle.☒</p> <p>☒</p> <p>I am concerned on the impact to surrounding homes. They will experience: loss of sun, loss of home value, loss of privacy, and major loss of available street parking.☒</p> <p>☒</p> <p>I am concerned at the design of the buildings. These buildings do not fit in with the neighborhood.☒</p> <p>☒</p> <p>I am concerned with the structural integrity of the structures given that they are being built near a steep slope. Has a thorough, up to date environmental impact study been done on this proposed structure?☒</p> <p>☒</p> <p>I am concerned about the traffic impact of this many units. Before Covid 19 all main roads in this area experienced overcrowding and traffic delays during peak hours. This structure would multiply traffic and need for parking significantly.☒</p> <p>☒</p> <p>I believe Santa Cruz can do better than this. A Sierra club quote---"No Public Pain for Private Gain". ☒</p> <p>☒</p> <p>I hope Santa Cruz can support growth that is safe, reasonable, responsible and respectful of existing residential neighborhoods. ☒</p> <p>☒</p> <p>Below is a quote from a previous project in Santa Cruz that had neighborhood concerns. It took a lawsuit to stop the project which asked for a change to existing Santa Cruz codes. It should not take a lawsuit for the neighborhood to be listened to.☒</p> <p>☒</p> <p>“Everyone acknowledges there needs to be additional housing, that there’s a housing crisis,” Aldridge says. “That doesn’t mean you put projects that aren’t suitable for the site or the surrounding infrastructure in to just say you built more housing. You have to do a critical analysis of both the legal requirements and the environmental concerns, and make sure you’ve got the right project in the right place.”</p> <p>☒</p> <p>Sincerely,☒</p> <p>Delys Loxas</p>
1/26/2021 16:45		1			1		The project is too high and has inadequate parking. As a cyclist who passes this site frequently, I am concerned about the dangers of vehicle egress and entrance on the steep hill. I go by this site at a high rate of speed, as do most cyclists.

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1/26/2021 16:50		1			1		Growth is going to come to Santa Cruz whether we agree or not. I would like to see our housing for people that WORK in Santa Cruz. It should be for staff at UCSC, teachers and companies in Santa Cruz not in Santa Clara county. Affordable housing is not \$2,000/mo. For a studio. Traffic is already horrible and who wants to take public transportation with so many mentally unstable people with limited hygiene facilities in homeless encampments.
1/26/2021 17:02	1			1			When will the estimated start date of construction? What is about the duration and finish date? Will these rentals or for purchase? What will be the price range? Are there going to be any priorities for residents or corporations ?
1/26/2021 19:28		1			1		Hello, The proposal does not fit into the surrounding neighborhood. There are no building near the height of these anywhere but downtown. The traffic at that intersection is already busy, with regular backups during the summer on Branciforte. Honestly, the proposed development seems like a bad joke. Two five story buildings on that property, surrounded by a majority of single story private homes? Please reject this proposal. Thank you, James Powars
1/26/2021 20:58		1			1		PLEASE reconsider the design of this project! I agree that housing is needed. I also agree that the Water St. site is an appropriate place for it. But as it is designed, it is too large, too institutional in appearance, a real behemoth that will destroy the surrounding neighborhood. And most definitely, remove the rooftop bar. I can't imagine living in proximity to something of that size with that noise potential.
1/27/2021 9:13	1				1		How does the application for increased height relate to the state density bonus?  And, what' up with the hypothetical 51% affordable status?
1/27/2021 9:52		1	1				We need housing, especially along transportation corridors. I support this project.
1/27/2021 11:44		1	1				I'm so happy to see small units built where residents need not own a car to get around. We need housing like this desperately, for both students and seniors.
1/27/2021 12:30		1			1		This enormous building will literally be in my backyard. I will lose all the sunlight that warms my house and lose all of my privacy. I have several additional concerns, one of which is traffic congestion. During non Covid times there is a build up of traffic at the corner of North Branciforte and Water Street. It can take up to 8 minutes to make a left turn from 3 pm to 6:30 pm, because of traffic coming from the other side, going left, and jamming up the turn lane. I fear that with all these new proposed units, the traffic will become even more of a nightmare. I am also concerned about the amount of parking spaces allotted to this building. If each unit has two occupants and they each have a vehicle, that will equal to more than 300 vehicles. Less than half of that has been introduced into the design. I implore you to do traffic surveys when people are back to their normal school and work commutes before continuing with this proposal.  Sincerely, Ned Solway
1/27/2021 13:52		1		1			I'm all for more housing but a project this size and scale on such a tiny footprint would be truly awful, right up against long-established neighborhoods whose residents would literally live beneath its huge shadow and suffer a fundamental explosion of density. At last night's City Council meeting the developer for the "Calvary" housing project downtown respectfully noted that more than three stories would have adverse shadowing issues... not to mention break existing zoning codes.  THE SCALE: Menacing <ul style="list-style-type: none"><li>• Factually this proposes close to 6 stories when you include the 'roof-top' use level</li><li>• 151 apartments (of course there will probably be more than ONE person living in several of them)</li><li>• Two levels of underground parking (with less than one space per apartment)</li><li>• Retail and a "roof-top café / bar" (across the street from a school)</li><li>• All this on less than 1 acre</li></ul> We find it appalling that this developer is requesting a variance to increase the height by 47.5 percent, (far above what is allowed under current zoning) - from 40 feet to almost 60 feet tall! Homes and yards within as little as 20 feet of this proposed building will be shaded for much of the year. THE DENSITY: Triple <ul style="list-style-type: none"><li>• Here again, this developer is asking for yet another variance</li><li>• Currently the zoning allows for 55 residences per acre</li><li>• This proposal explodes that standard... to ONE HUNDRED &amp; FIFTY-FIVE residences per acre</li><li>• This would exceed the "maximum density allowed" by the 2030 General Plan by 275%</li></ul> OUR POSITION: <ul style="list-style-type: none"><li>• We welcome new development on this site and we are in favor of more affordable housing</li><li>• We believe we have the right to expect that any replacement development be respectful of existing neighborhoods and be remotely compatible in terms of size and scale for this area</li><li>• The precedents set here will have far-reaching consequences and will invariably affect and influence further development along Water Street and Soquel for years to come</li></ul> (from page 76 of the 2030 General Plan): "The City's Zoning Ordinance sets forth regulations that determine the type, location, density, and scale of residential development. Such regulations are designed to promote the health, safety, and general welfare of residents, preserve the character and integrity of neighborhoods, and implement the General Plan goals and policies".  IN SUMMARY: <ul style="list-style-type: none"><li>• The height and density of this proposal needs to be lowered to meet the current zoning standards adopted by the City for the safe management of our municipal growth</li><li>• The Scale and Density of this project - in its current form - is unacceptable and we look forward to seeing a neighborly, respectful and safe alternative plan from this developer</li></ul>

Submit Date	I have a question(s).	I have a comment(s).	In Support	In Support with Concerns	Concerns	Question(s) only.	Question/Comment:
1/27/2021 13:59		1		1			<p>My name is Erin. I live on Belvedere Terrace. I am a 35 year resident of Santa Cruz, a fourth generation Californian. I want to discuss the history of the proposed development site, and encourage the developers to honor our history through an inspired, re-imagined design. Let me tell you a bit about Villa de Branciforte. As California Historical Landmark 469 describes, the intersection of Water and Branciforte, was part of the Villa de Branciforte Township, and is culturally significant to all Californians. It is on this very site, that one of only 3 founding, secular, establishments for all of Alta California, were located. The other two places were San Jose and Los Angeles. The Villa was actually founded back in 1797. Viceroy Branciforte of New Spain brought settlers north from Mexico to establish the township on this site. As early as 1803, The Villa voted in a mayor in one of the first elections held in Alta California. The first election, think about it. Annexed by the town of Santa Cruz in 1905, its settlers lived there for over a hundred years. A hundred years of unearthed history. The Novin developers are presented with a rare opportunity to win community support by honoring our history. This we can champion. This can be done. The developers partner Lowney Architects, says “Through adaptation and evolution, Lowney Architecture addresse the critical conditions that impact our world. We believe in being a good neighbor and keep that at the core of our practice. The developers, are challenged today, to do just that;</p> <p>-Be good neighbors. Adapt and evolve with the input you hear, here today.</p> <p>Redesign this project, with respect to this history, to our health, leadby respecting our community’s input here today.</p> <p>In any development at this site, it will be critically important that a developer bring archeologists to monitor any site excavations and preserve the artifacts relevant to this important place.</p> <p>Thank you for the opportunity to engage in this discussion.</p>
1/27/2021 14:02	1	1			1		<p>I am a resident of the Branciforte neighborhood. I live on Magnolia Street, which intersects with Water.</p> <p>I will do my best to attend the Zoom meeting this evening, however it is a challenging time for me to attend.</p> <p>I wanted to voice some questions and concerns about the proposed development that I hope you can address in the meeting if I cannot attend. I will also add these comments/questions to the City Website form:</p> <p>Support Items:1 - I support adding residences to Santa Cruz in general and to our neighborhood specifically. I support doing so by following zoning rules as well as studies that take neighborhood safety and livability into account.2 - I support creating buildings that will allow commercial small businesses to thrive.</p> <p>Concerns:1 - The proposed development is 5 stories and 59' tall. This is much taller than the zoned maximum height of 40'. I understand that concessions are being considered if the developer has some of the units be affordable housing. I support affordable housing, but not at the expense of violating our zoning laws. The B40 neighborhood is a residential neighborhood. There are no multi story buildings and we do not have the appropriate setbacks to allow them. Although my house will not be directly impacted, all of the homes on Belvedere Terrace will be severely impacted by this design. Their properties will be in complete shade for the majority of the year (with the development being directly to the South) and their views will be frankly awful. The height of the proposed development should be a non-starter. If this type of development is allowed, the precedent will be devastating for all neighboring streets on Water (myself included). I hate to be dramatic, but I would think that lawsuits will follow if this 5 story development is allowed, as our quality of life and home values will be severely impacted.2 - The parking proposed for this site does not adequately address the number of cars that will be added via the new residences. There are 141 parking stalls proposed for 151 units. This does not allow for even 1 car per unit. This will cause an influx of cars needing to park in already overcrowded streets. It will have a negative impact on both our local businesses and homes. It is another reflection of over densifying this location by building too high.3 - The mix of unit types is very heavy on studio sized apartments (102 units) and only two 2-bed units. Why are there not more 2 bedroom+ units? This will not help address the needs of families.4 - The design currently shows access in and out of the site from Water street. This location is a greenway that has heavy, and very fast (going downhill), bike traffic. This entrance is a major safety hazard. If a development is allowed to proceed at this location, it would make much greater sense to have traffic enter and leave off of Branciforte and/or closer to the Water/Branciforte intersection.</p> <p>Questions:1 - With added units, there will be impacts on the local schools. Are development school fees being imposed on this project to ensure that our schools have the adequate resources to address the increased student population?2 - How many commercial units will be located on the 1st floor? How does it relate to the current commercial sf onsite today? I would hope that any developments are creating and encouraging a vibrant commercial space for our neighborhood along Water and Soquel.</p> <p>I appreciate the work that you do to review and support developments that will be the best for the future of Santa Cruz. I ask that you take the concerns and questions that I bring under consideration and provide some feedback.</p> <p>Thank you in advance for your review and consideration.</p> <p>Adam Dell</p>
1/27/2021 14:05		1			1		<p>Design of project is out of place in Historic Neighborhood. Especially at it's hill top, prominent location. Needs to be redesigned with that in mind.</p>
1/27/2021 14:09		1		1			<p>Every community around us, and over the hill, require story poles aspart of their application process. This requirement should be grandfathered into Planning, and be required of Novin. This is an expense he is familiar with, so we are not asking for anything he’s unfamiliar to. Citizens have a légal right to this visual tool.</p> <p>Sincerely,</p> <p>Mary M.</p> <p>Branciforte</p>
1/27/2021 14:19		1	1				<p>Delighted that this project will include so many affordable units within walking distance of downtown.</p>
1/27/2021 15:27		1			1		<p>The density, the massing, the traffic generated by this proposal are too great for this site, at this busy intersection. 55 units per acre on a site that sits atop a steep bluff is extreme; what is proposed is unimaginable! It is out of scale for everything around it. It is more like a motel/hotel. Units so small that they will barely accommodate a twin bed will not allow even two people to comfortably live there for any length of time. This is a project that will know tremendous turn-over of tenants/residents. Bad for a stable neighborhood. As the owner of a house at 1022 N. Branciforte, I speak for myself and my tenants in opposition to this project. It is too much! It fails to provide the basics of desirable long-term living accommodation.</p>
1/27/2021 15:49	1	1			1		<p>I am not a professional so it is hard to use the correct language to address these issues I'll do my best.</p> <p>1. Is this proposed development going to be the tallest residential building in Santa Cruz? This is a concern for me being out side of downtown proper, in a residential neighborhood that supports family dwellings.</p> <p>2. The parking in the proposition plan does not seem to be enough for the amount of residential units along with retail space? Perhaps this would be most easily adjusted by decreasing the size and scale of this property.</p> <p>3. How will this “affordable” housing be more accessible to existing residents of Santa Cruz versus targeted at buyers interested in coming to ants Cruz? This is a major concern as these developments enhance the idea they are to help the housing problem, but not many local residents live in them.</p> <p>4. With the current pandemic situation and the possibility of more frequent pandemic events of this nature, how is a building of this scale and with this amount of studios not a risk factor to higher rates of infection?</p> <p>5. The sudden increase of a population of at least 160 (assuming one person per unit) likely more, impacts the surrounding neighborhood in competition for outdoor space including increasing foot traffic, parking and traffic through the existing neighborhood. It seems most of the positive points of this development directly benefit developers and builders outside of our county. How do projects like this truly benefit the residents of Santa Cruz ?</p>



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1/27/2021 16:36		1			1		<p>I have another concern as I was biking on Lafonda yesterday near the Harbor high baseball Fields. School is not in and there were multiple cars parked all along Lafonda which I believe belong to the apartments and housing across the street. If this becomes an issue with the 831 project which is possible with the number of parking spots included in the project it will impact the surrounding streets and neighborhood immensely. I was extremely shocked at the number of cars parked on the street on lower La Fonda</p> <p>Sincerely</p> <p>Connie Wilson</p>
1/27/2021 16:56		1			1		<p>Good evening. My name is Sue Terence. I am a proponent of affordable housing, but I have serious concerns about the scale and safety of the 831 project as currently designed. With the rooftop bar, this is a six story building with two levels of underground parking. No building outside of the downtown area is as tall or out of sync with the surrounding neighborhood as this, and I have reason to believe the potential negative impacts are significant.</p> <p>Less than 100 yards downhill of the project site, on the same Water St. road cut, lies a home that was built just six years ago and is today uninhabitable due to pooling water and subsequent black mold. It was permitted by the same city planners and building department who will oversee your proposal. Repair estimates exceed \$140,000 and include tearing up the landscaping, driveway and sidewalks to install French drains on the north and east sides of the house. The hazard of pooling water around the foundation was not discovered by the test borings, probably because it was a drought year, and because high intensity rainfall events can dramatically influence seasonal groundwater stands. Notwithstanding this week's atmospheric river, we are currently in a significant drought. How will you, and the city, ensure that a similar misjudgment will not occur at 831?</p> <p>Where and how will the drainage be safely discharged? How will you ensure that the development will not act as a dam and back the water up under the single family homes immediately to the north? And if it does, how are you going to ensure that these homes don't develop black mold, since they will also be without solar access for months at a time due to being in the shadow of the proposed buildings?</p> <p>The siltstone soil in this area has low to very low permeability, and anyone who lives around here can tell you that water often pools on the surface after heavy rainfall. It is also seen seeping out of the vertical cliff just below the project site. Are there French drains built into the project? At what depth?</p> <p>Another question: a retaining wall in close proximity to 831 site was observed to have rotated and had serious vertical cracks. There are no studies of the history of deep-seated landslide deposits in the area, and an investigation must be undertaken to determine the potential hazard of such a slide.</p> <p>That said, I believe the retaining wall along the Water Street cliff that includes part of your site was built in 1972 and is almost fifty years old. I assume you will be building a new retaining wall. Will this wall be truly built to withstand the weight of the hillside AND two six story buildings on less than an acre? What is that estimated weight of these buildings? What is the expected lifespan of the retaining wall you build? Who will pay for this wall....you or the city?</p> <p>Next question: Current slope regulations call for a minimum 20' setback from the sidewalk when there is a slope greater than 30-50% involved. While I understand that it might expedite your permitting process to lessen your regulations for small additions such as decks or staircases, a development of this scale should, at the very least, adhere to the current slope regulations.</p> <p>Given the 15 mile proximity to at least 6 major faults, the project should be designed assuming that significant seismic shaking will occur during its lifetime. What size earthquake (on the Richter scale) will these buildings be built to withstand?</p> <p>And another question: will your plan conform to new state storm water requirements?</p> <p>Neighbors often see a long lake developing at the storm water drain on Branciforte approaching Water St.. in other words, the city is already challenged by keeping up with maintenance there.</p> <p>All this boils down to the big question: What geologic and hydrologic destabilization might result from the depth of disturbance proposed in this project? How will you, Mr. Novin, and you, the city, provide convincing evidence that this project will not cause irreparable harm?</p> <p>We need an EIR to study these unusual circumstances in depth. It would be in your interest and the city's interest, as well as the community's interest, to demand an Environmental Impact Review.</p> <p>While I think it would have been wise to engage the neighbors long ago in this process, it is better late than never. I, for one, would be happy to work with you to develop plans for a 2 or 3 story building with surface parking, no commercial and 100% affordable.</p> <p>Thank you.</p>
1/27/2021 17:22		1				1	<p>My family and I have lived in our home, next door to this proposed project, approximately less than 50' from my front door to the building site, for nearly 13 years. I want to say right up front I am ALL for new housing and especially affordable housing in our community, and yes in my back yard.</p> <p>I am very concerned about this development as it stands. Our fire lane &amp; emergency access gate will be blocked off if this proceeds as is. In the last 3 years alone, we've had emergency vehicles responding to various incidents at least 5 times at our end of the street. I live right by the fire lane and the fire/emergency vehicle access gate. The current plans do not account for the access needed by the FD and emergency vehicles on the fire lane and fire access gate.</p> <p>"Per California Fire Code 503.2.1, fire apparatus access roads shall have an unobstructed width of not less than 20 feet." Currently, this development's plans indicate no regard for the emergency access lane and fire vehicle gate. Can you assure me, my family, and my neighbors that OUR safety IS important, by revising your proposed development to incorporate proper adherences to fire lanes and fire &amp; emergency access gates?</p> <p>I welcome new housing in our area. Families in this county have struggled for years to find affordable housing. I was one of them. Unfortunately, the majority of the proposed 151 residential units will not offer any remedy to our community or our families, as the majority of 151 living units will be studios and 1-bedrooms. There are a few 2-bedroom units planned but its my understanding that those will be the ones with a peak-a-boo ocean view and will be renting for a premium, branded as their luxury units. I would like the city to start to address the issues of families needing housing. Developments like this should ALSO be required to contribute affordable housing to families. I would ask that you start with this project – we need affordable FAMILY housing. Thank you</p>

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1/27/2021 17:34		1			1		<p>Hi Mike Ferry, Novin Development, and associates. Sending this here in case there are too many of us on today's (1/27/2021 community) meeting to all have a chance to question and comment.</p> <p>Thank you for bringing us together to discuss the future of our community, and the concerns that we have for your proposed change in its landscape.</p> <p>My fellow neighbors have identified a number of health and safety risks in your current build proposal. Throughout the coming process, there will be plenty of opportunity for us to discuss the details of how we predict its excessive height, density and even design will do us harm - as well as how these concerns of risk are substantiated.</p> <p>But right now, I'm just trying to get a general take on your intentions as a developer, especially in respect to the adjacent community and schools.</p> <p>The first thing that concerns me on this front, is your opening description of the proposed scale in "levels."</p> <p>The description on your concept design describes 5 floors, or levels. However, as the roof is designed to be physically occupied by humans, it is technically a 6th floor. This is quite important, as it will affect many associated factors, such as privacy, light pollution, noise pollution... You are also proposing an enclosed and roofed bar on this 6th story, looking out directly over a school.</p> <p>I will assume that this oversight of levels described, was an honest mistake in the drafting of your design and its description; but now that it has been brought to your attention, please correct this so that our community is given the necessary information from which to accurately assess the potential impact on our lives.</p> <p>And considering that the misrepresentation of the proposal's number of levels is replicated directly on the City's website, I also look forward to the City correcting this error. This way no one is willfully misleading our community through this important assessment and engagement process.</p> <p>As we progress together, I hope to see that your intentions are in alignment with working with the local community to mitigate the harm that WE identify in your current proposal.</p> <p>Thank you for noting these concerns and I look forward to seeing them addressed.</p>
1/27/2021 17:40		1			1		<p>I have grown up on Branciforte and have lived here my whole life, I am 22 now and I hope to live here in the future. I am concerned about the following:</p> <ol style="list-style-type: none"><li>1. Size of development - 2 5 story buildings on the site are totally out of character for the old established neighborhood. We have 2 historical houses on this street alone</li><li>2. Design of development - Ultra modern design does not compliment the area, again, the majority of these houses are from the early 30's and this design is completely out of place.</li><li>3. Parking - Not sufficient parking for the tenants and the commercial businesses. This leads to parking in the adjacent neighborhoods. Will there be permits for residents so those parking in our spaces can be dealt with?</li><li>4. Noise - With an additional 300+ residents, this adds to additional noise and pollution in the neighborhood. In the summer, we cannot open our front windows due to traffic noise. I have lived in apartment complexes during my time in university, they are not quiet.</li><li>5. Impact on schools - We currently have multiple schools across the street on one site and we see there is new development on this site now.</li><li>6. Development of property - The project lists the proposed development for 823, 825, 827, 831 and 833 Water Street. The information Report states the project is for 823, 831, 833, 905 and 907 Water Street and no mention of 825 and 827 Water Street. The 905 and 907 Water addresses are located across the street from the proposed development. Is 905 and 907 Water Street included in the proposed development?</li><li>7. Rooftop bar - The rooftop bar is totally unacceptable for the area and will only exacerbate the noise.</li><li>8. Privacy - The houses on Belvedere which would back up to the development would have one of the greatest impacts as they would loose their privacy and the noise pollution from the 150 cars associated with the project and not to mention the rooftop bar. This is completely irresponsible for their wellbeing.</li></ol>
1/27/2021 17:46		1			1		<p>I don't understand in what world a five story building, right next to single story houses would even be considered. Nobody, not even those in strong support of affordable housing, would actually want this directly next to their house. To be anti this is not be anti affordable housing, but a 59 foot building this close is absolutely preposterous. I personally wouldn't care if the building next door was a high security prison with a gap in the fence; so long as it wasn't so ridiculously tall. To approve this would be an act devoid of human empathy; which is ironic since the creation of affordable housing is one that should benefit us all.</p> <p>Also why is one building low income and one building not? Surefire way to stigmatise. Plus most of the low income housing appears to be single occupancy. Is this the most needed form? It was my understanding that the highest local low income need is for family units.</p> <p>Overall this project appears to be like trying to use a sledgehammer to fix a pocketwatch.</p>
1/27/2021 18:42		1			1		<p>For transparency sake on these Zoom meetings the chat should be visible to all participants. Right now we can't communicate so the community can see each other's comments. Also, this project isn't equitable. Why are the studios on the affordable housing side smaller? What about housing for families? Most folks here don't ride bikes so not having parking is stupid.</p>
1/27/2021 18:50		1	1				<p>Hello, I am in strong support of this development. It is desperately needed and in an existing commercial corridor close to many amenities as well as close to downtown.</p>
1/27/2021 20:24		1			1		<p>There is no way a building of this size should even be considered at this location. It is completely the wrong look and feel and just way too big for the community here. The plans don't even support the number of proposed residents + visitors + patrons. These folks would just spillover to park along our neighborhood streets. Maybe something like this makes sense closer to downtown, where garages are available, but it even feels too big for there, so definitely just makes no sense at this location. Realistically the parking plan alone doesn't work. I'm all for mixed use here and we definitely need more affordable housing and welcome both at this location, but this is a monstrous design and just isn't it.</p>

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1/27/2021 20:55		1			1		<p>Surely you are aware that the homes on this terrace already hv : "PERCHED WATER PROBLEMS" from all the Subterranean water flowing from the North East. Every local Hydrogeologist would confirm this. ☹️</p> <p>The soil is only 10 - 15 ft deep on top of the Sandstone - so When it Rains, the water has no way to seep down &amp; the Saturation comes up into the Crawl spaces all over the neighborhood. ☹️</p> <p>The Sump Pumps are not even Adequate as it is.☹️</p> <p>This Giant enclosed, Excavated Parking Level is like a Swimming Pool.☹️</p> <p>I think the underground water will flow around it &amp; overwhelm the French Drains &amp; Sump Pumps on the Adjacent Belvedere Terr Properties.☹️</p> <p>Certainly this will result in Class Action LAW SUITS. ☹️</p> <p>We will certainly blame the CITY for allowing such a Preventable Disaster, with the resulting Water Damage, Mold- related Health Problems; Also for the Foundation Damage &amp; Property Devaluations.☹️</p> <p>☹️</p> <p>I just DO NOT understand how this Monstrous Bldg can be Permissible. Don't the Codes Protect us from Excessive High Rise Construction.☹️</p> <p>And, Who wd ever shop at the Commercial spaces on Lower Pacific if a person can't even park?☹️</p> <p>How many people Work or Go to school close enough to ride their bike &amp; arrive all sweaty?☹️</p> <p>To take a Bus out to Cabrillo must take at least an Hr! No one has that kind of time - unless you gv them a Cushy Google bus. ☹️</p> <p>I al.Iso am disapp't'd there are no FAMILY units. If it's all single people, the Late PM noise, overflow of CARS &amp; prob more CRIME is going to Wreck or sweet neighborhood. I only bt a home at 170 Belvedere Terr last year &amp; this really makes regret it</p>
1/27/2021 22:13		1			1		<p>Dear Mike Ferry,☹️</p> <p>☹️</p> <p>I attended the community meeting for 831 Water tonight and as you can tell the community is by and large against this project. I did some research on SB35 and this is what I found: SB 35, authored by San Francisco's State Senator Scott Wiener, is one key component of the legislative package. Specifically, SB 35 forces many cities which do not meet their Regional Housing Needs Assessment (RHNA) goals to provide a streamlined, ministerial review of qualifying infill housing projects. Without the mandated ministerial review process, these projects could be subject to local conditional use permit requirements, environmental review under the California Environmental Quality.☹️</p> <p>☹️</p> <p>With the new affordable housing being added downtown at Downtown 165 affordable housing units is likely Santa Cruz has already the RHNA requirement up until 2023. If you would like the numbers on this please let me know. I have gone through public documents and taken a count. There is no reason to allow the 831 Water St. project to go through. I recommend contacts be made with wealthy citizens who do give to causes to be collaborating with others to build 100% affordable housing for low income. Contacts should be made to Reed Hastings of Netflix who is part of the Santa Cruz community to put in money. I will contact Ryan Coonery to find out what can be done. Do not pass through this project. Please perform an EIR and get an accurate accounting of the number of units built in Santa Cruz since 2015. The numbers will tell you. There are over 400 units available daily to rent in Santa Cruz.. Some are the same type of housing Novin Development is proposing and they go unfilled. If you cannot work on counting what has already been built please direct me to the person who can verify the ☹️</p> <p>RHNA count. Please care about what is built in Santa Cruz. Why create something we do not need? Thank you for your time to work on this important issue.☹️</p>
1/28/2021 8:02		1			1		<p>Please listen to the community. We need affordable family housing - not dorms!☹️</p> <p>We have a unique community- please don't turn it into a San Jose by allowing these types of buildings in our city. Density is not the answer.</p> <p>Thank you</p>
1/28/2021 10:19		1			1		<p>This would be a great project for the Whole Foods Soquel Av parking lot (it's at least 4 times larger) Build the apartments on Soquel Av side, build multi level public parking structure between the housing and the stores for tenants and shoppers. On the Water St lot build 3 levels with about 50 units equally divided among studio, 1-bdrm, 2 bdrm with first level for parking and something commercial. If they want a partial 4th level on Water St that could work. Is it even possible for a private for profit to build housing that's livable and charges a reasonable rent for families earning 50-80% of median income? You are the City government, we need you to do the right thing and the good thing. This project on Water St location is neither good nor right.</p>
1/28/2021 15:39		1			1		<p>The shadow diagrams shown at the 1/27 meeting did not look correct to me. Assuming the building is 80' tall, 30 degree solar altitudes from October to February would result in shadows about 140' long, and at 20 degrees in December, up to 220' long. These would shadow all the outdoor areas of the neighbors to the north, and across the street in December. The development should respect a "solar envelope" that does not cast shadows on its neighbors during prime daytime hours, say more than a 6' high fence along the property line would. ☹️</p> <p>The developers should provide HOURLY shadow projections for 3 times per year, summer and winter solstice plus equinox.</p>
1/28/2021 15:46		1			1		<p>In pursuit of Santa Cruz's "Health in all policies" initiative, multifamily housing should encourage active movement. The most important opportunity is daily use of stairs. High-rise buildings should be designed so that stairs, not elevators, are the obvious choice for vertical movement. "Irresistible stairs" include ample daylight, sunlight, views, and platforms and widths wide enough to encourage social interaction. Beautiful stairs can make a building a joy to inhabit. ☹️</p> <p>☹️</p> <p>What's the point of encouraging bicycle transportation, then putting people in a mechanical box to get up to their unit?</p>
1/28/2021 18:10		1	1				<p>I think this is a great project that brings much needed affordable housing. Don't change the height or density. Thanks for thinking of the community with retail and community spaces. YES on this project!!</p>
1/28/2021 20:43		1			1		<p>A project of this magnitude seems disproportionate to the balance of the neighborhood. We live down the hill from there and parking is already impacted on Reed Way and Market Street due to medium density development. ☹️</p> <p>☹️</p> <p>If the proposed development has less parking than is reasonable for proposed residents, this will negatively effect parking along Branciforte and all neighboring side streets. ☹️</p> <p>☹️</p> <p>Also, the hillside is already crumbling. I walk up the hill regularly and the cliffs are eroding, literally breaking off into pieces and falling onto the sidewalk. Busting into the hill for underground parking seems absurd.☹️</p> <p>☹️</p> <p>I agree we need more affordable housing, but I think that 2-3 story development would be more sustainable for existing residential areas.☹️</p> <p>☹️</p> <p>High rises don't belong here.☹️</p> <p>☹️</p> <p>Also, I would like to see some accomodations for the existing businesses at that location. The car wash, laundromat, phone store &amp; DJ's are essential neighborhood businesses.☹️</p> <p>☹️</p>
1/28/2021 22:32		1			1		<p>I do not think the information the development company presented about the amount of shadow is correct. The affect of a 5 story building on the houses to the north will result in those houses being in shade most of the day. An independent firm should be asked to re-do those calculations.</p>
1/29/2021 21:56	1				1		<p>What does a 2,000sf outdoor bar have to do with solving the housing crisis? The density bonus in height, just to get an even taller rooftop bar is very concerning. I understand the developer wants to make a profit but this is a gross addition to the neighborhood. I am a neighbor and the idea of putting a 2,000sf outdoor bar on top of a five story building seems outrageous in a peaceful, working class family neighborhood! This is a family neighborhood with small children. This will create so much noise, traffic and safety issues.☹️</p> <p>We do not need an outdoor party space built at this location.</p>
1/30/2021 12:14		1			1		<p>I absolutely do not support this. I live in this neighborhood and this large of a structure will overflow our neighborhood and it will ruin our community.</p>
1/30/2021 19:53	1					1	<p>What building codes apply to solar panel protection from buildings that will block sunlight to those panels? There are houses on Belvedere Terrace with solar panels that would be affected.☹️</p> <p>Thank you.</p>
1/31/2021 20:18		1			1		<p>This project is much too large for the site, only .9 acres. It has totally inadequate parking, especially with the double decker arrangement. How on earth wold you get your car off the second story if the first story people weren't available to move their car????? I assume most entrants accessing the property would have to make Left turns on a heavily impacted corner . And there is NO family housing. I will oppose this project vigorously through all channels available to me.</p>

Submit Date	I have a question(s).	I have a comment(s).	In Support	In Support with Concerns	Concerns	Question(s) only.	Question/Comment:
2/1/2021 9:19		1			1		The number of tenets is way more than what’s zoned. The density would result in noise and air pollution in the quiet neighborhood. Traffic and street parking would be a nightmare. The rooftop bar is a noise issue. The units are sized for students not families. The building is not in character of the largest historic school nearby. I say no!
2/2/2021 12:55		1	1				This project meets the criteria for our housing needs. It is on a transit corridor which meets environmental goals. It will enhance the look of the neighborhood.☒
2/2/2021 21:22		1	1				The market-rate housing housing and the low income housing are essential for our community. This plot of land is perfect with its location close to downtown and transit and its currently a terrible use of space.
2/2/2021 23:04		1	1				I fully support the 831 Water Street project. We desperately need more affordable housing in our city.
2/3/2021 13:01	1	1			1		To whom it may concern, ☒ I am a 35 year resident on Belvedere Terrace. I am appalled by the density and scale of this project! I am not against affordable housing but I am against the ruination of a charming and vibrant neighborhood. The scale of this project is only a clear vision of greed by Novin Development. This is not anywhere near a design that could blend nicely into a beloved neighborhood. Shame on the city for even letting this project at this scale and total eyesore get to this point. Thanks for your time and I hope and pray my voice will be heard. Sincerely, Nancy Burns
2/5/2021 1:49	1				1		I am extremely concerned about the size of this project. I support additional housing and mixed use commercial use of this project, the size degrades the neighborhood by creating traffic and parking issues in addition to blocking the sun to adjacent residential streets. A three story building would be more neighborly.
2/10/2021 12:06	1	1				1	While I am in support of low income housing for people who already live in Santa Cruz how do we insure projects like this are only available to local people? If we cannot assure that, then we are just inviting more people in, then the housing problem continues or is exacerbated? Since there does not appear to be any multibedroom apartments the project appears to be built for couples, single people or perhaps students but not families?☒ The plans also appear to eliminate the fire access gate from the west end of Belvedere Terrace.☒ This seems like a safety issue if there is a blockage at the east end of Belvedere Terrace or for the fire trucks to have access without backing out the whole way down the street?☒ I have also heard the the city is considering eliminating the slope regulations for projects. This seems fine for a pathway or staircase but seems reckless when buildings are involved.☒ The lack of parking will impact the neighborhoods surrounding the project since they will be charging for the parking spaces that they will be providing. Perhaps you should be making parking on the streets permit only everywhere to discourage vehicle use if that is the goal.☒ I ride my bicycle down Water Street multiple times a week. With the bus stop already there and the proposed parking exit near there it will make the bike path more risky. Not including a bus stop seems to negate some aspects for the purpose of the project.
2/10/2021 12:24	1	1			1		I am concerned about the scale of this project so close to the exiting neighborhood on Belvedere Terrace. Just the height of the project alone infringes on the neighborhood behind it. It seems like a massive structure with a lot of people to potentially inhabit the buildings. Shouldn't we be trying to house some families, especially being so close to schools? It looks like the apartments don't lend themselves to anyone with a family?☒ I heard that the city is considering eliminating / changing the slope regulations. I thought this hillside was deemed to be a sensitive area and have some concerns specific to this project if regulations are relaxed. ☒ Is there any guarantee that existing Santa Cruz residents will have priority for these units? Otherwise, this development would not help with the current housing problem.
2/14/2021 13:03		1			1		My concern is the height of the building. 5 stories seems way too tall for the surrounding neighborhood. A building that height does not fit in the residential neighborhood. As a nearby resident, I would want all buildings in the area capped at 3 stories.
2/17/2021 17:52		1	1				There has been a severe housing crisis in Santa Cruz for as long as I can remember. The limited operations on the UCSC campus due to the pandemic have alleviated it somewhat, temporarily, but it will be just as bad as before the pandemic as soon as it's over, likely in the fall as students return. We urgently need more housing in Santa Cruz, and this is exactly the kind of project that will help solve the problem while causing the minimum disruption to the neighborhood, as it is high-density but along a high-traffic commercial corridor and contains its own parking, and will include affordable units based on local median income. I live in this neighborhood and look forward to the benefits that high-density housing here will have on local businesses.
2/22/2021 17:44	1					1	Has a Comprehensive Environmental Impact Report been filed? Does it address the Existing, Huge Underground, Perched Water & Drainage Problems already plaguing Belvedere Terrace???☒ I don't see how this INTENSIVE Use & Inappropriate High Rise will not Harm the residents & (with the great volumes of even More diverted underground water) threaten the homes. Aren't there Height Restrictions in our City against a Monstrosity like this blocking off the daylight?? ☒ And where are all the guests of the new residents going to park?☒ We already hv Inadequate St. parking.☒ Who's going to want to shop at the commercial units if they can not easily park - ( Like at the So. end of Pacific Ave. ) ? ☒ Also, Pls explain:☒ How will so many new residents get through the Water St. intersection during the Rush Hrs to get to work or school?
2/22/2021 19:26	1					1	Will the rooftop lounge be considered a low risk or a high risk alcohol outlet? Has this determination been made? If not, when will this designation be made.☒ ☒ Thank you.☒ Walt Wadlow
2/24/2021 13:22		1		1			I support more housing in Santa Cruz and think allowing more floors is a good way to make use of available space, however as project like this increase population density I think more public space should be provided in each affected neighborhood. This could be parks or green spaces, public squares for community gatherings such as farmers' markets or concerts. Can developers be required to pay a fee for acquisition of this land? Also, I find the architecture not very pleasing.
2/24/2021 18:16		1			1		The size and scale of this proposal is clearly not compatible with this area of our city. At 6 stories (with walled rooftop garden), the proposed project is unthinkable large, towering over Belvedere Terrace, and even over other housing projects recently developed in the vicinity (i.e., Water Street Apartments and Breakers Apartments). At 59 feet tall, the developer is requesting a 47.5 percent increase above current zoning allowance. It would also be just slightly more than 20 feet from nearby residents’ backyards, while trash and recycling cans for its 151 units would no doubt be placed in that small setback area. The “Corridors Plan,” shelved due to the disproportionately high impact it would have had on city residents east of the river, acknowledged the city’s responsibility to older neighborhoods. The 831 Water Street project is not even faithful to the guidelines expressed in that plan, violating the clear guidance from City Council to city staff to “preserve and protect residential neighborhood areas and existing City businesses, as the City’s highest-level policy priority” [City Council minutes, August 27, 2019]. A project this size might be desirable for our downtown, but it is inappropriate, harmful, and unsafe in a location at an already-struggling intersection, abutting a long-established neighborhood. It is critical that fresh development on this particular parcel be done right because the precedents set here will have far-reaching consequences, influencing further development along Water Street and Soquel Avenue for years to come.
2/26/2021 11:21		1	1				Love this project. Live in the area and am really looking forward to both this project and 908 Ocean St. They will provide a nice facelift at those intersections. Really hope they become a reality!
3/3/2021 11:37		1			1		Unless there is access and egress without the need to back up, not only fire, ambulance, police and garbage trucks will be hindered, but there will be CONSTANT backup beeping from trucks delivering to 151 apartments. This would create UNACCEPTABLE noise pollution.
3/3/2021 16:58		1			1		Please do not allow a structure of that size right by the b40 school building. It will certainly endanger the kids crossing the street by biking or walking to school. ☒ ☒ The proposed look and height of the building will not match the landscape of that area, it will block sunlight to the 1 story homes on the backside of it. ☒ ☒ There is already bottleneck traffic at that intersection, and high speed traffic flow up and down the water st hill. We need to reduce that amount, not add to it with a bunch of extra cars coming and going from the proposed building. ☒ ☒ Why are you wanting to add more water usage to a town historically having issues with shortages? It doesn’t make any sense for the proposed units to be 1 bedrooms and studios. ☒ There are too many individual units that should be more geared for families to enhance the neighborhood school location. Build big buildings downtown by the river, not in a well established neighborhood areas. ☒ ☒ Please find a better location for a building of that size as it doesn’t belong at 831 water st.



Submit Date	I have a question(s).	I have a comment(s).	In Support	In Support with Concerns	Concerns	Question(s) only.	Question/Comment:
3/8/2021 11:26	1	1			1		Hi Mike.☹ I'm looking for any groundwater analysis related to this project. I know there are issues in the neighborhood to the north and a deep garage barrier will impact the flow of groundwater potentially to the detriment of the neighborhood. Has there been a hydrologic report done for this project? Do you anticipate one if not? ☹ Matt Johnston
3/8/2021 12:07		1		1			These are my comments, for the record, delivered at the Jan. 27 community meeting attended by nearly 300 people.☹ ☹ My name is Guy Lasnier. I live right behind the proposed development and I am a true YIMBY, not one of those so-called YIMBYs who are really YIYBYs -- Yes in YOUR backyard. (Or perhaps more accurately BIYBYs -- Build in Your Backyard.)☹ ☹ I support some sort of renewal and reuse for the parcel at Water Street and North Branciforte Avenue. Affordable housing is a fine idea. ☹ ☹ Here is why I think the development as it is currently proposed needs substantial rework.☹ ☹ Even with global warming I like to feel the sun in my backyard. That won't be possible for me or my neighbors for many months of the year if two five-story buildings are built behind us. Novin Development is seeking a 47 and a half percent height increase -- up to 59 feet. Even with an increased setback it will block sunlight to at least 14 homes for much of the year.☹ ☹ But let's move now from our immediate neighborhood to traffic that -- if not modified -- will affect anyone who travels on Water Street or North Branciforte Avenue. The intersection is already failing and was targeted for deintensification. ☹ As currently designed, the project creates significant new safety issues, particularly for bicyclists and pedestrians. Residents will be forced into dangerous U-turns in many places. ☹ ☹ Any traffic study must take into account that conditions today are substantially different because of Covid. Pre-Covid, afternoon gridlock was a regular feature. ☹ ☹ Any traffic study needs to take a holistic approach to account for the 908 Ocean Street project down the hill and the prospect of future development on Water Street. ☹ ☹ Three final thoughts:☹ ☹ To Iman Novin, please be neighborly and consider a more reasonable, responsible, and respectful transition from the commercial corridor to the single-family neighborhood where families have lived for many decades. Work with us to achieve a solution that we can all be proud of. ☹ Remember the City Council's charge from August 2019 to "preserve and protect residential neighborhoods and existing businesses." And, finally, prepare an Environmental Impact Report as the developer of 908 Ocean Street is doing on his own accord.☹ ☹
3/14/2021 18:41		1			1		The largess of this developmt is way out of scale of this neighborhood of Santa Cruz and will negatively impact the nature of the city that attracts so many. This is a development that overreaches the profit motive of one individual. I strongly oppose it. It will not provide housing for those who are needing it most.
3/15/2021 16:29	1					1	When will this project go out to bid? Real Color 3D would like to be invited to bid on the signage scope for exterior and interior ADA signs.
3/17/2021 12:58		1	1				Dear Planning Division, thank you for your work on this project. It is sorely needed and time to build up more density downtown and along our major corridors. I look forward to coming to support this project in upcoming public hearings.☹ Andre Duurvoort, resident of San Lorenzo Valley
3/21/2021 13:59		1			1		I have only concerns on this proposed project. This will negatively impact so many residents and homeowners in our neighborhood. The decades they have invested into their properties and gardens will all be shadowed by a behemoth of a building that has no fit for Santa Cruz, specifically our quiet residential neighborhood. Why are people trying to to Santa Cruz into San Jose? Image how badly this will impact children at the school. The traffic and parking would be horrendous. We do not have the infrastructure in our neighborhood to support a building of such grand scale. It has no place in our neighborhood.
3/24/2021 16:15	1					1	When well they put up story poles so the public can see the impact?
3/25/2021 11:22		1			1		Please stop approving these multi-story mixed use buildings on Soquel, Water, and other locations in Santa Cruz. We do not have the infrastructure to support our current housing and you are approving projects without improving the infrastructure first, nor providing adequate parking for the newresidents. STOP destroying our town. Many of the people who will live in these buildings will not use bikes and public transportation. You are destroying the neighborhoods and why people love Santa Cruz. Please stop!
3/25/2021 16:31		1			1		I am against this project. The idea that you would build a huge building that would block the natural sun from a number of homes is not acceptable. These house will be in shadow most of the day, and would never be able to install solar panels or have viable vegetable gardens. That is certainly not environmentally friendly. The drastic change to the neighborhood is not something that any of the planners would want to happen to their own houses! No not impose that on others.
3/25/2021 17:13		1			1		This proposal is idiotic. Did any of your planners actually study City Planning? If this is your vision for Santa Cruz you need a poke in the eye.
3/26/2021 21:43		1			1		My whole body stresses when I think of this monstrosity on the corner. The city planners must reduce the scale of this building. It would be an eye sore sprouting up and blocking neighoring sunlight and views. It must be reduced in size.
3/28/2021 20:02	1					1	The corner for the proposed project site is already very cramped in terms of entry, parking, etc. How will vehicles enter the project area? How will vehicles circulate? How will residents, visitors and customers safely park and exit? Will they exit onto lower Water Street, or onto N. Branciforte? What type of parking is envisioned? Thank you.
3/29/2021 14:06		1			1		I was born here, and Im very upset with all the new buildings going in:(( How high they are and doesnt asthetically go with our lovely town:(( Im mostly concerned with HOW many stories these new buildings are!! ☹ I think Santa Cruz needs a design review board and a moritorium on anything over 4 stories. It makes me very unhappy to see all this new building and hurts my soul:((
3/29/2021 16:08	1				1		Who are you building this for? We need housing for families - three 2-bedrooms apartments is all that this place has, WTF. ☹ If you want San Jose buildings, then drive the hill, and live there. WE NEED AFFORDABLE FAMILY Housing for Santa Cruz, not this eyesore. We have water issues in this town, have you been to Loch Lomond this year?? Even after the rain, it is dangerously low, so tell me where these new water resources will be coming from, and who will pay for them???
3/29/2021 22:13		1			1		I am a neighbor on N Branciforte. In general I am in support of redevelopment of the lot, the city can use more housing. Affordable is great! But it seems with this developer affordability means a building not in keeping with the surrounding neighborhood and traffic patterns. I stand with the neighbors in concern over:☹ 1. building height☹ 2. number and type of units (nearly all studios??)☹ 3. traffic☹ ☹

Submit Date	I have a question(s).	I have a comment(s).	In Support	In Support with Concerns	Concerns	Question(s) only.	Question/Comment:
4/17/2021 15:39		1			1		Why does this development project have a bar and stackable parking if this is to be affordable housing. It seems like it is too complicated for our neighborhood and an eyesore to say the least. Affordable housing should be modest and reflect a place to live that is just what it says "affordable". This housing shouldn't reflect a "big city" look. Down and across Water St. is affordable housing modest in size and not an eyesore perched on a shale cliff.☹ ☹ ☹
4/18/2021 7:56		1			1		I am shocked that the City would consider a project that so drastically impacts the adjoining neighborhood by of robbing the homes on Belvedere of sunlight, privacy, safety of (building on an unstable cliff) creating a traffic/parking nightmare and creating an eyesore. This violates the General Plan. A smaller scale more compatible project would be acceptable to the neighbors. Please consider that.
5/6/2021 14:11	1			1			I live ~.25 miles away from this proposed complex (between Branciforte & Grant Streets), so I drive by this intersection frequently. It is really hard to imagine a 4-5 story building that has 50% more units than the tannery loft complex on this site. It's too tall and imposing for this site. I could see it being half that size. There will also be significant traffic congestion issues. I won't feel safe riding my bike down Water Street towards Market Street with the primary parking garage entrance being along Water Street, for example. My question is:"Is this already a done deal, or are public comments still being taken that might potentially reduce the size of the complex?"
5/20/2021 20:55		1			1		This project is way too tall; size and design are completely out of character with the surrounding neighborhood. Surely we don't need to destroy the town we've known to build these monster projects to house...?? upper-income people who don't live here yet? And the relatively few "affordable" units are not affordable to people in my economic situation. I know it isn't easy, but we really should be spending our energies focused on housing for low-income and working class families that make, say, under \$50-60k a year; and stop tearing up our town to build these soulless high-rises for wealthy folks. This speculation will only continue to increase the price of land and housing. This is not the direction Santa Cruz should be moving in, and it definitely will not help house the people who really need it. The 813 project could, if the developer was willing, be more modest scale, and continue to provide housing for moderate and low-income people. They could still make a profit, just less. Thank you.
6/14/2021 6:42	1				1		Hoping this correspondence reaches the lead planner on this project. The builder of the Belvedere Terrace Cottages, adjacent to this project, indicates an archeologist during BTC construction discovered artifacts. And indicated there would be much more east of find on the parcels Novin owns. I want SC planning to pull that report or give out the name of archeologist. I would think the developer would also be interested before submission of formal application. Cathy Puccinelllicathy@yahoo.com.
6/16/2021 10:26	1				1		Why is there a bar on the top floor in a residential neighborhood? Why not just a commons area/green space?
6/23/2021 19:05	1				1		Why does the city respond so quickly to Novin application when you have 30 days!!! Neighbors need some lead time here. Plus I would like to see completed application NOW. Thank you.
6/24/2021 13:07		1			1		I am opposed to this project- 1) does not fit in this neighborhood 2)structure is to many stories will overshadow housing around it 3) santa cruz has a water shortage - and we are in a serious drought do not see this improving- i am being asked to conserve water- and then i see this.☹ ☹
6/25/2021 6:48	1	1			1		Ryan, Having been through this exercise a number of times I am really concerned about the applicants attitude regarding the required parking. I am also unclear about what the City's attitude is about required parking. Especially regarding the Affordable units. Is the applicant really going to credit the parking fee (is that something the staff supports) or charge extra. And how does this relate to the affordable units. I am concerned that the Green Lobby may have forgotten that the folks in the affordable units depend on their cars. As well have is their any City attitude about the number of Elevators per unit or the fact that in order for the affordable units to access their units from the parking they need to climb a set of stairs from the parking are to the elevator. ☹ Best regards ☹ Craig
7/3/2021 12:10	1					1	Where will tenant ingress and egress? ☹ And will the B40 access be for loading and unloading stock for commercial use? And will trucks permitted to idle during unloading and loading. And where will they turnaround?☹
7/19/2021 19:21	1				1		What about historical adobe finds? I am against this massive use of this land.
7/22/2021 23:05	1				1		There is already very few wildlife species left 8n this city county etc. How could you give weigh to project like this with out drawing to the fact that the area is full of wildlife because of the river that runs through it!
					1		How could there not be public input as well as an EIR?
7/23/2021 15:52		1			1		Inappropriately large project which will have detrimental impact on neighborhood. Noise from rooftop bar, shade, lighting, parking, traffic. Environmental concerns also due to slope. Build a 3-story building. Also, larger units for families (fewer studios and 1-bedrooms). ☹ This should go before the Planning Commission and City Council for approval.
7/26/2021 9:02		1					I am extremely concerned about this project. While I support much needed housing this is too much, too fast. Issues of traffic, safety for biking, height and shade, water and site.
7/28/2021 9:43	1				1		please direct me to where I can find out about what are the "objective standards" that can be applied to this project. Thank you so much, Helen
8/2/2021 8:52		1	1				I had concerns initially but now I'm in support. The modifications the developer has made are great.
8/5/2021 9:53	1					1	What are the "objective standards" that the city is applying to this project and how can I obtain copies of these standards?☹ ☹ Thank you,☹ ☹ Doug
8/9/2021 8:31	1					1	Once this project is in the phase of accepting pre/application or applications how would one be notified?

Submit Date	I have a question(s).	I have a comment(s).	In Support	In Support with Concerns	Concerns	Question(s) only.	Question/Comment:
8/9/2021 9:37		1			1		<p>Following is the text of an email I sent to the City Council and the planning department. My communication is focused on the solar impact of the project on the adjacent neighborhood. In the email I included images showing the conditions at equinox, winter solstice and summer solstice. I am happy to provide these images to your team if desired.</p> <p>Thanks for all your efforts.</p> <p>Ken Koll</p> <p>-----</p> <p>Dear Council Members,</p> <p>I am writing in opposition to the proposed development at 831 Water Street. There are many reasons that this development is inappropriate for that location. I will address only one, the effect of the building solar shadow of the adjacent homes.</p> <p>I evaluated the solar shadow of the proposed building. The results are clear. The closest homes will have their solar access impacted all year long and completely eliminated for certain months. In winter, homes on the north side of Belvedere Terrace and south side of Berkeley Way will even have impacts to their solar access.</p> <p>On December 22 (winter solstice) the near homes (south side of Belvedere Terrace) will be in shadow all day. At noon the solar shadow will also completely cover properties on the north side of Belvedere Terrace and even reach to some homes on the next street (Berkeley Way).</p> <p>At noon on the equinox (Mar. 20, Sept. 22) the closest homes (south side on Belvedere Terrace) will receive no sun on the entire property.</p> <p>Even at the summer solstice (June 22) the yards of the closest homes will be in shadow at noon.</p> <p>I have attached drawings showing the solar shadow impact. NOTE: My drawings underrepresent the shadow as the tool I used can only model a 50 ft. building. Per the developers’ drawings, the proposed building height is 59 feet and that does not count the elevator and other rooftop structures.</p> <p>The City of Santa Cruz, County of Santa Cruz, and the State of California have all committed to encouraging the development of renewable energy. Rooftop solar is a critical component in that effort. Beyond the energy considerations, the shadow created by the proposed development will have a significant negative impact on property values and the quality of life for the near neighbors.</p> <p>I strongly recommend that the City Council direct the planning department take all necessary steps to make sure that the 831 Water project not go forward in its current form.</p>
8/9/2021 10:44		1			1		I'm concerned about the traffic congestion that already exists on Water and Branciforte. I would like to see a smaller project, maybe 2 stories, but not 5. As a resident of the Carbonara neighborhood, this project is likely to impact our quality of life
8/10/2021 7:23	1					1	Is the parcel edge to edge single use building with no landscaping plan? Is there any mixed use to lower traffic? What sort of park or walking path comes with this? This would be a comment I guess but isn't it weird a low income render has luxury cars?
8/10/2021 8:39		1	1				All for more housing. Let's get more of this. And soon.
8/10/2021 14:22		1			1		Have some high density housing at this site is OK, but I have 3 concerns: 1) Segregating affordable units from the market rate units goes against community values and good practices. Please don't let this happen. 2) Blocking sunlight from existing homes adjacent to the project is unconscionable. Do everything possible to minimize sunlight impacts. 3) This project, in addition to the many already in the pipeline in the City of Santa Cruz, exceed our infrastructure abilities (water in particular). Do everything possible to get the project downsized.
8/11/2021 8:26		1			1		Is there enough water to support all these people moving to Santa Cruz?
8/12/2021 16:15		1			1		1. The perennial water spring, from which Water Street likely got it's name long ago, always flows out from the downhill end of this project site. It has always been a perennial riparian corridor which can be seen steadily flowing down the gutter on Water Street hill all year-round, even during the drought(s).  2. The plan now includes the idea that heavy fire department water trucks will be able to drive all the way across the roof of the proposed parking garage from the gate at end of Belvedere Terrace all of the way out to North Branciforte Avenue. Will the garage roof readily support 30 tons? For how long?
8/12/2021 16:25		1	1				I can't make the community meeting tonight but I and my partner wanted to voice our full and complete support of this project. I've been living and working in santa cruz for many years and despite making more than the average santa cruz yearly salary, finding affordable housing has been an absolute nightmare. I can't imagine what it would be like making less than I do now. Thank you for doing such important work and I am so excited to see this project happen!!!
8/13/2021 13:36		1			1		1) The city does not have the water to support a building of this density.  2) This building should adhere to the city's current land-use rules regarding height (no more than 3 stories and 40-foot-high projects).  3) This will prevent installation of solar panels on the surrounding homes.  4) This building will overwhelm the surrounding neighborhoods with traffic and car congestion due to lack of any parking.  Please do not build this as designed.

Submit Date	I have a question(s).	I have a comment(s).	In Support	In Support with Concerns	Concerns	Question(s) only.	Question/Comment:
8/13/2021 15:20	1	1		1			I come from a preference for small and community-oriented development. However, housing in Santa Cruz is no longer adequate for small scale and once-intimate community. Of fundamental importance to me is just how affordable and available new housing will be for those who desperately need housing. More small, self-contained housing is preferable in my mind to fewer, more spacious accommodations that leave more people out. If two parking spaces accurately describes the size of an affordable unit, is rent truly within reach of the most needy and will rent be capped for the long-term? I can support truly small and truly affordable, especially if we can can create bridges with community resources. I cannot support a thinly disguised development project that benefits developers more than community quality of life. Is 831 Water addressing these concerns?
8/14/2021 9:16		1			1		Santa Cruz residents do not support these high tiered, ultra modern apt/business buildings. They are in direct conflict with our towns VALUES. Traffic and a hugely growing population in a town whose infrastructure cannot support this kind of continued growth We are not and should not become San Francisco or Oakland. We have already turned our once beautiful town into a joke. Will we now add freeway interchanges and overpasses to support all the additional CARS and people swarming here. Yes, it's a beautiful I coastal town with a LIMITED ability and scope of size. We cannot just keep growing. We cant. We are ruining everything about this town that is beloved. It's not just "old" Santa Cruz people who are against this level of growth. Everyone I talk with are against it because the size of our town simply cant hold it all! Our quality of life has already suffered and the current city leadership just keeps talking about needing more tax revenue to support all the needs that are, indeed, out of hand. We have too many people here in this small space already. Just because it's a lovely area doesn't mean that we should just keep piling more and more structures on top of each other in order to accomodate. We simply cant. Some people will just have to stay living in other towns. It's not rocket science. Your seniors already cannot afford to live here..are deeply struggling financially, the homeless continue coming due to liberal sleep where you want policies and the quality of life for those of us who have lived here, paid years and years of taxes continues to degrade, almost daily. Shame on this once thoughtful and environmentally conscious towns leadership. Putting a "garden area" on top of a 4-5 story monstrous sized building is ludicrous and ridiculous. And some affordable apts. Sure. Do any of you know what affordable even means? Trying to lure people into accepting these awful buildings blocking our lovely and never to be again horizon by promising some "affordable" units is, well, beneath you all.
8/14/2021 9:59		1			1		<p>☒</p> <p>Greetings,☒</p> <p>☒</p> <p>As currently designed, the project locates the entryway to the underground parking on Water St at the west end of the property. This entryway is on a steep, downhill grade and crosses a protected, and highly utilized, bike lane. This entryway location poses a direct threat to the safety of bicycle riders and is a design element that must be changed. Cyclists are moving at speed by the time they reach the west end of the propertaçal. ☒</p> <p>☒</p> <p>There appear to be only two safe choices for entryway location as far as protecting cyclists. One is to locate the entryway where the existing Water St driveway is now, at the top of the hill. The other is to move the entryway onto Branciforte. Please don't allow this project to imperil cyclists. Santa Cruz is already sufficiently dangerous for those who ride bicycles.☒</p> <p>☒</p> <p>respectfully,☒</p> <p>mark boolootian</p>
8/16/2021 0:44	1					1	Would this complex accept housing section 8 vouchers for rent?
8/17/2021 14:37		1			1		<p>For the state density bonus, the law states that it can be denied if there is substantial evidence of adverse impact to the physical environment. In my mind there is clearly going to be an adverse impact to the physical environment due to the size of the building in relation to other houses in the area.☒</p> <p>☒</p> <p>- Multiple houses on Belvedere Ter. will be shaded resulting in a lack of adequate sunlight to power solar panels installed on those houses. This has a significant impact on both the environment and the cost to operate those homes given California's push to electrify all homes in the state.☒</p> <p>☒</p> <p>- The landscaping of those houses on Belvedere Ter. will likely die and need to be replaced due to a lack of adequate sunlight, this also has a cost to the home owner and a negative environmental impact.☒</p> <p>☒</p> <p>- For people who work from their homes the lack of natural light entering the home will have a negative impact on their mental and physical health.☒</p> <p>☒</p> <p>The building as proposed will likely also have health impacts.☒</p> <p>☒</p> <p>- Increased traffic to the residential area where kids live, kids breathe 50% more air per pound of body weight and this will increase their exposure to toxic exhaust.☒</p> <p>☒</p> <p>- With the recent report from the IPCC it is unreasonable to allow a building of this size which occludes sunlight from neighboring houses limiting the installation of solar panels. In addition the increased energy and water demands of a building of this density seems irresponsible given the future climate outlook.☒</p> <p>☒</p> <p>This building should be powered by 100% renewable energy and should conform to the existing density regulations for Santa Cruz of 3 stories and under 40ft.</p>
8/18/2021 7:51		1	1				I am in support of this project. I grew up in the county and am looking to buy my first home here, but there is nothing available in my price range. I believe the planned building is beautiful and in a climate-change-aware location. I applaud the inclusion of so much low-income housing.
8/18/2021 11:37	1	1			1		We are supportive of housing but have concerns re: size and style of this building. Please consider re-design to smaller scale and to fit with Branciforte neighborhood, such as Spanish-style similar to new apartments on Water St closer to 550 Water St medical buildings. Can this be considered?



Submit Date	I have a question(s).	I have a comment(s).	In Support	In Support with Concerns	Concerns	Question(s) only.	Question/Comment:
8/19/2021 13:14		1				1	Hello Mr. Bane, I was sure I saw an email come by that had all the answers to all the questions that were submitted on the last Zoom meeting. Oddly, I cannot find that anywhere. Would you please forward that email and its contents to me? Thank you,
8/19/2021 13:57		1			1		The fact that the city didn't have objective standards already prepared to prevent abuse of SB35 by developers is frustrating. I hope you have comprehensive objective standards that protect the city before the community meeting.

**From:** [Anthony Condotti](#)  
**To:** [Lee Butler](#); [Samantha Haschert](#); [Darcelle Pruitt](#)  
**Subject:** FW: 831 Water Street - Issues and Concerns (updated Aug 8, 2021)  
**Date:** Monday, August 09, 2021 2:35:43 PM  
**Attachments:** [Issues and Concerns, update 8 Aug 21 - \(FINAL\).pdf](#)  
**Importance:** High

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Not sure if you're receiving copies of this...

Tony

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**From:** Responsible Development <831responsibledevelopment@gmail.com>  
**Sent:** Monday, August 9, 2021 2:25 PM  
**Cc:** William Parkin <wparkin@wittwerparkin.com>  
**Subject:** 831 Water Street - Issues and Concerns (updated Aug 8, 2021)  
**Importance:** High

To: Mayor Meyers, Vice-Mayor Brunner, and Members of Council  
Cc: Martin Bernal, Lee Butler, Mark Dettle, Rosemary Menard, Tony Condotti, Nathan Nguyen, Samantha Haschert, Planning Commission

Mayor Meyers and Members of Council

Attached please find an updated letter from citizens deeply concerned about the proposed development at 831 Water Street, and the process being used to review that proposal. This update reflects our review of the developer's revised (but sloppy, inconsistent, and incomplete) application, dated July 27, 2021. While we note with favor that the developer has made some changes (accommodating the recorded public safety easement, increasing the setback from a > 30% slope, reducing the number of floors in one of the two buildings, and modestly increasing the number of 2- and 3-bedroom units), this project, as proposed, remains manifestly out of scale for that location.

To be crystal clear, the neighborhood supports and encourages housing, particularly affordable and attainable housing for families, in our City and at this 831 Water Street location.

This letter represents the views of over 500 citizens who have "signed on" to oppose this project, as it's currently proposed. Residents of the adjacent neighborhoods have worked tirelessly for months to try to reach out to and collaborate with the developer, Iman Novin of Novin Development, to no avail. We write today seeking your help to make this project something appropriate for its setting in our City.

/s/ 831 Responsible Development

# 831 Water Street: Critical issues and concerns

We write to request your help to transform the proposed development project at 831 Water Street into something that our town can celebrate, rather than loathe. Using State guidelines to usurp City code and silence its residents, the developer, Iman Novin of Novin Development, has chosen to maximize the mass, scale, and scope of his proposed development and to streamline its approval. Without your guidance, support, and intervention, we fear that City staff will take the path of least resistance and allow this monstrosity to be built as proposed. This would devastate the Branciforte neighborhood, create massive problems at a key city intersection, and pave the way for more of the same type of mass scale development throughout our City.

Specifically, we ask you to:

- Direct staff to immediately develop and publish for public review, discussion, and improvement, the City's guidelines and procedures for evaluating applications under SB35 (streamlined, ministerial review).
  - This must include a definition of what constitutes a complete SB35 application (which should of course include the general building design, floorplan and site placement). The start date for the 60- or 90-day review of the SB35 application should align with the submittal of the deemed "complete application."
- Require that staff take a critical eye to this particular SB35 application, and to consider not only the project's individual elements, but also the cumulative impacts of the project and the developer's many proposed waivers and concessions.
- Insist that the developer work sincerely and collaboratively with the community to moderate the mass, scale, design, and density of this proposed project, in a public process, in order to make it comport with the neighborhoods it would impact and with the City's land-use objectives.

To be clear, the neighborhood supports new housing in Santa Cruz, specifically at this 831 Water Street site, and we especially support affordable and attainable housing for families. We would fully embrace a reasonably sized, sensitively designed, and appropriately sited development. However, as proposed, the massive scale of this project, with 149 units on less than an acre, in two 60-foot-tall buildings within 20 feet of one-story homes, including a rooftop "bar and terrace" [see note 1] (across the street from the Branciforte Small Schools campus), would redefine and overwhelm this entire area of our City.

*Time is of the essence!* Mr. Novin submitted his formal SB35 application on 1 July. The City is obligated to respond to that application within 60 days. You must act now if you are to change the course of this project.

The remainder of this letter details many of our citizen group's concerns. While we don't claim to speak for all of them, we will note that the "e-petition" on our group's website ([www.831responsibledevelopment.org](http://www.831responsibledevelopment.org)) has collected over 450 signatures in opposition to the project *as proposed*. We hope you find this information not only useful but compelling, and we look forward to working with you to make this project something we can all be proud of for decades to come.

## Overreach in Mass, Scale, and Density

As noted above, we support new housing in Santa Cruz and at the Water Street site. However, the developer's proposal is a massive overreach that is incompatible with the less-than-one-acre site, its location at the top of a hill, as well as the neighborhoods in that area of our City. The developer proposes to build 149 units in two buildings, each over 60 feet tall [see note 2], within 20 feet of neighboring single-story homes, and within 10 feet of adjacent affordable housing developed by Habitat for Humanity [see note 1].

The top of the cherry-picker bucket in this image is 60 feet above the ground. This gives you an idea what will confront us if this project is built as proposed.



The project should be reduced in mass and scale to fit well within a 3-story, 40' envelope, with substantial articulation and appropriate setbacks on all sides that adjoin residences. Further, the developer must be required to erect "story poles" to help our City's citizens understand the mass and scale of any proposed project.

These buildings, as proposed, will shade the entire yards of homes on the south side of Belvedere Terrace for many months of the year. At times, this shading will extend across to the north side of Belvedere Terrace, and, we believe, based on our shadow studies, into yards on Berkeley Way (it's difficult to tell this from the developer's incomplete Shadow Study, since those images are cut off on the north side) [see note 3]. A more-complete Shadow Study is required, depicting the entire area shaded by the proposed project, and demonstrating the shading effects throughout the year, not just at the solstices.

It's unconscionable that, during a global pandemic when we are encouraged to shelter at home and socialize outdoors, a developer would consider relegating families to live in shadow for half



of the year. Further, given the persistent high water table in this neighborhood, this shading will result in mold and other threats to the health of residents on Belvedere Terrace. In addition, this shading undermines the viability of PV solar for the entire south side of Belvedere Terrace, conflicting with the California Solar Mandate (which requires rooftop solar on homes built after 1 January 2020), and adversely affects the existing PV installations in the neighborhood. *This shading constitutes a clear threat to mental and physical public health and personal privacy, and must disqualify this project from density bonus consideration.*

Finally, as noted, the proposed development includes 149 units on less than an acre, in an area zoned for 55 units per acre. While the City code doesn't count studios and one-bedroom units when reckoning unit densities, as an inducement to include affordable units in developments, it's a perversion of the intent of that policy to propose a development where 148 of the 149 units are studios or one-bedroom units, and therefore not counted as "dwelling units." *The City must acknowledge that this violates the spirit, if not the letter, of the City's zoning ordinance, and refuse to allow the developer to over-build this parcel in this manner.*

## Traffic, pedestrian and cyclist safety

The location of this project at the corner of North Branciforte Avenue and Water Street creates substantial impacts on traffic and pedestrian and cyclist safety. This intersection is already famously congested at many hours of the day, and is listed among the highest collision locations in the City [see note 14]. Adding over 200 new residents while retaining several thousand square feet of commercial space and attendant activity can only exacerbate those conditions.

Alarmingly, the developer has proposed to put the primary residential and commercial access to the development's underground parking on Water Street, at the far west end of the property, on a steep downslope. This means that essentially all traffic in to and out of the property will have to cross a recently upgraded high-speed, segregated bike lane [see note 4]. In addition, any access from the west will require a U-turn at the Branciforte / Water intersection, and heading east out of the project will require a U-turn at the bottom of the hill, leading to increased congestion, degraded air quality, increased noise, and increased risk of collisions. Intersection congestion will also affect the ability of City Fire Station #2 (located nearby) to respond timely to the many service calls they receive each day. In order to at least partially address these issues, the City requested that the developer evaluate putting the main entrance on Branciforte Avenue and to allow for a dedicated right-turn lane on southbound Branciforte [see note 5]; the developer has ignored those requests. Frankly, at the proposed scale, it's difficult for us to imagine any traffic pattern that will be workable. *But specifically, the traffic pattern resulting from this proposal is a clear threat to public health and safety and must be changed; if the design is not changed, then this must disqualify the project from density bonus consideration.*

All service and delivery vehicles will access the site within the north-side setback area. There is no provision for these vehicles to be able to turn around, necessitating that they exit the property by backing out onto Branciforte Avenue, across an existing sidewalk and bike lane, and into traffic. Even with turn-around provisions, these vehicles would be operating and idling immediately adjacent to existing residences, at all hours. *The accompanying traffic pattern,*

noise, and degraded air quality represent clear threats to public health and safety; this design as proposed must disqualify the project from density bonus consideration.

## Economic segregation should disqualify project from density bonus

The developer has proposed two buildings on the site: one all affordable, the other all market-rate. Per City code, in order to qualify for consideration of a density bonus, inclusionary units must be dispersed throughout the development [see note 6]. This segregation by economic status is counter to good public policy, equitable development standards, and to City code.

Because this is a qualifying requirement for a density bonus under City code, failure to comply with this provision must disqualify this project from density bonus consideration.

## Geology and hydrogeology

For good reason, the City has requested that the developer conduct detailed geotechnical work on the site, in order to address concerns related to proximity to a > 30% slope and related to subsurface groundwater conditions [see note 7]. As regards groundwater conditions, this area of Santa Cruz already experiences significant pooling of surface waters during rain events, even in drought years. This pooling is partially stimulated by the high subsurface groundwater levels and flows (see the image below from this past drought-year winter in a yard adjacent to the proposed development). The developer has proposed 2-level underground parking, requiring excavation to a depth of at least 15 feet or so, with accompanying foundation work. This foundation will impede the natural sub-surface groundwater flows that move through the neighborhood, which will lead to further surface pooling in neighboring parcels. The developer demands to waive this geotechnical work. Failure to account for appropriate slope setbacks and impacts on groundwater flows represent clear threats to public health and safety and must disqualify this project from density bonus consideration.



## Cultural heritage: [State historical site #469](#)

As recently recounted by Ross Gibson [see note 8], this neighborhood, Villa de Branciforte, has deep historical significance. He refers to it as the birthplace of democracy in Spanish California. The State recognizes this; the marker for State historical site 469 is at the corner of North Branciforte Avenue and Water Street, commemorating the importance of the entire area. The City recognizes this, too, having designated the area as a highly sensitive archaeological area.

In 2007, Bill Brooks, the developer of the immediately adjacent parcel (known as the Belvedere Cottages, which includes two affordable Habitat for Humanity units), encountered adobe foundations while excavating, despite a pre-development archaeological report that did not identify any such concerns. This find required that work stop, and that the developer re-route utilities in order to preserve these historically significant structures.

Because the proposed design involves excavating nearly the entire parcel to accommodate the underground parking, and because of its adjacency to known historically significant structures, the developer must affirmatively demonstrate (using ground-penetrating radar, or similarly-effective techniques) that there are no further historically significant archaeological remains before this project can even be considered for approval.

Further, the high likelihood that this parcel does contain such significant remains must disqualify it for consideration for streamlining under SB35.

## Public-safety easement

As a condition of approval for the development of the immediately adjacent Belvedere Cottages, the City required and recorded a public safety easement. This easement provides critical emergency vehicle access from the Cottages across the parcels proposed to be developed for 831 Water Street. The City in its initial feedback to the developer noted that the project design does not account for this easement and requested that it be modified to do so. The developer's current design still ignores this easement. This represents a clear threat to public health and safety, and must disqualify the project from density bonus consideration.

## Parking

The developer seeks a number of waivers from providing adequate parking for the 149 dwellings he proposes to build. In its Pre-application Review, the City calculated that the project would require 297 parking spaces to account for residents, commercial customers, and visitors to the rooftop bar [see note 10]. The current project plan provides 141 spaces [see note 11]. This parking is going to be built almost completely underground, and provided in large part in tandem stacked parking machines [see note 12]. This parking approach raises many issues of equity and public safety, including:

- Availability of parking for worker vehicles, since the mechanized spaces are sized to accommodate small passenger cars
- Lack of ability to accommodate EV charging in the “racked and stacked” parking

- Risks to residents' ability to evacuate during a public-safety power shutoff (PSPS) event
- Reasonable accommodations for ADA-compliant parking in the "stackers"

The developer proposes to waive that parking requirement due to proximity to a major transit stop. However, there is no transit stop within a half mile of this project that qualifies as a major stop. (A major transit stop requires 15-minute headway on at least two separate routes throughout commute hours.) While there is some talk of plans to develop a qualifying major transit stop in the future, the City cannot guarantee that Metro will indeed develop that stop, or when that will happen. The lack of existing adequate transit service within the prescribed walking distance must disqualify the project from this density-bonus waiver, and must also disqualify this project from consideration for streamlining under SB35.

Further, the developer seeks a waiver of BEV charging facility requirements, citing cost. However, in the near future it will not be possible to buy new internal-combustion engine (ICE) vehicles in California. Consigning the residents of this project to unhealthy, carbon-producing ICE vehicles represents bad public policy, degrades air quality in our City, and discriminates against the residents of this development.

Finally, the developer proposes to charge for use of residential parking spaces (unbundled parking). The developer has stated publicly that the monthly fee may be as much as \$300. This policy makes sense in areas where there is adequate existing transit, or available surface or street parking within reasonable walking distance. Downtown Santa Cruz certainly qualifies in this regard. However, this location does not. Water Street near the project does not allow parking, North Branciforte Avenue is already heavily parked and is a cycling and safe route to school thoroughway, and there is no under-utilized commercial parking near the development. The result: residents, particularly those with low incomes, will likely not pay to park, and can be expected to seek surface parking on adjacent streets. This will result in increased traffic and congestion, threats to the safety of pedestrians and cyclists, degraded air quality, and, ultimately, permit parking in the nearby neighborhoods. These threats to public health and safety must disqualify this project from density bonus consideration, and the project should be re-sized so that it provides adequate parking on site.

## Inappropriate rooftop amenities

The developer's formal application, dated 1 July 2021, still includes references to a rooftop "bar and bar terrace" [see note 1]. While there is continuing confusion whether this means that alcoholic beverages will be served, tolerated, or prohibited, it remains the case that a rooftop space for potentially loud socializing late into the night is simply inappropriate next to a quiet residential neighborhood. Patrons and users of the space will be looking out over the adjacent Small Schools campus as well as into neighboring yards and homes. There's no telling what objects might fall off of (or be thrown from) that roof. And, if there is going to be any alcohol consumed on site, that is clearly inappropriate near a school campus (and could violate the California Alcoholic Beverage Control Act, which prohibits on-sale liquor sales within 600 feet of a school [see note 13]). A rooftop bar or terrace is simply inappropriate adjacent to schools and residences, and must be removed from the project. Further, this "activated" rooftop effectively makes the building six, rather than five, stories tall, and functionally much taller than 60 feet.



The concomitant threats to public health and safety must disqualify this project from density bonus consideration.

## Cumulative impacts

The preceding topics have discussed many of the legitimate concerns that citizens in this area of our City have about this project. Any one of them, taken alone, may be enough to cause one to question the project's viability. Conversely, one may dismiss one or more. However, taken together, the cumulative impacts of these various concerns lead to the inescapable conclusion that this project is simply inappropriate for this location.

On top of that, many of the waivers and concessions being demanded by the developer under State law inescapably threaten public health and safety, degrade air quality, put historically significant archaeological assets at risk, and/or generate increased noise pollution. That fact must disqualify the project from density bonus and SB35 consideration.

Finally, this project's impacts must not be looked at in isolation, but in concert with the expected impacts from other developments underway or approved elsewhere in the City [see note 15]. In particular, we note that the builders of the projects at 350 Ocean Street and at 130 Center Street, each consisting of hundreds of units, are not pursuing SB35 ministerial streamlining, and that the builder at 350 Ocean Street has voluntarily engaged in the CEQA process, contrary to the direction taken by Novin Development at 831 Water Street.

## Seeking collaboration and accommodation

Since we learned about this project in late 2020, residents of this area of our City have worked tirelessly to reach out to and collaborate with the developer. We have met (via phone and Zoom) a few times. There has also been one Community Zoom Meeting. However, no meaningful dialogue has taken place, and no material changes have been made to the design. In fact, the developer has essentially ignored even the City's Pre-application Review comments in his Formal Application of 1 July 2021. Most recently, the developer's father offered to host a face-to-face meeting between the developer and the neighbors. The neighbors enthusiastically accepted that offer. The developer rejected it.

So, here we are, looking to you, as the City's leaders and as its citizens' advocates, to help us. We urge you to use every tool available to both you, our elected Officials, and to City staff to impel, if not compel, the developer to work collaboratively with the City and the community to moderate and mitigate this design, and come up with an alternative that is reasonable, responsible, respectful, and that we can all not only live with, but embrace, for decades to come.

Thank you, as always, for your tireless service to our community.

Best,

"831 Responsible Development" citizens group (and more than 450 petition signatories)

Notes:

- [1] See Site Plan, sheet A0.1 (page 63 of 105) (<https://www.cityofsantacruz.com/home/showpublisheddocument/85181>)
- [2] See West Elevations, sheet A2.4 (page 74 of 105) *ibid.*
- [3] See Shadow Study, sheet A5.1 (page 84 of 105) *ibid.*
- [4] City Active Transportation Plan, Project 241  
(<https://www.cityofsantacruz.com/home/showpublisheddocument/60966/636353003776970000>)
- [5] See City's Pre-application Review, dated 3 Feb 2021, (page 13 of 71)  
(<https://www.cityofsantacruz.com/home/showpublisheddocument/83559/637527121155870000>); also, this was noted as a recommended improvement in the City's 2011 traffic report (<https://www.cityofsantacruz.com/home/showdocument?id=22462>)
- [6] Affordable units must be dispersed throughout development, per City's Zoning and Density Bonus Ordinances (24.16.260, 24.16.025.2)
- [7] See Pre-application Review (*op.cit.*), page 5 of 71.
- [8] <https://www.santacruzsentinel.com/2021/07/11/birthplace-of-democracy-in-spanish-california-ross-eric-gibson-local-history/> and <https://www.santacruzsentinel.com/2021/07/18/bolcoff-hill-the-heart-of-branciforte-ross-eric-gibson-local-history/>
- [9] See Pre-application Review (*op.cit.*), page 6 of 71.
- [10] See Pre-application Review (*op.cit.*), page 3 of 71.
- [11] See Parking & Bike Calculations, sheet A0.2 (*op.cit.*), page 64 of 105.
- [12] To see a promotional video of the parking mechanism: <https://youtu.be/UzAarYWXJHE>
- [13] Alcoholic Beverage Control Act: [https://www.abc.ca.gov/wp-content/uploads/2020\\_CA\\_ABC\\_Act.pdf](https://www.abc.ca.gov/wp-content/uploads/2020_CA_ABC_Act.pdf)
- [14] 2019 Annual Traffic Safety Report, page 6  
(<https://www.cityofsantacruz.com/home/showpublisheddocument/83547/637520256393970000>)
- [15] <https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/development-projects>

**From:** [R. Adams](#)  
**To:** [Mike Ferry](#)  
**Subject:** 831 Water Street - Pre-application Comments  
**Date:** Wednesday, November 25, 2020 10:49:56 AM

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Hi Mike,

I am a resident of the neighborhood to the north of the proposed development at the northwest corner of N. Branciforte Avenue and Water Street. Although I am not excited about the construction of a project of such height and density in our neighborhood, I am even more concerned about the lack of proper transportation improvements in this area. I would like to make the following comment/suggestion regarding the pre-application proposal:

- Please require a right turn lane along the length of the property frontage on N. Branciforte Avenue to allow right turns onto Water Street.

The intersection at N. Branciforte Avenue and Water Street is substandard and lacks a proper right turn lane. On any busy traffic day the traffic headed south on N. Branciforte is completely held up when only one car that is heading straight is present at the signal. This can cause vehicles to stack up along N. Branciforte. The lack of a right turn lane at this location is a very problematic traffic blockage and, in a world with increasing development and additional vehicles, it will only get worse.

In the corridors plan (which has apparently been scrapped?) all of the intersections in the study area were planned to be improved as development occurred. This proposed development (with density bonus) seems to be similar to the type of development that the corridors plan envisioned. Even though intersection improvements were indicated in the corridors plan, the developer is not currently proposing a right turn lane from southbound N. Branciforte to westbound Water Street (where it is certainly needed).

It is understood that there are storm drains, signals, and other complications that could be involved with widening the roadway to accommodate a right turn lane. However, the sidewalk is very wide there and the width of available right of way should not be an issue. This will be a major development including a 5 story building with 151 residential units and the developer can provide additional right of way if that is required. Allowing this project to be built without upgrading the intersection to allow right turn movements with vehicle stacking will be tragic for future vehicular mobility in the neighborhood and along this major collector street in Santa Cruz.

Please do not allow the development to proceed without a formal right turn lane from southbound N. Branciforte Avenue onto westbound Water Street (that is separate from the through traffic lane).

Thank you for your time and consideration.

R. Adams

**From:** [Gina Cole](#)  
**To:** [Ryan Bane](#); [Samantha Haschert](#)  
**Cc:** [Lee Butler](#)  
**Subject:** Bike Santa Cruz County - Comments on 831 Water Street  
**Date:** Tuesday, May 25, 2021 10:05:23 PM

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May 25, 2021

Dear Mr Bane, :

Bike Santa Cruz requests assurance that any new development at the corner of Water Street and North Branciforte Avenue improve --not impede-- bicycle access and that it provide optimal bicycle parking.

Currently, the Water Street side of this site is fronted by a bike lane, partially protected by bollards, including where the new parking garage entrance is proposed. Just west of the North Branciforte Ave. intersection is a current driveway. Motor vehicles turning into and out of this driveway from Water Street, especially those entering after performing a U-turn from eastbound Water Street, create conflict with cyclists. We notice that the current plans would eliminate this driveway, which is positive. However, the proposed garage entrance to the west is almost as problematic because it is at the start of a downhill. Green markings along the bike lane may help. It will be imperative for motorists entering the garage to not cross in front of downhill cyclists. Likewise, those motorists leaving the parking garage need to have a clear sight distance so they will not drive out into the path of a cyclist riding downhill.

The plans to date do not show what happens to the bus stop which is currently located just east of where the new garage entrance will be. Presently, if a bus moves over to the shoulder to stop, cyclists can veer around it to the left and then re-enter the protected bike lane. Adding a driveway close by there would place in and out garage movements, bus movements to and from the curb, and downhill bicycling all in close proximity, which could lead to conflicts. We note that farther down Water Street just past the intersection with Ocean Street there is a similar dangerous situation for bikes that involves vehicles entering and leaving the gas station entrance and buses turning in and out of the bus stop. This configuration should not be repeated, especially given that this is a downhill where cyclists are going faster.

From a cyclist's perspective, the best place to have motor vehicle access is off of North Branciforte Avenue. This is flat, there is less traffic, and no bus stop. But, wherever the motor vehicle entrance to this site ends up being, please ensure that bicyclist safety is taken into account vis-à-vis all the motor vehicle movements that will be occurring.

One leg of the North Branciforte/Water Street intersection was recently improved with green paint and a bike box for cyclists. We are appreciative of the City for accomplishing this. The rest of the intersection needs to be updated in a similar manner as well, especially since there will be more traffic there if more development occurs.

Regarding the entry/exit to/from the building to the bicycle parking area, the shortest path with the least conflict with motor vehicles and pedestrians, is the better option. It appears from the plans that bikes might be able to have direct access to the bike rooms from the fire lane leading to North Branciforte Avenue. This is preferable so that cyclists who want to go east on Water Street should not first have to go down the Water Street hill and then U-turn and ride back up the hill. The plans



should be refined, if necessary, to show that cyclists can ride right to the bike rooms and not have to walk their bikes. This may require moving the bike rooms closer to the fire lane and/or designating a bike pathway through the open space corridor or lobby.

We are appreciative that 132 bike parking spaces will be provided. Some of this parking needs to be that which can accommodate non-conventionally sized bikes, such as tandems and utility bikes. And, outlets should be conveniently located for charging e-bikes. We endorse the two separate storage areas. Storage should be located as close to the corresponding elevators as possible. The property manager should devise a simple system where residents who have and want to store more than one bike can borrow a space from a non-bike owning resident. If necessary, the bike storage area should be able to be expanded in the future if demand exceeds the initial supply of spaces. Access to the bike rooms should be safe and well-lighted. For those in Santa Cruz living in a house with an in-town destination, it is often just as quick or quicker to hop on a bike and arrive at one's destination as it is by car. In large developments, such as proposed for this site, ensuring there is as quick, convenient, and safe a way to get on one's bike when leaving one's unit is imperative if new residents are going to be expected to use their bicycles to get around town.

What appear to be missing from the plans to date are bicycle access and parking for the retail businesses on the ground floor. There need to be short-term easily accessible bike racks for patrons close to the retail entrances.

If this development proposal continues through the process, then the bicycle parking and access concerns raised in this letter need to be addressed. We suggest that our organization be given the opportunity to comment further when there are more detailed circulation plans and that the City's Transportation and Public Works Commission review those plans as well.

Thanks for your consideration and resolution of these important matters.

Gina Cole

Bike Santa Cruz County

**Gina Gallino Cole**  
Bike Santa Cruz County  
PO Box 5485  
Santa Cruz, CA 95063-5485  
(831) 425-0665 work  
(831) 840-1884 cell  
[bikesantacruzcounty.org](http://bikesantacruzcounty.org)



**From:** [I. Bloom](#)  
**To:** [Mike Ferry](#)  
**Subject:** Development at the corner of Water & Branciforte  
**Date:** Wednesday, January 27, 2021 2:07:56 PM

---

Dear Mike,

In case the power goes out, I wanted to provide some feedback in advance of the informational meeting on the proposed 5 story development at the corner of Water & Branciforte (831 Water St). As background, I am a homeowner on North Branciforte Avenue (between Water and Soquel), and I work in Santa Cruz.

While I am supportive of more housing and a redevelopment of that lot, which includes DJs, the Car Wash, the phone shop, etc., I have the following concerns (from significant to one that is less so):

- The proposed size of the building(s) is excessive, with 5 stories proposed. Reasonable development would suggest two stories, with a supportable number of units.
- The current pattern of movement at that corner already feels hazardous and poorly designed. I already don't feel safe allowing my child to cross Water Street alone (to and from our school - DeLaveaga Elementary), due to the vehicle traffic (particularly in the afternoon), ingress/egress of the current lot, line-of-sight, and regular red-light violations going both east and west. A large number of units means #1 more traffic, and #2, more pedestrian travel at that corner, which will exacerbate these issues.
- I also use this corner as I bike to work (in non-COVID times), and the current bike-lane improvements have been welcome for the western-oriented downhill on Water Street; however, placing a huge development, with regular vehicle traffic (and indoor/underground parking garage egressing through the bike lane?) will undue, and likely worsen, any prior benefit gained from the bike lane. Not to mention the exiting vehicular traffic's impact on cars traveling along Water.
- I note the current uphill bike path markings on eastbound Water gives me a mixed reaction, for its design is less friendly to pedestrians and bikes due to the sudden right turn lane across the path, at the crosswalk. I worry that increased pedestrian and vehicle traffic will result in further negative issues.
- Afternoon commuting is already terrible at that intersection, in both directions. Adding a potentially large number of cars is problematic.
- No doubt there is also development planned for the other corner of Water and Branciforte (the side with the Argus Company car lot), which will further impact traffic in that area.
- Noise is a huge factor that has been negative for my own property (as we are directly opposite Whole Foods and Rite Aid, that have minimal concern for noise ordinances), so I worry that live/work area will have a significant impact on the current residents of that block.
- Last, from a less-supportable perspective, a five-story development significantly impacts the character of that corner and area of Santa Cruz. Low sightline houses and open sky is why people choose to live in Santa Cruz. To place a tall apartment complex at the top of a hill is out of character with Santa Cruz. Besides Beach Hill, what other examples of this exist?

Thanks for your time and attention to this input. In advance of the closing of comments, at the very least, I am hopeful that the development company and/or city would put up sight-line poles that mock up the height of the intended development to give perspective to residents of the city as they comment.

-Ibukun Bloom  
Santa Cruz, CA  
(831) 425-4932

**From:** [Ryan Bane](#)  
**To:** [Samantha Haschert](#)  
**Subject:** FW: Comment on 831 Water St  
**Date:** Tuesday, July 06, 2021 12:02:54 PM

---

**From:** Brian Lee [mailto:write2brianlee@hotmail.com]  
**Sent:** Friday, July 02, 2021 9:19 PM  
**To:** Ryan Bane <RBane@cityofsantacruz.com>  
**Subject:** Comment on 831 Water St

Dear Ryan Bane,

This design is totally out of character for the history of this spot. This Branciforte corner is one of the first settlements in Northern California. We wouldn't allow this on Mission Hill, the city should have the design respect the sites heritage.

Sincerely,  
Brian Lee



**From:** [Carol Maynard](#)  
**To:** [Samantha Haschert](#)  
**Subject:** Re: 831 Water Street Question/Comment Received  
**Date:** Sunday, August 22, 2021 6:15:14 PM

---

Thank you, Samantha, for responding to my questions and concerns about this project. I appreciate the detailed explanation and understand the limitations due to SB35.

It seems that there is nothing the community can do at this point, but I remain interested in the process, and would like to know if there are any further changes the developer would be willing to make, regarding the aesthetics and neighborhood buy-in to the project.

Very much appreciated,

Carol Maynard  
[carolmaynard111@gmail.com](mailto:carolmaynard111@gmail.com)

On Aug 19, 2021, at 3:27 PM, Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Carol,

Thank you for your comments. We have heard similar concerns about the size and style of the project, however, the city has limited discretion in these two respects as I'll explain further. This project has been submitted under SB35 which is a state law that requires permit streamlining. Under this law, we are not allowed to require that they obtain approval of our regular discretionary permits, such as Design Permits or Use Permits, and we can only evaluate the development for compliance with objective standards. Objective standards consist of things that are defined and measurable such as our site development standards for setbacks, height, parking, and open space. These are clear requirements that are applicable to the project and that do not include our subjective review. Our current design regulations are subjective. Here is one of our current design requirements:

4. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.

This standard isn't objective in that a developer reading this requirement wouldn't necessarily know what the requirement is because the term "compatible" can be defined in many ways. I might think that two homes with a similar roof line are compatible while you might think that two homes need to have a similar roofline and the same number of stories and the same exterior materials to be compatible. Unfortunately, all of our design-related requirements appear to be pretty subjective so it's most likely that we will not be able to regulate the actual design of the structure. But, we are still working through that process and will have more definitive information for you when we go to the City Council on 9/14.

In terms of scale and size, the project is utilizing state density bonus law to exceed the height limitations in the zone district. Density Bonus Law is another state law that allows for developers to include a greater number of market rate units in their project in exchange for providing additional affordable housing units. If a project is eligible for a density bonus then they can also use two tools to vary from site development standards that may impact their ability to construct the larger density bonus development. These tools are called incentives/concessions and waivers. In this case, the applicant is requesting incentives/concessions and waivers to exceed the maximum height limit of 3 stories in this zone district, among other things. The applicant must provide justification to support the request for the incentives/concession or waiver pursuant to state law; however, once that justification has been provided there is little discretion on the city's part to deny the use of those tools.

I hope that helps. Please feel free to contact me again if you have additional questions.

Samantha

**From:** [sdeleon@cityofsantacruz.com](mailto:sdeleon@cityofsantacruz.com) <[sdeleon@cityofsantacruz.com](mailto:sdeleon@cityofsantacruz.com)>

**Sent:** Wednesday, August 18, 2021 11:37 AM

**To:** Ryan Bane <[RBane@cityofsantacruz.com](mailto:RBane@cityofsantacruz.com)>; Sara DeLeon <[sdeleon@cityofsantacruz.com](mailto:sdeleon@cityofsantacruz.com)>; [awebster@cityofsantacruz.com](mailto:awebster@cityofsantacruz.com); Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)>

**Subject:** 831 Water Street Question/Comment Received

A new entry to a form/survey has been submitted.

**Form Name:** 831 Water Street -Significant Project  
**Date & Time:** 08/18/2021 11:37 AM  
**Response #:** 230  
**Submitter ID:** 82523  
**IP address:** 2601:647:cd02:c150::dec2  
**Time to complete:** 6 min. , 45 sec.

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#### Survey Details

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Page 1

Thank you for your interest in the proposed project for 831 Water Street. Please provide any project related question or comment in the fields provided. Your comment/question will be automatically directed to the City Planner assigned to this project. Please note that questions and/or comments entered here are public information and subject to release in accordance with the Public Records Act.

<b>1. Select what applies:</b>	
<input checked="" type="checkbox"/> I have a question(s).	
<input checked="" type="checkbox"/> I have a comment(s).	
<b>2. If you have a question that needs a response, please enter your email address or phone number.</b>	
<b>Email:</b>	<a href="mailto:carolmaynard111@gmail.com">carolmaynard111@gmail.com</a>
<b>Phone:</b>	Not answered
<b>3. Please select one of the following regarding the nature of your comment:</b>	
<input type="radio"/> Concerns	
<b>4. Question/Comment:</b>	
We are supportive of housing but have concerns re: size and style of this building. Please consider re-design to smaller scale and to fit with Branciforte neighborhood, such as Spanish-style similar to new apartments on Water St closer to 550 Water St medical buildings. Can this be considered?	

Thank you,  
City of Santa Cruz

This is an automated message generated by Granicus. Please do not reply directly to this email.

**From:** [Allison Webster](#)  
**To:** [Ryan Bane](#); [Samantha Haschert](#)  
**Subject:** FW: New Documents Available: 831 Water Street Project  
**Date:** Friday, July 02, 2021 2:26:35 PM

---

A comment was received through the web. Passing to the assigned planner as well as the principal planner of Current Planning.

Thank,

Allison Webster  
Administrative Assistant II  
Planning & Community Development  
(831) 420-5102

[Let Us Know How We are Doing](#)

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**From:** Christina Alberti <CAAlberti@cityofsantacruz.com>  
**Sent:** Friday, July 2, 2021 8:01 AM  
**To:** Allison Webster <awebster@cityofsantacruz.com>; Tess Fitzgerald <tfitzgerald@cityofsantacruz.com>; Rachel Rodriguez <rrodriguez@cityofsantacruz.com>  
**Cc:** Katy Fitzgerald <kfitzgerald@cityofsantacruz.com>; webmaster <w@cityofsantacruz.com>  
**Subject:** FW: New Documents Available: 831 Water Street Project

Good morning – I think this is a PL project? If so, can you send to the correct person?

Thank you~  
Christina

---

**From:** webmaster  
**Sent:** Friday, July 2, 2021 7:54 AM  
**To:** Katy Fitzgerald <[kfitzgerald@cityofsantacruz.com](mailto:kfitzgerald@cityofsantacruz.com)>; Christina Alberti <[CAAlberti@cityofsantacruz.com](mailto:CAAlberti@cityofsantacruz.com)>  
**Subject:** FW: New Documents Available: 831 Water Street Project

Your departments?

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**From:** cathy puccinelli [<mailto:puccinellcathy@yahoo.com>]  
**Sent:** Wednesday, June 23, 2021 7:03 PM  
**To:** webmaster <[w@cityofsantacruz.com](mailto:w@cityofsantacruz.com)>  
**Subject:** Re: New Documents Available: 831 Water Street Project

WTF is the city responding with in 7 calendar days to Novin? And with no output to us? City could have responded at end of 30 days. I think City is working only with Novin!!!

Sent from my iPad

On Jun 23, 2021, at 4:31 PM, City of Santa Cruz  
<[webmaster@cityofsantacruz.com](mailto:webmaster@cityofsantacruz.com)> wrote:

## **New Documents Available: 831 Water Street Project**

Post Date: 06/23/2021 3:41 PM

### **831 Water Street Project**

Two new documents have been added to the [831 Water Street project page](#).  
The new documents include:

- 06/15/21 - RESUBMITTAL Notice of Intent to Submit an SB35 Application
- 6/23/21 City Determination of Complete Notice of Intent

Any questions about the newly added documents may be submitted through the online portal found at the [831 Water Street page](#).

Having trouble viewing this email? [View on the website instead](#).

[Change your eNotification preference](#).

[Unsubscribe from all City of Santa Cruz eNotifications](#).





**From:** [Samantha Haschert](#)  
**To:** ["puccinellicathy@yahoo.com"](mailto:puccinellicathy@yahoo.com)  
**Cc:** [Ryan Bane](#)  
**Subject:** RE: 831 Water Street Question/Comment Received  
**Date:** Wednesday, July 07, 2021 1:32:42 PM

---

Hi Cathy,

The plans that the applicant submitted are on the project webpage on the city website at:

<http://www.cityofsantacruz.com/831Water>

They are still proposing access to the parking garage from Water Street and a secondary access to the rear of the building and trash enclosure areas from N. Branciforte. I assume that the N. Branciforte driveway would be used for loading and unloading but it isn't currently shown on the plans. The code requires them to provide one loading space for the amount of commercial area that they are proposing so that is something that they will need to show on their plans. If they do show the loading space in this driveway then they will also need to show how the vehicles will be able to exit it in a forward manner.

The City Municipal Code (10.40.270) includes a maximum idling time of 90 seconds for vehicles on public streets, however, there are no restrictions on private property.

There have been no historic finds on this property yet; however, the applicant has signed an Enforceable Agreement with a Native American Tribe that is culturally affiliated with the project site and the agreement states that a Native American monitor and archaeologist will be on the site to monitor for potential artifacts during earth-disturbing activities.

I hope that answers your questions.

Thanks,  
Sam

---

**From:** Ryan Bane  
**Sent:** Tuesday, July 06, 2021 12:02 PM  
**To:** Samantha Haschert  
**Subject:** FW: 831 Water Street Question/Comment Received

**From:** [sdeleon@cityofsantacruz.com](mailto:sdeleon@cityofsantacruz.com) [<mailto:sdeleon@cityofsantacruz.com>]  
**Sent:** Saturday, July 03, 2021 12:10 PM  
**To:** Ryan Bane <[RBane@cityofsantacruz.com](mailto:RBane@cityofsantacruz.com)>; Sara DeLeon <[sdeleon@cityofsantacruz.com](mailto:sdeleon@cityofsantacruz.com)>; [awebster@cityofsantacruz.com](mailto:awebster@cityofsantacruz.com)  
**Subject:** 831 Water Street Question/Comment Received

A new entry to a form/survey has been submitted.

**Form Name:** 831 Water Street -Significant Project  
**Date & Time:** 07/03/2021 12:10 PM  
**Response #:** 206

**Submitter ID:** 79753  
**IP address:** 2600:1010:b051:2fe9:dc1e:6926:34eb:6ebd  
**Time to complete:** 5 min. , 58 sec.

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## Survey Details

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### Page 1

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**Thank you for your interest in the proposed project for 831 Water Street. Please provide any project related question or comment in the fields provided. Your comment/question will be automatically directed to the City Planner assigned to this project. Please note that questions and/or comments entered here are public information and subject to release in accordance with the Public Records Act.**

**1. Select what applies:**

☒ I have a question(s).

**2. If you have a question that needs a response, please enter your email address or phone number.**

**Email:** [puccinellicathy@yahoo.com](mailto:puccinellicathy@yahoo.com)

**Phone:** Not answered

**3. Please select one of the following regarding the nature of your comment:**

☐ Question(s) only.

**4. Question/Comment:**

Where will tenant ingress and egress?

And will the B40 access be for loading and unloading stock for commercial use? And will trucks permitted to idle during unloading and loading. And where will they turnaround?

What about historical adobe finds? I am against this massive use of this land.

Thank you,  
**City of Santa Cruz**

---

**This is an automated message generated by Granicus. Please do not reply directly to this email.**

**From:** [cathy.puccinelli](#)  
**To:** [Samantha Haschert](#)  
**Subject:** Re: 831 Water Street Question/Comment Received  
**Date:** Friday, July 09, 2021 1:20:34 PM

---

Thank you.

You mention the unloading plans have not be addressed in Novins plan. When will that happen, and will the N B40 be only ingress or egress or both for tenants,. And will the N B40 have another lane added? And will traffic traveling North on B40 be able to cross over southbound lanes to enter tenant access. That is very close to existing traffic intersection. What does public works recommend. Traffic backs up sometimes several blocks during commute and tourist times. Cathy

Sent from my iPad

On Jul 7, 2021, at 1:32 PM, Samantha Haschert  
<[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Cathy,

The plans that the applicant submitted are on the project webpage on the city website at: <http://www.cityofsantacruz.com/831Water>

They are still proposing access to the parking garage from Water Street and a secondary access to the rear of the building and trash enclosure areas from N. Branciforte. I assume that the N. Branciforte driveway would be used for loading and unloading but it isn't currently shown on the plans. The code requires them to provide one loading space for the amount of commercial area that they are proposing so that is something that they will need to show on their plans. If they do show the loading space in this driveway then they will also need to show how the vehicles will be able to exit it in a forward manner.

The City Municipal Code (10.40.270) includes a maximum idling time of 90 seconds for vehicles on public streets, however, there are no restrictions on private property. There have been no historic finds on this property yet; however, the applicant has signed an Enforceable Agreement with a Native American Tribe that is culturally affiliated with the project site and the agreement states that a Native American monitor and archaeologist will be on the site to monitor for potential artifacts during earth-disturbing activities.

I hope that answers your questions.

Thanks,  
Sam

---

**From:** Ryan Bane  
**Sent:** Tuesday, July 06, 2021 12:02 PM  
**To:** Samantha Haschert

**Subject:** FW: 831 Water Street Question/Comment Received

**From:** [sdeleon@cityofsantacruz.com](mailto:sdeleon@cityofsantacruz.com) [<mailto:sdeleon@cityofsantacruz.com>]

**Sent:** Saturday, July 03, 2021 12:10 PM

**To:** Ryan Bane <[RBane@cityofsantacruz.com](mailto:RBane@cityofsantacruz.com)>; Sara DeLeon  
<[sdeleon@cityofsantacruz.com](mailto:sdeleon@cityofsantacruz.com)>; [awebster@cityofsantacruz.com](mailto:awebster@cityofsantacruz.com)

**Subject:** 831 Water Street Question/Comment Received

A new entry to a form/survey has been submitted.

**Form Name:** 831 Water Street -Significant Project  
**Date & Time:** 07/03/2021 12:10 PM  
**Response #:** 206  
**Submitter ID:** 79753  
**IP address:** 2600:1010:b051:2fe9:dc1e:6926:34eb:6ebd  
**Time to complete:** 5 min. , 58 sec.

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#### Survey Details

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##### Page 1

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**1. Select what applies:**

☒ I have a question(s).

**2. If you have a question that needs a response, please enter your email address or phone number.**

**Email:** [puccinellcathy@yahoo.com](mailto:puccinellcathy@yahoo.com)

**Phone:** Not answered

**3. Please select one of the following regarding the nature of your comment:**

☐ Question(s) only.

**4. Question/Comment:**



Where will tenant ingress and egress?

And will the B40 access be for loading and unloading stock for commercial use? And will trucks permitted to idle during unloading and loading. And where will they turnaround?

What about historical adobe finds? I am against this massive use of this land.

Thank you,

**City of Santa Cruz**

---

**This is an automated message generated by Granicus. Please do not reply directly to this email.**

**From:** [Nydia Patino](#)  
**To:** [Samantha Haschert](#); [cathy puccinelli](#)  
**Cc:** [Ryan Bane](#)  
**Subject:** RE: 831 WAtEr ST  
**Date:** Tuesday, June 15, 2021 1:18:36 PM

---

Ms. Puccinelli,

Chapter 3.5 "Inspection of Public Records" [Section 6254.10](#) of the State Government Code states:

*Nothing in this chapter requires disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.*

The purpose of this provision is to protect archaeological resources by preventing individuals from trying to find and recover artifacts.

[Nydia Patiño](#)  
Records Coordinator  
City of Santa Cruz  
Planning & Community Development Dept.  
[\(831\) 420-5137](#)

-----Original Message-----

From: Samantha Haschert  
Sent: Monday, June 14, 2021 9:59 PM  
To: cathy puccinelli  
Cc: Ryan Bane; Nydia Patino  
Subject: RE: 831 WAtEr ST

Hi Cathy,

You caught me on a late work day! I just reviewed the files from the Belvedere Terrace project and all of the Archaeological Reports are confidential. I'm cc'ing our records clerk, Nydia Patino, who can provide you with some information on the reasons why public access is limited.

Thanks,  
Sam

-----Original Message-----

From: cathy puccinelli <[puccinellicathy@yahoo.com](mailto:puccinellicathy@yahoo.com)>  
Sent: Monday, June 14, 2021 9:45 PM  
To: Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)>  
Subject: Re: 831 WAtEr ST

Sam

What do you mean by "positive ". Artifacts only from California Native Indian? And why

confidential? So if positive you'll let me know? And the the site is capped and Novin builds around site?

Thank you for quick response.

Cathy

Sent from my iPhone

> On Jun 14, 2021, at 8:45 PM, Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

>

> Hi Cathy,

> I'm helping Ryan out with this project and I'm happy to answer your questions. I can have someone pull that report but if it's positive then it is confidential and I would not be able to send you a copy.

> Please note that per SB35, we are required to notice any California Native American tribe that is traditionally and culturally affiliated with the geographic area and hold a scoping meeting if requested. That process of noticing will be completed once their Notice of Intent is deemed complete.

> Thanks,

> Sam

>

> -----Original Message-----

> From: Ryan Bane <[RBane@cityofsantacruz.com](mailto:RBane@cityofsantacruz.com)>

> Sent: Monday, June 14, 2021 9:38 AM

> To: Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)>

> Subject: FW: 831 WATER ST

>

>

>

> -----Original Message-----

> From: cathy puccinelli [<mailto:puccinellcathy@yahoo.com>]

> Sent: Monday, June 14, 2021 6:54 AM

> To: Ryan Bane <[RBane@cityofsantacruz.com](mailto:RBane@cityofsantacruz.com)>

> Subject: 831 WATER ST

>

>

> June 14, 2021

>

> Hi Ryan,

>

>

> I just sent you through the City's 831 Water St site, a request. The Belvedere Terrace Cottage builder, Bill Brooks, indicates he had to make provisions to his building site as the archeological report discovered artifacts. He said there would be more east, under the 831 Water St parcels. Please pull Belvedere Terrace Cottages file. I would like that report. And we need this as possible as Novin has indicated he will file SB35 on this project. No only will it be helpful to the City, Community, but also Novin to have this information before the Bulldozer.. thank for your

assistance.

>

> Cathy Puccinelli

> 831-332-5070

> [puccinellicathy@yahoo.com](mailto:puccinellicathy@yahoo.com)

>

> Sent from my iPad

>



**From:** [Ciro Milazzo](#)  
**To:** [Samantha Haschert](#); [Ryan Bane](#)  
**Cc:** [Sheri Milazzo](#)  
**Subject:** Status of 831 Water Street project  
**Date:** Sunday, June 27, 2021 11:18:43 PM

---

Dear Ms Haschert and Mr. Bane,

I received an email notification that there are new documents available related to the 831 Water Street proposal.

Looking at the new documents it would appear that the developer has submitted substantially the same proposal as before, dated June 03, with no accommodations to the many neighbor concerns brought up prior to and during the community zoom meeting in January.

These concerns included: the size and height of the project being roughly nearly twice what is allowed by current zoning and completely out of character with the neighborhood, severe visual and solar access impacts to the adjacent properties on Belvedere Terrace, grossly inadequate incorporated parking which will severely impact parking on neighboring streets, adding significant traffic with no proposed mitigations to an already congested intersection, blocking of a fire access easement required for several properties at the end of Belvedere Terrace, allowing a bar to be placed in our residential neighborhood and across the street from an elementary school.

Is there an intent on the part of City planning to ask the developers to take neighbor concerns into consideration and make modifications, and if so when in the process will this happen? Clearly it has not happened yet.

Thanks and Best Regards,  
Ciro Milazzo  
Sheri Milazzo  
938 N. Branciforte Ave.  
Santa Cruz, CA, 95062

**From:** [Claire Gallogly](#)  
**To:** [Samantha Haschert](#); ["Doug Engfer"](#)  
**Cc:** [Ryan Bane](#)  
**Subject:** RE: [831 Water] Some questions (expanded and re-sending)  
**Date:** Thursday, March 18, 2021 10:37:11 AM  
**Attachments:** [image001.png](#)

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Hi Doug,

Good question about transit. AB1763 links to 21155(b), which is copied below. A key component here is the inclusion in the regional transportation plan and inclusion of both a major transit stop and high-quality transit corridor. This code section is implementation of SB375, and the AMBAG MTP/SCS is the regional plan. The most recently adopted MTP/SCS can be found [here](#), and Figure 4-10 on page 4-35 (or page 108/163 of the pdf) maps these locations. As you can see, 831 Water is within one half mile of a major transit stop or high quality transit corridor included in a regional plan as defined by 21155(b).

(b) For purposes of this chapter, a transit priority project shall (1) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75; (2) provide a minimum net density of at least 20 dwelling units per acre; and (3) be **within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan**. A major transit stop is as defined in Section 21064.3, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. A project shall be considered to be within one-half mile of a major transit stop or high-quality transit corridor if all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop or corridor.

Please let me know if you have any questions.

Best,  
Claire

**Claire Gallogly, AICP**  
Transportation Planner  
City of Santa Cruz  
(831) 420-5107  
[cgallogly@cityofsantacruz.com](mailto:cgallogly@cityofsantacruz.com)  
[www.cityofsantacruz.com](http://www.cityofsantacruz.com)



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**From:** Samantha Haschert  
**Sent:** Wednesday, March 17, 2021 11:11 PM  
**To:** 'Doug Engfer'  
**Cc:** Ryan Bane; Claire Gallogly  
**Subject:** RE: [831 Water] Some questions (expanded and re-sending)

Hi Doug,

You're very welcome and thank you for the sentiments. I'm happy to continue sending information your way although it might not be immediate!

I'm cc'ing Claire Gallogly on the email who can answer your questions about the Major Transit Stop definition.

See my other responses below in red. I will also note that the SB35 review will include city consultation with local Native American tribes and that effort is in progress.

Thanks,

Sam

---

**From:** Doug Engfer [mailto:doug@engfer.org]  
**Sent:** Wednesday, March 17, 2021 4:04 PM  
**To:** Samantha Haschert  
**Cc:** Ryan Bane  
**Subject:** Re: [831 Water] Some questions (expanded and re-sending)

Sam

Thanks so much for making time (late in your day!) to get back to me on these questions. I deeply appreciate your commitment to the cause. (So few folks realize how hard City staff works! Serving on the WSAC and Water Commission has really opened my eyes; I share that perspective with folks in town all the time - you all deserve more credit than you get.)

You've given me some good pointers below, and I will get onto my homework there. No doubt I'll have some more questions for you at some point ;-)

As an immediate follow-up to the letters you've sent through: thank you! I'm so glad to see the good work the City has done in both, and gratified that so many of the concerns expressed by the community are reflected in the feedback to Mr Novin. Kudos!

- I note that the 3 Feb letter refers to a number of attachments containing specific feedback from various City departments. Those attachments were not included in what you sent through. Could you please send me copies of those (as always, email is fine)? (To be clear, do NOT need the lists of possible consultants, or the matrix of community

feedback.) While much of what we have heard from Mike Ferry is reflected in the letters, some things aren't (such as "hammerhead" turnaround accommodation in the north-side vehicle access road, requested by City Fire, I believe). I suspect that those details are in the referenced attachments - it would be a great comfort to be able to review them in detail. **Yes we can upload the attachments to the website.**

- I note from the City's letter of 3 February that the the City finds that the project is within 1/2 mile of a Major Transit Stop (per 24.16.205 (20)). Mindful of how I've seen this requirement of SB330 interpreted in other jurisdictions that use similar definitional language, I'd like to probe on this a bit.
  - The most-served stops within 1/2 mile of 831 Water appear to be 1892 and 1894, which are each (just) within 1/2 mile. I'm basing my logic below on those stops. If I should be looking at a different stop (or stops), please let me know.
  - 1892 schedule is here: <https://www.scmtd.com/en/routes/schedule-by-stop/1892#tripDiv>
  - 1894 schedule is here: <https://www.scmtd.com/en/routes/schedule-by-stop/1894#tripDiv>
  - First of all, I don't see that there are any individual routes serving either of these stops with 15-minute headways. If one reads the definition to mean that at least 2 routes, each with 15-minute headway, must serve the stop (as does LA, as noted below), then I would argue that neither of these stops qualify.
  - If you read the language most-generously (that is, the effective service frequency reflects all routes served, not individual ones), then neither stop qualifies either. Both have service gaps exceeding 15 minutes during the critical 4p-7p commute window: (1894: 6:05 [71] to 6:24 [35]; 1892: 6:03 [35A] to 6:19 [71], 6:33 [35A] to 6:49 [71])
  - I don't see how the language can be read to mean "average" effective service frequency, so I've discarded that interpretation.
  - So, I would argue that the project is NOT within 1/2 mile of a Major Transit Stop, as defined.
  - Please let me know where I've gone wrong here, if I have. Otherwise, please correct the City's communication to Mr Novin to let him know that his project is not within 1/2 mile of a Major Transit Stop, and therefore doesn't qualify for a Density Bonus under SB330 (65915).

I also have an additional question. I don't consider this super time-sensitive, so whenever you can find the time to get back to me would be fine.

- I remain confused about what is, isn't and should be on the City's project website. I'm looking here: <https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/planning-division/active-planning-applications-and-status/831-water-street/-selectview-0> **We don't typically post all city correspondence to the website. We usually only include plans and reports and CEQA documents; however, given the level of interest in this project, we are planning to post our feedback letters and any letters of determination.**
  - Gratified to see that the letters from the City to Mr Novin, and Mr Novin's Density Bonus Summary description are now on the site. Great!
  - I note that Mr Novin's letter indicating his intent to apply for SB35 streamlining is not on the site. It's my understanding that anything submitted by the developer



to the City is considered public, and you have shared that letter with me, so I have it in my files anyway.

- Should I expect that anything from Mr Novin to the City will be posted on the site? If not, what type of documents will not be posted? **Yes, we can post this to the site.**
- You may want to have staff post that SB35 letter, since you did share it with me (thanks again for that!).

Finally, just as a fair warning, I'll plan to "ping" you weekly about any new documents from or about Mr Novin's project, just so we don't lose track. If you find that annoying instead of helpful, just let me know! **No problem. That's probably a good way to stay on top of the project because it would be more difficult for me to remember to ping you!**

Best,

Doug

*"If everybody always lies to you, the consequence is not that you believe the lies, but rather that nobody believes anything any longer." — Hannah Arendt*

On Mar 16, 2021, at 8:18 PM, Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Doug,

See my comments below in red. I reviewed the information on the website and the only thing that was missing was a density bonus summary from the applicant. I've asked our admin to post this as well as the two attached letters.

Thanks again for your patience. I know that you're looking for concrete information on the project's consistency with SB35 but we'll need to wait for them to submit their revisions and provide additional information before we can make that call.

Sam

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**From:** Doug Engfer [<mailto:doug@engfer.org>]

**Sent:** Tuesday, March 16, 2021 5:17 PM

**To:** Samantha Haschert

**Cc:** Ryan Bane; William Parkin

**Subject:** Re: [831 Water] Some questions (expanded and re-sending)

Sam

Thanks for getting back to me to acknowledge receipt of my questions. I can be patient about many of them, I suppose.

However, your comment that you all are working to "finalize the SB35 letter" concerns me, given that we have seen very little in the way of documentation that would support an SB35 evaluation.

I would like copies of all the documents submitted by the applicant. Given COVID, electronic versions are preferred and can be sent to this email.

Best,

Doug

On Mar 15, 2021, at 10:20 AM, Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Doug,

Thanks for your email. I'm sorry for the delay in the response but at this early stage in the application process, we are still working through many of these types of questions with the applicant. The preapplication phase is a little more open-ended than a formal application and involves a lot of discussion about different potential scenarios so it's difficult for me to give you the final requirements when the project is still so preliminary. That being said, once we finalize the SB35 letter I'll take a stab at responding to your questions to the best of my ability!

Thanks,  
Sam

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**From:** Doug Engfer <[doug@engfer.org](mailto:doug@engfer.org)>

**Sent:** Monday, March 15, 2021 8:41 AM

**To:** Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)>; Mike Ferry <[mferry@cityofsantacruz.com](mailto:mferry@cityofsantacruz.com)>

**Subject:** [831 Water] Some questions (expanded and re-sending)

Sam and Mike -

Good morning! Hope you're safe and well.

Our list of questions has grown a bit, as I reviewed our accumulated work to date. I've consolidated it here. Please acknowledge receipt and let me know when you will be able to respond.

- I assume (dangerous, I know; hence this note) that Mr Novin has employed the height / density bonus provisions of local and/or state law in his current proposed design.
  - Is that a correct assumption on my part? The application summary stated that they will utilize the density bonus provisions but they have not provided us with the exact number of affordable units or the affordability levels of such units to determine if they are eligible. The information in the summary is extremely deficient. They have also not yet indicated if they are applying for this as an

incentive/concession or waiver and have not provided the justification for such request pursuant with density bonus state law.

- Can you please indicate the local and/or state code sections that would apply? Density Bonus state law is under AB1763 and, most recently AB2345. Density Bonus regulations are in our local ordinance under Part 3 of Chapter 24.16. State law will supersede our local ordinance. Our local ordinance has not yet incorporated AB2345 as that was just effective in January of this year.

- Am I correct in thinking that California code 65915 would apply? Yes, as amended by AB1763 and AB2345.

Further, then, how does the City interpret CA 21155 as it relates to transit service?

20. Our code 24.16.204 defines this as: “Major transit stop” is an existing site, or a site included in the regional transportation plan, that contains a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of fifteen minutes or less during the morning and afternoon peak commute periods. A housing development is considered to be within one-half mile of a major transit stop if all parcels within the housing development have no more than twenty-five percent of their area farther than one-half mile from the stop and if not more than ten percent of the units or one hundred units, whichever is less, in the housing development are farther than one-half mile from the stop.

- For example, I see that the City of LA uses “Major Bus Route – A bus route with peak-hour headways of 15 minutes or less in two directions for 2 of the 3 hours between 4:00 p.m. and 7:00 p.m” as its guideline
- As regards our zoning ordinance, how are the studios defined / covered by our current zoning? Section 24.22.334 provides the following definition of an Efficiency Dwelling Unit which includes studios: Any habitable room having cooking facilities, and intended or designed to be used for combined living, dining, and sleeping purposes. The term includes efficiency apartment and studio apartment.
  - I assume (that word again) that 24.12.1520 applies (that is, that these studios are treated as SOUs under our zoning ordinance). Is that correct? If not, what elements of our zoning ordinances apply here? No, not all studios are considered to be SOU’s. In this case, SOU’s are ownership units and these studios are rentals. Prior to the myriad of new housing bills, SOU’s offered some benefits that were not applicable to other types of housing developments such as reduced parking and higher density.

I’m not sure what elements of the zoning ordinance you’d like me to point out. The proposed development at 831 Water is considered to be a housing development pursuant to state law. In our code, it’s considered to be a mixed use development. The objective standards will be a combination of density bonus requirements and zoning ordinance requirements. For example, the site development standards of the C-C district apply to the development however, the density bonus may allow for variations to the site development

standards as incentives/concessions or waivers.

- If, due to the state of our zoning/General Plan harmonization, the General Plan applies, please let me know the governing provisions of the GP. The GP provision that apply to the project are those that provide objective standards. For example, our noise ordinance provides performance standards that will apply to the project as well as the maximum FAR for the MXHD designation. Policy LU3.8 applies which allows for studios and one-bedrooms to exceed density requirements. Any objective standards in the Eastside Business Improvement Area Plan will also apply. We will need to review all of the objective standards in detail once we receive the revised project and additional information from the applicant and before we can confirm that the project is eligible for SB35 streamlining.
- When may we expect to see the results of the City's Initial Review? We've already provided them with some feedback on the project design and completeness with regards to SB330 but we have not provided them with feedback regarding SB35 yet because we are missing too much information to determine if they are eligible and they have indicated that they would like us to wait until the submit revised plans. I've attached the other letters for your review. Unfortunately, our feedback is a bit vague because, again, we don't have all of the information that we need to do a full review. The applicant has estimated a turnaround time of about 7 weeks but that isn't a city requirement so it's really up to the applicant when they will resubmit.
- What work with the City do, or require Mr Novin to do, as regards geotechnical evaluation of the site, given the scale and scope of the building, the known sub-surface groundwaters, and the nearby slopes? As this is our first SB35 project, we are still working through the details of when these types of reports will be required. They are usually required at the discretionary permit stage but if the project ends up moving forward as an SB35 project then I assume that they will be required as a part of the building permit application. The exception is for Archaeological and Historic resources which we will need with the Preapplication if the applicant would like for us to determine eligibility at the Preapplication stage. These are required to determine compliance with SB35. I believe that building code and the municipal code will require a soils report.
- Is Mr Novin's Preliminary Application deemed complete yet? There are two completeness determinations that could apply to a preapplication – SB330 and SB35. We have deemed them incomplete pursuant to SB330. We don't have enough information or a final proposed project to make a call on SB35 yet.
  - If not, what is missing and when does he project having it complete? I think that this information is provided in the responses above. It's



not just that we are missing information but it sounds like they are making revisions to the project so we will need to review this after we receive their proposed plans.

- Please provide any and all developer-submitted documents relating to the project proposal, Mr Novin's SB35 application, application for density / height bonuses etc. I reviewed the materials on the website and it looks like we are missing the summary that was submitted by the applicant so I've attached it to this letter and asked our admin staff to post it to the website along with the City Feedback letter and the SB330 incomplete letter.
  - So far we have in hand
    - Project Concept Plan
    - Developer's letter regarding intent to apply for SB35 streamlining
- Please identify any recently approved projects in the City that, as part of the review and approval process, received land-use "up-zoning" (such as the riverfront project, whose parcel(s) I believe was (were) up-zoned - please correct me if I'm wrong on that). I think the term "up-zoned" is misused in this instance. The zoning remains the same but the state law requires us to apply the densities allowed in the general plan where there is an inconsistency with the zoning ordinance and the state density bonus law allows for additional market rate units if the project provides a specific level of affordability. The other requirements of the zone district remain applicable unless they are proposed to vary with the Density Bonus. The front riverfront project was eligible for a density bonus which allowed for additional units. I don't know all of the density bonus projects off the top of my head and I'm not sure how I could look these up...

Thank you, as always, for your time and your service.

Best,

Doug

*"I skate to where I think the puck will be." Wayne Gretzky **Smart!***

Begin forwarded message:

**From:** Doug Engfer <[doug@engfer.org](mailto:doug@engfer.org)>  
**Subject:** [831 Water] Some questions  
**Date:** March 4, 2021 at 10:04:52 AM MST  
**To:** Mike Ferry <[mferry@cityofsantacruz.com](mailto:mferry@cityofsantacruz.com)>

Mike

I hope this note finds you and yours safe and well, and queued for vaccines. My wife and I are a ways down the list, and glad that the protocols protect those most at risk / essential. Progress!

I have a few foundational questions regarding 831 Water St:

- I assume (dangerous, I know; hence this note) that Mr Novin has employed the height / density bonus provisions of state law in his current proposed design.
  - Is that a correct assumption on my part?
  - If so, am I correct in thinking that California code 65915 would apply?
  - Further, then, how does the City interpret 21155 as it relates to transit service?
    - For example, I see that the City of LA uses “Major Bus Route – A bus route with peak-hour headways of 15 minutes or less in two directions for 2 of the 3 hours between 4:00 p.m. and 7:00 p.m” as its guideline
- As regards our zoning ordinance, how are the studios defined / covered by our current zoning?
  - I assume (that word again) that 24.12.1520 applies (that is, that these studios are treated as SOUs under our zoning ordinance). Is that correct? If not, what elements of our zoning ordinances apply here?
  - If, due to the state of our zoning/General Plan harmonization, the General Plan applies, please let me know the governing provisions of the GP.

That's it for now! Thanks again!

Best,

Doug

*"The future has already happened, it's just not equally distributed"*  
Wm Gibson

[The attachment 833 Water Pre-application report (003).pdf has been manually removed]

[The attachment 831 Water CP20-0121 SB330 Incomplete.pdf has been manually removed]

[The attachment Water St Density Bonus Summary 09.14.20.pdf has been manually removed]

**From:** [Adam Dell](#)  
**To:** [info@novindevelopment.com](mailto:info@novindevelopment.com); [Mike Ferry](#); [Maura Dell](#)  
**Subject:** Proposed Development at 823/825/827/831/833 Water  
**Date:** Wednesday, January 27, 2021 2:18:44 PM

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Mr. Ferry

I am a resident of the Branciforte neighborhood. I live on Magnolia Street, which intersects with Water.

I will do my best to attend the Zoom meeting this evening, however it is a challenging time for me to attend.

I wanted to voice some questions and concerns about the proposed development that I hope you can address in the meeting if I cannot attend. I will also add these comments/questions to the City Website form:

Support Items:

- 1 - I support adding residences to Santa Cruz in general and to our neighborhood specifically. I support doing so by following zoning rules as well as studies that take neighborhood safety and livability into account.
- 2 - I support creating buildings that will allow commercial small businesses to thrive.

Concerns:

- 1 - The proposed development is 5 stories and 59' tall. This is much taller than the zoned maximum height of 40'. I understand that concessions are being considered if the developer has some of the units be affordable housing. I support affordable housing, but not at the expense of violating our zoning laws. The B40 neighborhood is a residential neighborhood. There are no multi story buildings and we do not have the appropriate setbacks to allow them. Although my house will not be directly impacted, all of the homes on Belvedere Terrace will be severely impacted by this design. Their properties will be in complete shade for the majority of the year (with the development being directly to the South) and their views will be frankly awful. The height of the proposed development should be a non-starter. If this type of development is allowed, the precedent will be devastating for all neighboring streets on Water (myself included). I hate to be dramatic, but I would think that lawsuits will follow if this 5 story development is allowed, as our quality of life and home values will be severely impacted.
- 2 - The parking proposed for this site does not adequately address the number of cars that will be added via the new residences. There are 141 parking stalls proposed for 151 units. This does not allow for even 1 car per unit. This will cause an influx of cars needing to park in already overcrowded streets. It will have a negative impact on both our local businesses and homes. It is another reflection of over densifying this location by building too high.
- 3 - The mix of unit types is very heavy on studio sized apartments (102 units) and only two 2-bed units. Why are there not more 2 bedroom+ units? This will not help address the needs of families.
- 4 - The design currently shows access in and out of the site from Water street. This



location is a greenway that has heavy, and very fast (going downhill), bike traffic. This entrance is a major safety hazard. If a development is allowed to proceed at this location, it would make much greater sense to have traffic enter and leave off of Branciforte and/or closer to the Water/Branciforte intersection.

Questions:

1 - With added units, there will be impacts on the local schools. Are development school fees being imposed on this project to ensure that our schools have the adequate resources to address the increased student population?

2 - How many commercial units will be located on the 1st floor? How does it relate to the current commercial sf onsite today? I would hope that any developments are creating and encouraging a vibrant commercial space for our neighborhood along Water and Soquel.

I appreciate the work that you do to review and support developments that will be the best for the future of Santa Cruz. I ask that you take the concerns and questions that I bring under consideration and provide some feedback.

Thank you in advance for your review and consideration.

Adam Dell

**From:** [Desiree Netto](#)  
**To:** [Mike Ferry](#)  
**Subject:** 831 Water Stret  
**Date:** Wednesday, January 27, 2021 5:23:45 PM

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Hello Mike!

My family and I have lived in our home, next door to this proposed project, approximately less than 50' from my front door to the building site, for nearly 13 years. I want to say right up front I am ALL for new housing and especially affordable housing in our community, and yes in my back yard.

I am very concerned about this development as it stands. Our fire lane & emergency access gate will be blocked off if this proceeds as is. In the last 3 years alone, we've had emergency vehicles responding to various incidents at least 5 times at our end of the street. I live right by the fire lane and the fire/emergency vehicle access gate. The current plans do not account for the access needed by the FD and emergency vehicles on the fire lane and fire access gate.

"Per California Fire Code 503.2.1, fire apparatus access roads shall have an unobstructed width of not less than 20 feet." Currently, this development's plans indicate no regard for the emergency access lane and fire vehicle gate. Can you assure me, my family, and my neighbors that OUR safety IS important, by revising your proposed development to incorporate proper adherences to fire lanes and fire & emergency access gates?

I welcome new housing in our area. Families in this county have struggled for years to find affordable housing. I was one of them. Unfortunately, the majority of the proposed 151 residential units will not offer any remedy to our community or our families, as the majority of 151 living units will be studios and 1-bedrooms. There are a few 2-bedroom units planned but its my understanding that those will be the ones with a peak-a-boo ocean view and will be renting for a premium, branded as their luxury units. I would like the city to start to address the issues of families needing housing. Developments like this should ALSO be required to contribute affordable housing to families. I would ask that you start with this project – we need affordable FAMILY housing.

Thank you

Desiree Netto

**From:** [Samantha Haschert](#)  
**To:** ["Doug Engfer"](#)  
**Cc:** [Ryan Bane](#); [Claire Gallogly](#)  
**Subject:** RE: [831 Water] Some questions (expanded and re-sending)  
**Date:** Wednesday, March 17, 2021 11:10:41 PM

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Hi Doug,

You're very welcome and thank you for the sentiments. I'm happy to continue sending information your way although it might not be immediate!

I'm cc'ing Claire Gallogly on the email who can answer your questions about the Major Transit Stop definition.

See my other responses below in red. I will also note that the SB35 review will include city consultation with local Native American tribes and that effort is in progress.

Thanks,

Sam

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**From:** Doug Engfer [mailto:doug@engfer.org]  
**Sent:** Wednesday, March 17, 2021 4:04 PM  
**To:** Samantha Haschert  
**Cc:** Ryan Bane  
**Subject:** Re: [831 Water] Some questions (expanded and re-sending)

Sam

Thanks so much for making time (late in your day!) to get back to me on these questions. I deeply appreciate your commitment to the cause. (So few folks realize how hard City staff works! Serving on the WSAC and Water Commission has really opened my eyes; I share that perspective with folks in town all the time - you all deserve more credit than you get.)

You've given me some good pointers below, and I will get onto my homework there. No doubt I'll have some more questions for you at some point ;-)

As an immediate follow-up to the letters you've sent through: thank you! I'm so glad to see the good work the City has done in both, and gratified that so many of the concerns expressed by the community are reflected in the feedback to Mr Novin. Kudos!

- I note that the 3 Feb letter refers to a number of attachments containing specific feedback from various City departments. Those attachments were not included in what you sent through. Could you please send me copies of those (as always, email is fine)? (To be clear, do NOT need the lists of possible consultants, or the matrix of community feedback.) While much of what we have heard from Mike Ferry is reflected in the letters, some things aren't (such as "hammerhead" turnaround accommodation in the north-side vehicle access road, requested by City Fire, I believe). I suspect that those details are in the referenced attachments - it would be a great comfort to be able to review them in detail. **Yes we can upload the attachments to the website.**
- I note from the City's letter of 3 February that the the City finds that the project is within 1/2 mile of a Major Transit Stop (per 24.16.205 (20)). Mindful of how I've seen this requirement of SB330 interpreted in other jurisdictions that use similar definitional language, I'd like to probe on this a bit.

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- I don't see how the language can be read to mean "average" effective service frequency, so I've discarded that interpretation.
- So, I would argue that the project is NOT within 1/2 mile of a Major Transit Stop, as defined.
- Please let me know where I've gone wrong here, if I have. Otherwise, please correct the City's communication to Mr Novin to let him know that his project is not within 1/2 mile of a Major Transit Stop, and therefore doesn't qualify for a Density Bonus under SB330 (65915).

I also have an additional question. I don't consider this super time-sensitive, so whenever you can find the time to get back to me would be fine.

- I remain confused about what is, isn't and should be on the City's project website. I'm looking here: <https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/planning-division/active-planning-applications-and-status/831-water-street/-selectview-0> We don't typically post all city correspondence to the website. We usually only include plans and reports and CEQA documents; however, given the level of interest in this project, we are planning to post our feedback letters and any letters of determination.
  - Gratified to see that the letters from the City to Mr Novin, and Mr Novin's Density Bonus Summary description are now on the site. Great!
  - I note that Mr Novin's letter indicating his intent to apply for SB35 streamlining is not on the site. It's my understanding that anything submitted by the developer to the City is considered public, and you have shared that letter with me, so I have it in my files anyway.
  - Should I expect that anything from Mr Novin to the City will be posted on the site? If not, what type of documents will not be posted? Yes, we can post this to the site.
  - You may want to have staff post that SB35 letter, since you did share it with me (thanks again for that!).

Finally, just as a fair warning, I'll plan to "ping" you weekly about any new documents from



or about Mr Novin's project, just so we don't lose track. If you find that annoying instead of helpful, just let me know! **No problem. That's probably a good way to stay on top of the project because it would be more difficult for me to remember to ping you!**

Best,

Doug

*"If everybody always lies to you, the consequence is not that you believe the lies, but rather that nobody believes anything any longer." — Hannah Arendt*

On Mar 16, 2021, at 8:18 PM, Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Doug,

See my comments below in red. I reviewed the information on the website and the only thing that was missing was a density bonus summary from the applicant. I've asked our admin to post this as well as the two attached letters.

Thanks again for your patience. I know that you're looking for concrete information on the project's consistency with SB35 but we'll need to wait for them to submit their revisions and provide additional information before we can make that call.

Sam

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**From:** Doug Engfer [<mailto:doug@engfer.org>]

**Sent:** Tuesday, March 16, 2021 5:17 PM

**To:** Samantha Haschert

**Cc:** Ryan Bane; William Parkin

**Subject:** Re: [831 Water] Some questions (expanded and re-sending)

Sam

Thanks for getting back to me to acknowledge receipt of my questions. I can be patient about many of them, I suppose.

However, your comment that you all are working to “[finalize the SB35 letter](#)” concerns me, given that we have seen very little in the way of documentation that would support an SB35 evaluation.

I would like copies of all the documents submitted by the applicant. Given COVID, electronic versions are preferred and can be sent to this email.

Best,

Doug

On Mar 15, 2021, at 10:20 AM, Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Doug,

Thanks for your email. I'm sorry for the delay in the response but at this early stage in the application process, we are still working through many of these types of questions with the applicant. The preapplication phase is a little more open-ended than a formal application and involves a lot of discussion about different potential scenarios so it's difficult for me to give you the final requirements when the project is still so preliminary. That being said, once we finalize the SB35 letter I'll take a stab at responding to your questions to the best of my ability!

Thanks,  
Sam

---

**From:** Doug Engfer <[doug@engfer.org](mailto:doug@engfer.org)>

**Sent:** Monday, March 15, 2021 8:41 AM

**To:** Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)>; Mike Ferry <[mferry@cityofsantacruz.com](mailto:mferry@cityofsantacruz.com)>

**Subject:** [831 Water] Some questions (expanded and re-sending)

Sam and Mike -

Good morning! Hope you're safe and well.

Our list of questions has grown a bit, as I reviewed our accumulated work to date. I've consolidated it here. Please acknowledge receipt and let me know when you will be able to respond.

- I assume (dangerous, I know; hence this note) that Mr Novin has employed the height / density bonus provisions of local and/or state law in his current proposed design.
  - Is that a correct assumption on my part? The application summary stated that they will utilize the density bonus provisions but they have not provided us with the exact number of affordable units or the affordability levels of such units to determine if they are eligible. The information in the summary is extremely deficient. They have also not yet indicated if they are applying for this as an incentive/concession or waiver and have not provided the justification for such request pursuant with density bonus state law.
  - Can you please indicate the local and/or state code sections that would apply? Density Bonus state law is under AB1763 and, most recently AB2345. Density Bonus regulations are in our local ordinance under Part 3 of Chapter 24.16. State law will supersede our local ordinance. Our local ordinance has not yet incorporated

AB2345 as that was just effective in January of this year.

- Am I correct in thinking that California code 65915 would apply? Yes, as amended by AB1763 and AB2345.

Further, then, how does the City interpret CA 21155 as it relates to transit service?

20. Our code 24.16.204 defines this as: “Major transit stop” is an existing site, or a site included in the regional transportation plan, that contains a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of fifteen minutes or less during the morning and afternoon peak commute periods. A housing development is considered to be within one-half mile of a major transit stop if all parcels within the housing development have no more than twenty-five percent of their area farther than one-half mile from the stop and if not more than ten percent of the units or one hundred units, whichever is less, in the housing development are farther than one-half mile from the stop.

- For example, I see that the City of LA uses “Major Bus Route – A bus route with peak-hour headways of 15 minutes or less in two directions for 2 of the 3 hours between 4:00 p.m. and 7:00 p.m” as its guideline
- As regards our zoning ordinance, how are the studios defined / covered by our current zoning? Section 24.22.334 provides the following definition of an Efficiency Dwelling Unit which includes studios: Any habitable room having cooking facilities, and intended or designed to be used for combined living, dining, and sleeping purposes. The term includes efficiency apartment and studio apartment.
  - I assume (that word again) that 24.12.1520 applies (that is, that these studios are treated as SOUs under our zoning ordinance). Is that correct? If not, what elements of our zoning ordinances apply here? No, not all studios are considered to be SOU’s. In this case, SOU’s are ownership units and these studios are rentals. Prior to the myriad of new housing bills, SOU’s offered some benefits that were not applicable to other types of housing developments such as reduced parking and higher density.

I’m not sure what elements of the zoning ordinance you’d like me to point out. The proposed development at 831 Water is considered to be a housing development pursuant to state law. In our code, it’s considered to be a mixed use development. The objective standards will be a combination of density bonus requirements and zoning ordinance requirements. For example, the site development standards of the C-C district apply to the development however, the density bonus may allow for variations to the site development standards as incentives/concessions or waivers.
  - If, due to the state of our zoning/General Plan harmonization, the General Plan applies, please let me know the governing provisions of the GP. The GP provision that apply to the project are those that provide objective standards. For example, our noise ordinance provides performance standards that will apply to the project as well

as the maximum FAR for the MXHD designation. Policy LU3.8 applies which allows for studios and one-bedrooms to exceed density requirements. Any objective standards in the Eastside Business Improvement Area Plan will also apply. We will need to review all of the objective standards in detail once we receive the revised project and additional information from the applicant and before we can confirm that the project is eligible for SB35 streamlining.

- When may we expect to see the results of the City's Initial Review? We've already provided them with some feedback on the project design and completeness with regards to SB330 but we have not provided them with feedback regarding SB35 yet because we are missing too much information to determine if they are eligible and they have indicated that they would like us to wait until the submit revised plans. I've attached the other letters for your review. Unfortunately, our feedback is a bit vague because, again, we don't have all of the information that we need to do a full review. The applicant has estimated a turnaround time of about 7 weeks but that isn't a city requirement so it's really up to the applicant when they will resubmit.
- What work with the City do, or require Mr Novin to do, as regards geotechnical evaluation of the site, given the scale and scope of the building, the known sub-surface groundwaters, and the nearby slopes? As this is our first SB35 project, we are still working through the details of when these types of reports will be required. They are usually required at the discretionary permit stage but if the project ends up moving forward as an SB35 project then I assume that they will be required as a part of the building permit application. The exception is for Archaeological and Historic resources which we will need with the Preapplication if the applicant would like for us to determine eligibility at the Preapplication stage. These are required to determine compliance with SB35. I believe that building code and the municipal code will require a soils report.
- Is Mr Novin's Preliminary Application deemed complete yet? There are two completeness determinations that could apply to a preapplication – SB330 and SB35. We have deemed them incomplete pursuant to SB330. We don't have enough information or a final proposed project to make a call on SB35 yet.
  - If not, what is missing and when does he project having it complete? I think that this information is provided in the responses above. It's not just that we are missing information but it sounds like they are making revisions to the project so we will need to review this after we receive their proposed plans.
- Please provide any and all developer-submitted documents relating to the project proposal, Mr Novin's SB35 application, application for density / height bonuses etc. I reviewed the materials on the



website and it looks like we are missing the summary that was submitted by the applicant so I've attached it to this letter and asked our admin staff to post it to the website along with the City Feedback letter and the SB330 incomplete letter.

- So far we have in hand
  - Project Concept Plan
  - Developer's letter regarding intent to apply for SB35 streamlining
- Please identify any recently approved projects in the City that, as part of the review and approval process, received land-use "up-zoning" (such as the riverfront project, whose parcel(s) I believe was (were) up-zoned - please correct me if I'm wrong on that). I think the term "up-zoned" is misused in this instance. The zoning remains the same but the state law requires us to apply the densities allowed in the general plan where there is an inconsistency with the zoning ordinance and the state density bonus law allows for additional market rate units if the project provides a specific level of affordability. The other requirements of the zone district remain applicable unless they are proposed to vary with the Density Bonus. The front riverfront project was eligible for a density bonus which allowed for additional units. I don't know all of the density bonus projects off the top of my head and I'm not sure how I could look these up...

Thank you, as always, for your time and your service.

Best,

Doug

*"I skate to where I think the puck will be." Wayne Gretzky **Smart!***

Begin forwarded message:

**From:** Doug Engfer <[doug@engfer.org](mailto:doug@engfer.org)>  
**Subject:** [831 Water] Some questions  
**Date:** March 4, 2021 at 10:04:52 AM MST  
**To:** Mike Ferry <[mferry@cityofsantacruz.com](mailto:mferry@cityofsantacruz.com)>

Mike

I hope this note finds you and yours safe and well, and queued for vaccines. My wife and I are a ways down the list, and glad that the protocols protect those most at risk / essential. Progress!

I have a few foundational questions regarding 831 Water St:

- I assume (dangerous, I know; hence this note) that Mr Novin has employed the height / density bonus provisions of state law in his current proposed design.
  - Is that a correct assumption on my part?
  - If so, am I correct in thinking that California code 65915 would apply?
  - Further, then, how does the City interpret 21155 as it relates to transit service?
    - For example, I see that the City of LA uses “Major Bus Route – A bus route with peak-hour headways of 15 minutes or less in two directions for 2 of the 3 hours between 4:00 p.m. and 7:00 p.m” as its guideline
- As regards our zoning ordinance, how are the studios defined / covered by our current zoning?
  - I assume (that word again) that 24.12.1520 applies (that is, that these studios are treated as SOUs under our zoning ordinance). Is that correct? If not, what elements of our zoning ordinances apply here?
  - If, due to the state of our zoning/General Plan harmonization, the General Plan applies, please let me know the governing provisions of the GP.

That’s it for now! Thanks again!

Best,

Doug

*"The future has already happened, it's just not equally distributed"*  
*Wm Gibson*

[The attachment 833 Water Pre-application report (003).pdf has been manually removed]

[The attachment 831 Water CP20-0121 SB330 Incomplete.pdf has been manually removed]

[The attachment Water St Density Bonus Summary 09.14.20.pdf has been manually removed]



**From:** [Doug Engfer](#)  
**To:** [Mike Ferry](#)  
**Subject:** [831 Water] Comments  
**Date:** Thursday, December 03, 2020 11:58:23 AM

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Mike

Doug Engfer here; resident homeowner on Linden St in Santa Cruz. I hope this note finds you and yours well, and staying safe and healthy while we await vaccine distribution. So close!

Writing today regarding the potential project at 831 Water St (<https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/planning-division/active-planning-applications-and-status/831-water-street/-selectview-0>). I recognize that we are early in the process and that the current design is conceptual in nature, however I think you should anticipate substantial neighborhood concerns about a project of this mass, scale, and height. Before the developer gets too far down the road, and too invested in a given set of design parameters, I think some community outreach would make a lot of sense. While I do not want to suggest that I speak for anyone but myself, my sense is that the community would support something smaller and less massive, more in keeping with the character of the immediate neighborhood. Facilitating some community meetings that result in a workable compromise will engender neighborhood goodwill, I should think. I'd appreciate your thoughts on this.

Also, I would appreciate it if you could point me to a Planning Department (or City) "roadmap" to the review and approval process that will apply to this project. I have to admit that I'm at a loss to understand the various steps that will be involved.

Thanks for your service!

Best,

Doug Engfer

[doug@engfer.org](mailto:doug@engfer.org)  
+1.831.234.8480 (v)  
+1.831.607.5000 (f)  
Skype: drengfer



**From:** [Samantha Haschert](#)  
**To:** ["Doug Engfer"](#)  
**Cc:** [Ryan Bane](#); [William Parkin](#)  
**Subject:** RE: Notice of Intent- 831 Water  
**Date:** Friday, July 02, 2021 3:03:38 PM

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Hi Doug,

Yes, your correct. Yesterday we completed the tribal notification and consultation process and the applicant submitted their formal application. I've asked our administrative staff to post the application and the enforceable agreement with the Native American tribe on the webpage, so that should be done today or possibly on Tuesday when they are back in the office. We are manually sending out notices so you'll receive an email when it's posted.

Now that their formal application has been submitted, we will embark on a thorough review of compliance with objective standards. During this process we will examine the projects compliance with code requirements including compliance with the fire access easement. If the plans do not meet objective standards then we are required to provide very specific written documentation of the areas where they don't comply. I think that we will also provide specific documentation if they do comply but I'll have to check with the city attorney on this requirement.

I will also note that the city will hold the second community meeting during this time and we will also go to the City Council for their review of our determinations of consistency with objective standards. This will be a public meeting and will give you an opportunity to speak to the council. We don't have any of the meeting dates yet but they will be posted to the website and noticed in the standard way.

To your question, the NOI was just required to include a very simple list of information. When we deemed it complete, it just triggered the NA tribe consultation requirements and had nothing to do with a determination of project feasibility.

Have a nice weekend!

Sam

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**From:** Doug Engfer [mailto:[doug@engfer.org](mailto:doug@engfer.org)]  
**Sent:** Wednesday, June 30, 2021 8:10 AM  
**To:** Samantha Haschert  
**Cc:** Ryan Bane; William Parkin  
**Subject:** Re: Notice of Intent- 831 Water

Sam

Good morning!

Thanks for your note to one of our neighbors about the status and immediate go-forward timeline for Mr Novin's NOI. Noting the States "30-30-30" timelines, I expect that the City will keep the public informed about progress and outcomes of the tribal reviews (within the bounds of the applicable confidentiality rules, of course).

After re-reviewing Mr Novin's NOI, I'm reminded that we never closed the loop on my question

about the public-safety easement. ("I note that Mr Novin's NOI application does not reflect responsiveness to the City's previously documented issues with the Concept Plan (including, but not limited to, fire easement at the SW corner). How can this application be deemed valid when it reflects a building that cannot be built legally?"). Again, the building plans that Mr Novin has included in this NOI package do not accommodate this easement. Mindful that the law would appear to require that the plans accurately represent the massing and footprint of the proposed development, can you please clarify how his NOI can be deemed complete at this time, in its current state?

Thanks!

Best,

Doug

On Jun 15, 2021, at 3:44 PM, Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Doug,

I hear your concerns about the website. Unfortunately (fortunately?) I'm not an administrator of the website so I need to check in with our admin staff on the functionality. I started this inquiry with your last email so we are already looking into it! If the website does not send out auto emails then I can request that this noticing happens manually.

The applicant has not submitted a formal application yet which is why you aren't seeing our analysis of compliance with objective standards. What they have submitted is a Notice of Intent to Submit an SB35 Application and this is required to include a specific list of information provided in the state law.

- What is the timeline for the City's review of Mr Novin's application (90 days?), and when does that timeline commence? **I don't see that the state law includes a set timeline for review of the Notice of Intent but we will follow the Permit Streamlining Act and review within 30 days. Our review of the formal application (which hasn't been submitted yet) is due within 90 days of receipt of the application if the application includes greater than 150 units and is due within 60 days of receipt of the application if the application includes 150 units or less.**
- What are the key milestones along that review timeline? **The final process required by SB 35 is still under review and will be detailed on the website and/or as part of the community meeting but at this stage I would say the known milestones are the Notice of Intent, NA tribal noticing and consultation (if requested), formal application submittal, community meeting, then city determination of consistency or inconsistency with objective standards.**
- What, if any, public engagement will take place during that review? **As stated**

above, the process is still under review; however, everything will continue to be posted to the website and we are currently accepting all public comments and keeping them as a part of the public record and forwarding them to the applicant. Also, the community meeting will allow for additional public review of the project.

- What are the possible outcomes of that review? I think that you're referring to the objective standards review here. If so, the outcome will be a letter listing all of the applicable objective standards and our determination of consistency with each standard. If everything is found to be consistent then the applicant could progress to the building permit application stage.
- Who is involved in that review, and who publishes the results (and where)? The Planning Department will be completing that review in coordination with the City Attorney's Office and the Public Works Department. We will publish the results on the website.

Let me know if you have any other questions.

Thanks,

Sam

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**From:** Doug Engfer [<mailto:doug@engfer.org>]

**Sent:** Tuesday, June 15, 2021 7:35 AM

**To:** Samantha Haschert

**Cc:** Ryan Bane; William Parkin

**Subject:** Re: Notice of Intent- 831 Water

Sam

Thanks for letting me know this. The Stay Informed notification system appears not to be working, at least for me and at least for this web page. I am signed up for alerts about this project (see attached screen shot of my Stay Informed settings), but have not received any alerts regarding the recent SB35-related posts. I do receive regular notes regarding Planning, Zoning, City Council, and ODS, though. This leads me to think that there is something amiss about the 831 Water St page. Concerning. (I will also note that, strangely, the "news" box on the 831 Water St page today has a note about a community meeting for a completely different project.)

I note that Mr Novin's NOI application does not reflect responsiveness to the City's previously documented issues with the Concept Plan (including, but not limited to, fire easement at the SW corner). How can this application be deemed valid when it reflects a building that cannot be built legally?

Thanks, too, for letting me know about the trigger for tribal notifications.

My other, more general, questions remain, though:

- What is the timeline for the City's review of Mr Novin's application (90 days?), and when does that timeline commence?
- What are the key milestones along that review timeline?
- What, if any, public engagement will take place during that review?
- What are the possible outcomes of that review?
- Who is involved in that review, and who publishes the results (and where)?

Thanks!

Best,

Doug

On Jun 14, 2021, at 5:02 PM, Samantha Haschert  
<[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Doug,

We have reviewed their Notice of Intent and found it to be incomplete. Our letter to the applicant is posted on the project webpage as "6/10/21 City Response to Notice of Intent to Submit an SB35 Application". Once they submit the outstanding information, we will re-review the notice to see if they are complete and if they are then that triggers the tribal noticing and consultation requirements under SB35.

I was under the impression that our website sent out automatic emails to the Stay Informed list whenever something new was posted but I'm double checking with our admin staff to confirm. If it's not automatic then I can easily request that we send out an email to the list manually so we'll make it work either way.

Thanks,  
Sam

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**From:** Doug Engfer <[doug@engfer.org](mailto:doug@engfer.org)>  
**Sent:** Friday, June 11, 2021 5:27 AM  
**To:** Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)>  
**Cc:** Ryan Bane <[RBane@cityofsantacruz.com](mailto:RBane@cityofsantacruz.com)>  
**Subject:** Re: Notice of Intent- 831 Water

Sam

Thanks for this note; disappointing, but unsurprising given our most-



recent interactions with Mr Novin.

Can you please share the timeline and key milestones and possible outcomes for the City's review of the NOI?

Also, I do see that the NOI is posted to the project website, but I don't see that I received an auto-generated email from the City's site letting me know about that change. I am signed up for notices for this project. Should I have expected such an automatic notification?

Best,

Doug

On Jun 9, 2021, at 5:06 PM, Samantha Haschert  
<[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Doug,

I wanted to let you know that we have received a formal Notice of Intent to Submit an SB35 application for the 831 Water Street project. The NOI is posted on the city's website on the project webpage. We are reviewing the notice to make sure that it includes all of the information required by state law. Receipt of the NOI also triggers the requirement for us to send out notices to CA Native American tribes and allow for them to request a scoping consultation, so that step will be completed as well. I'll try to get everything on the website for public review once it's completed.

Take care,

Sam

Samantha Haschert  
Principal Planner  
Department of Planning &  
Community Development  
City of Santa Cruz  
831) 420-5196

**From:** [Samantha Haschert](#)  
**To:** ["Doug Engfer"](#)  
**Cc:** [Ryan Bane](#)  
**Subject:** RE: [831 Water] Some questions (expanded and re-sending)  
**Date:** Tuesday, March 16, 2021 7:18:14 PM  
**Attachments:** [833 Water Pre-application report \(003\).pdf](#)  
[831 Water CP20-0121 SB330 Incomplete.pdf](#)  
[Water St Density Bonus Summary 09.14.20.pdf](#)

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Hi Doug,

See my comments below in red. I reviewed the information on the website and the only thing that was missing was a density bonus summary from the applicant. I've asked our admin to post this as well as the two attached letters.

Thanks again for your patience. I know that you're looking for concrete information on the project's consistency with SB35 but we'll need to wait for them to submit their revisions and provide additional information before we can make that call.

Sam

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**From:** Doug Engfer [mailto:doug@engfer.org]  
**Sent:** Tuesday, March 16, 2021 5:17 PM  
**To:** Samantha Haschert  
**Cc:** Ryan Bane; William Parkin  
**Subject:** Re: [831 Water] Some questions (expanded and re-sending)

Sam

Thanks for getting back to me to acknowledge receipt of my questions. I can be patient about many of them, I suppose.

However, your comment that you all are working to “[finalize the SB35 letter](#)” concerns me, given that we have seen very little in the way of documentation that would support an SB35 evaluation.

I would like copies of all the documents submitted by the applicant. Given COVID, electronic versions are preferred and can be sent to this email.

Best,

Doug

On Mar 15, 2021, at 10:20 AM, Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Doug,

Thanks for your email. I'm sorry for the delay in the response but at this early stage in the application process, we are still working through many of these types of questions with the applicant. The preapplication phase is a little more open-ended than a formal

application and involves a lot of discussion about different potential scenarios so it's difficult for me to give you the final requirements when the project is still so preliminary. That being said, once we finalize the SB35 letter I'll take a stab at responding to your questions to the best of my ability!

Thanks,  
Sam

---

**From:** Doug Engfer <doug@engfer.org>

**Sent:** Monday, March 15, 2021 8:41 AM

**To:** Samantha Haschert <SHaschert@cityofsantacruz.com>; Mike Ferry <mferry@cityofsantacruz.com>

**Subject:** [831 Water] Some questions (expanded and re-sending)

Sam and Mike -

Good morning! Hope you're safe and well.

Our list of questions has grown a bit, as I reviewed our accumulated work to date. I've consolidated it here. Please acknowledge receipt and let me know when you will be able to respond.

- I assume (dangerous, I know; hence this note) that Mr Novin has employed the height / density bonus provisions of local and/or state law in his current proposed design.
  - Is that a correct assumption on my part? The application summary stated that they will utilize the density bonus provisions but they have not provided us with the exact number of affordable units or the affordability levels of such units to determine if they are eligible. The information in the summary is extremely deficient. They have also not yet indicated if they are applying for this as an incentive/concession or waiver and have not provided the justification for such request pursuant with density bonus state law.
  - Can you please indicate the local and/or state code sections that would apply? Density Bonus state law is under AB1763 and, most recently AB2345. Density Bonus regulations are in our local ordinance under Part 3 of Chapter 24.16. State law will supersede our local ordinance. Our local ordinance has not yet incorporated AB2345 as that was just effective in January of this year.
    - Am I correct in thinking that California code 65915 would apply? Yes, as amended by AB1763 and AB2345.

Further, then, how does the City interpret CA 21155 as it relates to transit service?

20. Our code 24.16.204 defines this as: "Major transit stop" is an existing site, or a site included in the regional transportation plan, that contains a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval

of fifteen minutes or less during the morning and afternoon peak commute periods. A housing development is considered to be within one-half mile of a major transit stop if all parcels within the housing development have no more than twenty-five percent of their area farther than one-half mile from the stop and if not more than ten percent of the units or one hundred units, whichever is less, in the housing development are farther than one-half mile from the stop.

- For example, I see that the City of LA uses “Major Bus Route – A bus route with peak-hour headways of 15 minutes or less in two directions for 2 of the 3 hours between 4:00 p.m. and 7:00 p.m.” as its guideline
- As regards our zoning ordinance, how are the studios defined / covered by our current zoning? Section 24.22.334 provides the following definition of an Efficiency Dwelling Unit which includes studios: Any habitable room having cooking facilities, and intended or designed to be used for combined living, dining, and sleeping purposes. The term includes efficiency apartment and studio apartment.
  - I assume (that word again) that 24.12.1520 applies (that is, that these studios are treated as SOUs under our zoning ordinance). Is that correct? If not, what elements of our zoning ordinances apply here? No, not all studios are considered to be SOU’s. In this case, SOU’s are ownership units and these studios are rentals. Prior to the myriad of new housing bills, SOU’s offered some benefits that were not applicable to other types of housing developments such as reduced parking and higher density.

I’m not sure what elements of the zoning ordinance you’d like me to point out. The proposed development at 831 Water is considered to be a housing development pursuant to state law. In our code, it’s considered to be a mixed use development. The objective standards will be a combination of density bonus requirements and zoning ordinance requirements. For example, the site development standards of the C-C district apply to the development however, the density bonus may allow for variations to the site development standards as incentives/concessions or waivers.
  - If, due to the state of our zoning/General Plan harmonization, the General Plan applies, please let me know the governing provisions of the GP. The GP provision that apply to the project are those that provide objective standards. For example, our noise ordinance provides performance standards that will apply to the project as well as the maximum FAR for the MXHD designation. Policy LU3.8 applies which allows for studios and one-bedrooms to exceed density requirements. Any objective standards in the Eastside Business Improvement Area Plan will also apply. We will need to review all of the objective standards in detail once we receive the revised project and additional information from the applicant and before we can confirm that the project is eligible for SB35 streamlining.
- When may we expect to see the results of the City’s



Initial Review? We've already provided them with some feedback on the project design and completeness with regards to SB330 but we have not provided them with feedback regarding SB35 yet because we are missing too much information to determine if they are eligible and they have indicated that they would like us to wait until the submit revised plans. I've attached the other letters for your review. Unfortunately, our feedback is a bit vague because, again, we don't have all of the information that we need to do a full review. The applicant has estimated a turnaround time of about 7 weeks but that isn't a city requirement so it's really up to the applicant when they will resubmit.

- What work with the City do, or require Mr Novin to do, as regards geotechnical evaluation of the site, given the scale and scope of the building, the known sub-surface groundwaters, and the nearby slopes? As this is our first SB35 project, we are still working through the details of when these types of reports will be required. They are usually required at the discretionary permit stage but if the project ends up moving forward as an SB35 project then I assume that they will be required as a part of the building permit application. The exception is for Archaeological and Historic resources which we will need with the Preapplication if the applicant would like for us to determine eligibility at the Preapplication stage. These are required to determine compliance with SB35. I believe that building code and the municipal code will require a soils report.
- Is Mr Novin's Preliminary Application deemed complete yet? There are two completeness determinations that could apply to a preapplication – SB330 and SB35. We have deemed them incomplete pursuant to SB330. We don't have enough information or a final proposed project to make a call on SB35 yet.
  - If not, what is missing and when does he project having it complete? I think that this information is provided in the responses above. It's not just that we are missing information but it sounds like they are making revisions to the project so we will need to review this after we receive their proposed plans.
- Please provide any and all developer-submitted documents relating to the project proposal, Mr Novin's SB35 application, application for density / height bonuses etc. I reviewed the materials on the website and it looks like we are missing the summary that was submitted by the applicant so I've attached it to this letter and asked our admin staff to post it to the website along with the City Feedback letter and the SB330 incomplete letter.
  - So far we have in hand
    - Project Concept Plan
    - Developer's letter regarding intent to apply for SB35

streamlining

- Please identify any recently approved projects in the City that, as part of the review and approval process, received land-use “up-zoning” (such as the riverfront project, whose parcel(s) I believe was (were) up-zoned - please correct me if I’m wrong on that). **I think the term “up-zoned” is misused in this instance. The zoning remains the same but the state law requires us to apply the densities allowed in the general plan where there is an inconsistency with the zoning ordinance and the state density bonus law allows for additional market rate units if the project provides a specific level of affordability. The other requirements of the zone district remain applicable unless they are proposed to vary with the Density Bonus. The front riverfront project was eligible for a density bonus which allowed for additional units. I don’t know all of the density bonus projects off the top of my head and I’m not sure how I could look these up...**

Thank you, as always, for your time and your service.

Best,

Doug

*"I skate to where I think the puck will be." Wayne Gretzky **Smart!***

Begin forwarded message:

**From:** Doug Engfer <[doug@engfer.org](mailto:doug@engfer.org)>  
**Subject:** [831 Water] Some questions  
**Date:** March 4, 2021 at 10:04:52 AM MST  
**To:** Mike Ferry <[mferry@cityofsantacruz.com](mailto:mferry@cityofsantacruz.com)>

Mike

I hope this note finds you and yours safe and well, and queued for vaccines. My wife and I are a ways down the list, and glad that the protocols protect those most at risk / essential. Progress!

I have a few foundational questions regarding 831 Water St:

- I assume (dangerous, I know; hence this note) that Mr Novin has employed the height / density bonus provisions of state law in his current proposed design.
  - Is that a correct assumption on my part?
  - If so, am I correct in thinking that California code 65915 would apply?
  - Further, then, how does the City interpret 21155 as it

relates to transit service?

- For example, I see that the City of LA uses “Major Bus Route – A bus route with peak-hour headways of 15 minutes or less in two directions for 2 of the 3 hours between 4:00 p.m. and 7:00 p.m” as its guideline
- As regards our zoning ordinance, how are the studios defined / covered by our current zoning?
  - I assume (that word again) that 24.12.1520 applies (that is, that these studios are treated as SOUs under our zoning ordinance). Is that correct? If not, what elements of our zoning ordinances apply here?
  - If, due to the state of our zoning/General Plan harmonization, the General Plan applies, please let me know the governing provisions of the GP.

That’s it for now! Thanks again!

Best,

Doug

*"The future has already happened, it's just not equally distributed"*  
*Wm Gibson*

**From:** [Samantha Haschert](#)  
**To:** [doug@engfer.org](mailto:doug@engfer.org)  
**Subject:** RE: [831 Water] Document request  
**Date:** Monday, March 08, 2021 8:45:00 PM  
**Attachments:** [Ltr to City re SB 35.PDF](#)  
[image001.png](#)

---

Hi Doug,

Here is the letter that was submitted by the applicant. We are working to get all of these documents up on the website.

Thanks,  
Sam

---

**From:** Samantha Haschert  
**Sent:** Monday, March 08, 2021 6:43 PM  
**To:** 'doug@engfer.org' <doug@engfer.org>  
**Subject:** FW: [831 Water] Document request  
**Importance:** High

Hi Doug,

We're making a slight change in planners for this project given the temporary nature of Mike's tenure here. I'm working with Mike to get this letter for you and will send it asap.

Thanks!  
Sam

---

**From:** Lee Butler <[lbutler@cityofsantacruz.com](mailto:lbutler@cityofsantacruz.com)>  
**Sent:** Saturday, March 06, 2021 10:01 AM  
**To:** Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)>; Eric Marlatt <[emarlatt@cityofsantacruz.com](mailto:emarlatt@cityofsantacruz.com)>  
**Subject:** FW: [831 Water] Document request  
**Importance:** High

FYI...

**Lee Butler**, AICP, LEED AP  
Director of Planning & Community Development  
809 Center Street, Room 107 | Santa Cruz, CA 95060  
Main: 831-420-5110 | Direct: 831-420-5103



Share your experience with us. Take our [Department Customer Survey](#).

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**From:** Doug Engfer [<mailto:doug@engfer.org>]  
**Sent:** Saturday, March 6, 2021 8:37 AM  
**To:** Mike Ferry <[mferry@cityofsantacruz.com](mailto:mferry@cityofsantacruz.com)>  
**Cc:** Lee Butler <[lbutler@cityofsantacruz.com](mailto:lbutler@cityofsantacruz.com)>  
**Subject:** [831 Water] Document request  
**Importance:** High

Mike

Doug Engfer here. Hope you and yours are safe and well.

Writing today to request any and all documents submitted by the applicant at 831 Water relating to, claiming, or supporting his claim to qualification under SB35. On advice of counsel, anything submitted by the applicant is part of the public record, so I look forward to receiving these materials timely.

Please acknowledge this request and let me know when you will send me the requested documents.

Thanks in advance!!!

Best,

Doug

*"Right is right, even if everyone is against it; wrong is wrong, even if everyone is for it."*  
*William Penn*

**From:** [Samantha Haschert](#)  
**To:** ["Doug Engfer"](#)  
**Cc:** [Ryan Bane](#); [William Parkin](#)  
**Subject:** RE: [831 Water] Some questions (expanded and re-sending)  
**Date:** Tuesday, March 16, 2021 5:30:25 PM

---

Hi Doug,

Thank you for your patience. I am actually working on responses to your questions right now. We were in the process of reviewing the requirements of SB35 to determine compliance however, the applicant is now considering several revisions based on city and community feedback, financing, and other requirements. Additionally, they have not provided us with the specific numbers or levels of affordable units and they have not provided us with base plans with which to determine base density. It is not feasible at this point for us to determine if they comply with objective standards so we will not provide a determination on eligibility until we receive revised plans from the applicant and they have provided all of the applicable project information.

I believe that I already sent you the letter that we received from the applicant regarding compliance with SB35 and all of the other application materials are online. Is there something else that you need?

If you could please allow me a few extra minutes to finish my responses to your questions then I should be done shortly.

Thanks,

Sam

---

**From:** Doug Engfer [mailto:[doug@engfer.org](mailto:doug@engfer.org)]  
**Sent:** Tuesday, March 16, 2021 5:17 PM  
**To:** Samantha Haschert  
**Cc:** Ryan Bane; William Parkin  
**Subject:** Re: [831 Water] Some questions (expanded and re-sending)

Sam

Thanks for getting back to me to acknowledge receipt of my questions. I can be patient about many of them, I suppose.

However, your comment that you all are working to “[finalize the SB35 letter](#)” concerns me, given that we have seen very little in the way of documentation that would support an SB35 evaluation.

I would like copies of all the documents submitted by the applicant. Given COVID, electronic versions are preferred and can be sent to this email.

Best,

Doug

On Mar 15, 2021, at 10:20 AM, Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Doug,

Thanks for your email. I'm sorry for the delay in the response but at this early stage in the application process, we are still working through many of these types of questions with the applicant. The preapplication phase is a little more open-ended than a formal application and involves a lot of discussion about different potential scenarios so it's difficult for me to give you the final requirements when the project is still so preliminary. That being said, once we finalize the SB35 letter I'll take a stab at responding to your questions to the best of my ability!

Thanks,

Sam

---

**From:** Doug Engfer <doug@engfer.org>

**Sent:** Monday, March 15, 2021 8:41 AM

**To:** Samantha Haschert <SHaschert@cityofsantacruz.com>; Mike Ferry <mferry@cityofsantacruz.com>

**Subject:** [831 Water] Some questions (expanded and re-sending)

Sam and Mike -

Good morning! Hope you're safe and well.

Our list of questions has grown a bit, as I reviewed our accumulated work to date. I've consolidated it here. Please acknowledge receipt and let me know when you will be able to respond.

- I assume (dangerous, I know; hence this note) that Mr Novin has employed the height / density bonus provisions of local and/or state law in his current proposed design.
  - Is that a correct assumption on my part?
  - Can you please indicate the local and/or state code sections that would apply?
    - Am I correct in thinking that California code 65915 would apply?
  - Further, then, how does the City interpret CA 21155 as it relates to transit service?
    - For example, I see that the City of LA uses "Major Bus Route – A bus route with peak-hour headways of 15 minutes or less in two directions for 2 of the 3 hours between 4:00 p.m. and 7:00 p.m" as its guideline
- As regards our zoning ordinance, how are the studios defined / covered by our current zoning?

- I assume (that word again) that 24.12.1520 applies (that is, that these studios are treated as SOUs under our zoning ordinance). Is that correct? If not, what elements of our zoning ordinances apply here?
  - If, due to the state of our zoning/General Plan harmonization, the General Plan applies, please let me know the governing provisions of the GP.
- When may we expect to see the results of the City's Initial Review?
  - What work with the City do, or require Mr Novin to do, as regards geotechnical evaluation of the site, given the scale and scope of the building, the known sub-surface groundwaters, and the nearby slopes?
  - Is Mr Novin's Preliminary Application deemed complete yet?
    - If not, what is missing and when does he project having it complete?
  - Please provide any and all developer-submitted documents relating to the project proposal, Mr Novin's SB35 application, application for density / height bonuses etc.
    - So far we have in hand
      - Project Concept Plan
      - Developer's letter regarding intent to apply for SB35 streamlining
  - Please identify any recently approved projects in the City that, as part of the review and approval process, received land-use "up-zoning" (such as the riverfront project, whose parcel(s) I believe was (were) up-zoned - please correct me if I'm wrong on that).

Thank you, as always, for your time and your service.

Best,

Doug

*"I skate to where I think the puck will be." Wayne Gretzky*

Begin forwarded message:

**From:** Doug Engfer <[doug@engfer.org](mailto:doug@engfer.org)>  
**Subject:** [831 Water] Some questions  
**Date:** March 4, 2021 at 10:04:52 AM MST  
**To:** Mike Ferry <[mferry@cityofsantacruz.com](mailto:mferry@cityofsantacruz.com)>

Mike

I hope this note finds you and yours safe and well, and queued for vaccines. My wife and I are a ways down the list, and glad that the



protocols protect those most at risk / essential. Progress!

I have a few foundational questions regarding 831 Water St:

- I assume (dangerous, I know; hence this note) that Mr Novin has employed the height / density bonus provisions of state law in his current proposed design.
  - Is that a correct assumption on my part?
  - If so, am I correct in thinking that California code 65915 would apply?
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  - I assume (that word again) that 24.12.1520 applies (that is, that these studios are treated as SOUs under our zoning ordinance). Is that correct? If not, what elements of our zoning ordinances apply here?
  - If, due to the state of our zoning/General Plan harmonization, the General Plan applies, please let me know the governing provisions of the GP.

That's it for now! Thanks again!

Best,

Doug

*"The future has already happened, it's just not equally distributed"*  
*Wm Gibson*

**From:** Samantha Haschert  
**To:** ["Doug Engfer"](#)  
**Cc:** [William Parkin](#); [Antoinette Ranit](#); [Ryan Bane](#)  
**Subject:** RE: [831 Water St] SB35 process documentation  
**Date:** Monday, July 19, 2021 9:04:00 AM

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Hi Doug,

See my responses in red below. If you haven't already, please take a look at the HCD SB35 Guidelines on the HCD website. These are helpful in understanding the processing requirements for an SB35 application.

Thanks,  
Sam

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**From:** Doug Engfer <doug@engfer.org>  
**Sent:** Saturday, July 17, 2021 7:53 AM  
**To:** Samantha Haschert <SHaschert@cityofsantacruz.com>  
**Cc:** William Parkin <wparkin@wittwerparkin.com>; Antoinette Ranit <aranit@wittwerparkin.com>  
**Subject:** Re: [831 Water St] SB35 process documentation

Sam

Thanks for your quick response. I have a few specific follow up questions and comments:

- I appreciate the information you've shared here, but it remains incomplete as regards my specific request for documentation of the "final process" used to review the application. You've said the department would post it to the website. I don't see it there. **I renew my request for a copy of that process. I expect that it will identify the various roles and responsibilities of the respective parties (applicant, City staff, etc.), the key objectives of the process, timelines, milestones, and deliverables.** I will try to post a status section to the website this week but we are not going to be able to provide all of the information that you list above. We are just following the process required by the statute which is already available online and through the HCD's website. Since the Public Oversight meeting is optional, I wanted to make sure that you were aware of that decision. Also, we will provide an overview of the process and be available to answer questions at the Community Meeting so I hope that will be a good resource for the public.
- I'm simply stunned that the applicant submitted the wrong project plans, and was unaware of having done so. I will set aside speculation on what could possibly cause such an either cavalier, incompetent or disrespectful approach to such a critical process. It must be frustrating to spend valuable staff time reviewing the wrong documents! I will observe, however, that the **City must simply reject this inaccurate / incomplete / non-responsive application, allow the applicant to choose to re-file, and then, when/if the applicant re-files, start a new 60- or 90-day review cycle.** Relying, as you say, on this applicant "possibly (hopefully) granting us an extensive of the review time" [sic] is simply absurd, and, taken to its extreme, would result in a situation where, should the City find another 'fatal flaw' in the application on, say, day 59 of the 60-day review cycle, the City could be left with a single day to re-review an entire re-submittal. Please, say it ain't so! **Again, we're just following the requirements of SB35 for the processing of this application. Yes, a 60 day timeline for review started on 7/1 when**

they submitted their plans, regardless of whether they are immediately identified as deficient, and we are responsible for providing them with "...written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards...". Also, the legislation says, "(c) (1) If a local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards..." and "(2) If the local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a). These code sections in addition to HCD Guidance and recent case law indicate that our obligation is provide them with a letter identifying every instance of non-compliance within 60 days. We are in the process of reviewing the project for compliance 65913.4, coordinating a community meeting, and preparing for a public oversight meeting. Our reading of the statute and associated HCD Guidelines is that the applicant is not prohibited from submitting a late revision during this review time so if they were to do so AND voluntarily extend the 60 day review timeline then we would appreciate the gesture. I will note that the statute does allow for some limited modifications at the building permit stage too so we welcome an early revision at this stage that would allow for all of us (staff, public, city council) to review the most accurate representation of the project proposed.

- I'm gratified that there will be a Public Oversight meeting, and will look forward to seeing that scheduled in a manner that allows time for the City to absorb input and direction from Council and the public before finalizing its decision regarding the SB35 application. I'm a bit taken aback by the apparent public free speech limitations in "the meeting shall not in any way inhibit, chill, or preclude the ministerial approval", but perhaps I'm mis-interpreting your intent here. **Can you please point me at the statutory provision(s) guiding this? 65913.4(d)(1)**

As always, thank you for your work on behalf of our town.

Best,

Doug

On Jul 16, 2021, at 6:07 PM, Samantha Haschert  
<[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Doug,

I live in the San Lorenzo Valley so unfortunately we don't get that mild Santa Cruz weather BUT we are definitely not as hot as the east bay! Thankful for that...

Thanks for checking in. It was decided that this project will be heard by the City Council at what the statute refers to as a Public Oversight meeting. The statute says that the City Council shall be objective and strictly focused on assessing compliance with criteria required for streamlined projects and that the meeting shall not in any way inhibit,

chill, or preclude the ministerial approval. We received the application on 7/1 and since the project has been revised to include 149 units, we have 60 days to review the project, hold a community meeting, take it to the City Council, and provide the applicant with a comprehensive letter determining if the project is eligible or ineligible for streamlined processing under SB35. We met with the applicant this morning and they were not aware that the plans that they submitted do not include the revised fire access easement route that they discussed with the Fire Department, so because of this, I believe that they will be submitting a letter to us early next week to let us know that they will be submitting revised plans and possibly (hopefully) granting us an extension of the review time. That letter will be uploaded to the webpage if it's received.

We are actively planning the 2<sup>nd</sup> Community Meeting which will likely be in the 2<sup>nd</sup> week of August. The required notices will be mailed and posted at least 14 days prior to the meeting.

Let me know if you have any other questions.

Thanks and have a nice weekend!

Sam

---

**From:** Doug Engfer [<mailto:doug@engfer.org>]

**Sent:** Thursday, July 15, 2021 5:48 PM

**To:** Samantha Haschert

**Cc:** William Parkin

**Subject:** [831 Water St] SB35 process documentation

Sam

Good afternoon! I hope you're well and enjoying the mild, marine-influenced weather. We are so fortunate, in so many ways, not to be suffering the heat along with folks inland.

Writing today to follow up on a comment you made by email sometime back (on 15 June) regarding the City's emerging SB35 process. Specifically you said "**The final process required by SB 35 is still under review and will be detailed on the website**". I haven't been able to locate any process documents on the City's website - perhaps you can point me to them or let me know when they will be posted?

I note that Mr Novin has filed his formal application for SB35 treatment, and that with his removal of 2 2-bedroom units, we are under a 60-day calendar to respond. I am curious what process the City is using for that review, and where that process is documented. Time would seem to be of the essence, given Mr Novin's application filing (just before the Independence Day holiday weekend), the 60-day clock, and the Council's July recess.

Best,



Doug

**From:** [Eva Brunner](#)  
**To:** [Ryan Bane](#); [Samantha Haschert](#); [Lee Butler](#)  
**Cc:** [City Council](#)  
**Subject:** 831 Water Street development  
**Date:** Tuesday, June 01, 2021 10:37:26 PM

---

Dear Mr Bane, Ms Haschert and Mr Butler -

I oppose the 831 Water Street development as it is being proposed. I find it utterly out of scale for the surrounding neighborhood and very problematic at the location given the extremely congested intersection at Water and Branciforte. I am so saddened that there is no consideration being given to the existing neighborhoods and the long-time homeowners whose quality of life will be seriously affected in a negative way.

I recently learned that the access to the garage for this development will be on Water Street. In order to access the garage by car coming up the hill from town one would have to make a u-turn at the traffic light at Water and Branciforte. This is very problematic. The traffic is so congested at this intersection as it is. Cars will stack up all the way down the hill. Drivers - being notoriously impatient - will likely look for shortcuts and alternatives. The only alternative is to turn left onto Market Street (a very narrow, crowded and congested street itself) and go all the way around. Even though this route is longer it won't matter - people get impatient just sitting and waiting for their eventual turn at a traffic light. Also, idling cars waiting at traffic lights negatively contributes to climate change, which Santa Cruz has a commitment to address. And then on top of all of that, the effect on the protected bike lanes and downhill cyclists could be devastating! Having a driveway entrance on North Branciforte is equally problematic because of the stacking up of cars. Even now, with just the little strip of businesses that exist, it's an issue when someone is waiting for an opening to pull into the drive to access DJ's Market or one of the other businesses. None of this is being addressed in this proposal.

According to the group 831 Responsible Development the developer Iman Novin has no interest in community input. (The new California state law makes this possible and very easy.)

This is an excerpt from their recent post:

*It is clear that the developer, Iman Novin, plans to max out his project to the very limits of what state law will allow without regard to its impact on many nearby Eastside neighborhoods. He has also made it clear that he intends to pursue "streamlined" project approval, meaning there would be no Planning Commission or City Council hearings.*

Let's not kid ourselves; it's quite clear that this development and many of the proposed developments in the City of Santa Cruz (as well as the rest of the county) are very much for the benefit of the developer. If they weren't the proposals would be much more reasonable in terms of height, footprint, sustainability and many other things. There would also be much more thought given to affordable housing for service industry workers, blue collar workers and families. A few measly "affordable" studio or one bedroom sized apartments that will likely cost much more than most can afford just doesn't answer these very real housing needs. These developments need to be much more in line with what our community really needs and wants. The 831 project does not answer these needs and in fact creates problems as it is currently proposed.

This is all so upside down wrong. It makes me very sad for our community.

Sincerely,  
Eva Brunner

Santa Cruz

(Please excuse any grammar and spelling errors.)

--

*Eva Brunner*

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for small business and non-profit organizations

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**From:** [jaime garfield](#)  
**To:** [Mike Ferry](#)  
**Subject:** Regarding the 831 Water St. proposed development :  
**Date:** Friday, November 27, 2020 11:12:24 AM

---

It's just too massive! The 2 underground parking levels are a big concern, seeing as there is a water source flowing in the area. And too many units for inadequate parking spaces. Naturally we want people to use other modes of transportation, but that seems especially unlikely now with air born diseases discouraging people away from mass transit, and more fuel efficient vehicles in our future. People of the U.S. just like the freedom of getting in their own car and going...so where will everyone park? Not just the residents, but the retail customers and drinkers.....???

Speaking of which, I'm very disappointed in the trend of businesses to make their money on selling alcohol. That's where the profits come from, but at what social costs? How about a fitness center, a craft making business, anything but a stupid making, loud, boisterous inducing industry. Such a shame. Santa Cruz will continue to be a desirable place to live, especially as more people work from home. So let's not sell, (approve) these development projects to a developer with no vision of what will actually be a benefit to our precious and unique communities.

This project is unsuited to the area. Back to the drawing board: have them create something with the desired affordable housing which will pencil out, that is a better vision, and a welcome new neighborhood asset.

Thank you for your consideration,  
Jaime Garfield



**From:** [Ryan Bane](#)  
**To:** [Samantha Haschert](#)  
**Subject:** Fwd: Water Street Project  
**Date:** Saturday, June 26, 2021 3:19:34 PM

---

Begin forwarded message:

**From:** Geraldine Lieby <[gerilieby@me.com](mailto:gerilieby@me.com)>  
**Date:** June 26, 2021 at 3:14:01 PM PDT  
**To:** Ryan Bane <[RBane@cityofsantacruz.com](mailto:RBane@cityofsantacruz.com)>  
**Subject:** Water Street Project

Hello,  
Thank you for working to develop the Water Street Project. Not an easy task to please neighbors and meet the greater needs of the community.  
Geri Lieby

**From:** [Guy Lasnier](#)  
**To:** [Ryan Bane](#); [Samantha Haschert](#)  
**Subject:** 831 Water St. project  
**Date:** Friday, August 13, 2021 9:14:30 AM

---

Dear Ryan and Sam,

Thank you for the time spent preparing for and participating in the community meeting last night.

Had we had a chance to comment (other than by text) I would have offered a version of the following.

I am a resident of Belvedere Terrace.

This is a sloppy, incomplete, and disingenuous proposal that must not be allowed to move forward as submitted.

There are too many examples to cite but I'll submit just one:

First, the developer either ignored the city's concerns or intentionally submitted the wrong plans on July 1. Then, claiming to only learn of the deficiencies via phone two weeks later, submitted a revised proposal.

In the revision, the architect's cover letter states:

"All balconies have been moved to the Water Street frontage."

Yet page 16 clearly shows two 3-bedroom units on the fifth floor of Building A with balconies on the north side (opposite Water Street) overlooking the one-story houses on Belvedere Terrace.

Further, floors two, three, four, and five show 24 balconies on the east side, facing North Branciforte Avenue.

Those are not so much of an issue however the cover letter clearly states "All balconies have been moved to the Water Street frontage." That's just not true.

(During the community meeting the architect offered that "a few" balconies would be on the north side.)

It's either careless or deceptive, and this project plan is rife with other examples.

I support reasonable affordable housing on this small parcel. I don't support a careless, sloppy overreach whose main objective appears to be a future lucrative revenue stream for the developer and his family.

Thanks again for your work. Please help us work with the developer to moderate this overreach.

Sincerely,

Guy Lasnier

**From:** [Erin Hay](#)  
**To:** [Mike Ferry](#)  
**Subject:** Re: 147 Belvedere resident inquiry  
**Date:** Monday, January 25, 2021 7:14:29 AM

---

Good Monday Morning Mike,

I am checking in today to see if the city manager's report regarding 831 Water st. has arrived yet? We are hoping to thematically dovetail some of the issues identified by the city, when the community engages the Novin team on Wednesday.

If this city report is complete today, that gives our community only **2 days** to digest and integrate this information.( those who even know to look for it..)

Will this be published on the website today as well? Can an e-notice be sent to the 831 Water email list to advise people, this is available for review, publicly?

It is my opinion, *Novin's 1st community meeting should be postponed*, as the community notification was not received in ample time.

Given the scope and scale of this massive project, too little time to prepare is an unfair disadvantage to the very community this affects.

I trust the city planners will strictly enforce the policy guidelines, Novin is required to follow, moving forward.

Thank you Mike,

Erin Hay  
147 Belvedere Terrace

On Thu, Jan 21, 2021 at 11:26 AM Mike Ferry <[mferry@cityofsantacruz.com](mailto:mferry@cityofsantacruz.com)> wrote:

Erin:

I don't remember if I sent you this FYI to the City Council.

The Pre-application report has not been completed at this time. Check in next Monday and it may be ready.

Thanks for the tip on the website; that may be the time it was updated but I'll have the web person check it out.

Mike

**From:** Erin Hay [mailto:[hayerinfrances@gmail.com](mailto:hayerinfrances@gmail.com)]  
**Sent:** Thursday, January 21, 2021 8:00 AM  
**To:** Mike Ferry <[mferry@cityofsantacruz.com](mailto:mferry@cityofsantacruz.com)>



**Subject:** Re: 147 Belvedere resident inquiry

Good Morning Mike,

Just a follow up to the inquiry from last week regarding the city manager's report on the pre-application for the 831 Water project.

You asked that I follow up this week, any luck so far?

Also, an administrative detail on your website, shows the 1st community meeting with the **meeting time in question**.

Looks like it just needs a quick edit to clarify. Here is how it reads today:

**1:37??**

## NEWS

- [831 Water Street Community Meeting Series: Meeting 1](#)

Ask questions and provide feedback for the proposed project at 831 Water Street beginning at 6pm on Wednesday, January 27.

1/19/2021 **1:37:00 PM**

thank you

Erin Hay

On Thu, Jan 14, 2021 at 12:27 PM Mike Ferry <[mferry@cityofsantacruz.com](mailto:mferry@cityofsantacruz.com)> wrote:

[Being reviewed \(still\) try me next week.](#)

**From:** Erin Hay [mailto:[hayerinfrances@gmail.com](mailto:hayerinfrances@gmail.com)]

**Sent:** Thursday, January 14, 2021 11:46 AM  
**To:** Mike Ferry <[mferry@cityofsantacruz.com](mailto:mferry@cityofsantacruz.com)>  
**Subject:** 147 Belvedere resident inquiry

Hi Mike,

re: 831 Water st. development-City managers input report

I wanted to follow on our conversation from a few weeks back.

You agreed to send me the city managers, report on the pre-application of the 831 Water st development.

Has it been completed yet?

Can you share a copy if so.

Thank you,

Erin Hay

147 Belvedere Terrace

**From:** [Helen Nunberg](#)  
**To:** [Samantha Haschert](#)  
**Subject:** thank you and update  
**Date:** Monday, August 02, 2021 1:08:55 PM

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Dear Sam,

You were kind a few months back to answer my questions re: 831 Water Street. As a homeowner in the neighborhood, I was opposed to such a large project with mostly small studios and a rooftop bar. Now I am fully in support, the modifications are good, and, crucially, I gained a deeper understanding of where we are and how we got here by reading Conor Dougherty's Golden Gates: The Housing Crisis and A Reckoning for the American Dream.

Thank you,  
Helen

**From:** [Helen Nunberg](#)  
**To:** [Samantha Haschert](#)  
**Subject:** Re: FW: 831 Water St  
**Date:** Monday, May 24, 2021 8:25:18 AM

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Thank you Sam for your reply. I'll be at the community meeting. It's hard to imagine the City will permit 151 units on less than 1 acre in a sea of almost all single family homes. If Mid-Pen were proposing to develop 55 supportive units to help reduce the homeless population, for example, I would be fine with that, but the current proposal from this profit-maximizing gang will hopefully be resisted.

Best,  
Helen

On Sun, May 23, 2021 at 1:02 PM Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Helen,

I'm working with Ryan on this project and I'm happy to respond to your questions. There are state laws that allow for housing developments with specific percentages of affordable housing to exceed the maximum densities in the General Plan and Zoning Ordinance. These density bonus laws require a project to provide a minimum percentage of affordable housing in exchange for additional market rate units and they provide a path for a developer to request variations from site development standards such as height and setbacks in order to allow for the development to be constructed at the higher density. Case law has shown that these laws are intended to benefit the developer. The 831 Water project is in the preapplication stage. We have reviewed a conceptual plan and they indicated that the plan to redesign and resubmit at some point. At this early stage it appears that they are asking for a density bonus to exceed height and density but they haven't provided us with enough information or the required justification.

I hope that answers your question. Developers choose to use density bonus law for a variety of reasons but likely to allow for the development to pencil out.

When the developer does resubmit, they will be required to hold another community meeting so can hopefully we will have a better idea of the project and what they are requesting at that time.

Thanks,  
Sam

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**From:** Ryan Bane  
**Sent:** Thursday, May 20, 2021 12:47 PM  
**To:** Samantha Haschert  
**Subject:** FW: 831 Water St



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**From:** Helen Nunberg [<mailto:helensally@gmail.com>]

**Sent:** Thursday, May 20, 2021 12:18 PM

**To:** Ryan Bane <[RBane@cityofsantacruz.com](mailto:RBane@cityofsantacruz.com)>

**Subject:** 831 Water St

Dear Ryan,

I hope you are well. Can you explain why this project would be permitted to build 35% more density, setback 30% over the minimum of 20 feet, and greater height to 59 feet? Why can't they just build within existing guidelines without asking for exceptions and waivers to build MORE?

Thank you,

Helen

**From:** [Ann Hubble](#)  
**To:** [City Council](#)  
**Subject:** Your Support Rejecting the Streamlined Approval of 831 Water Street  
**Date:** Wednesday, July 28, 2021 1:45:33 PM

---

Dear City Council,

I'm a longtime Santa Cruz resident (30+ years) and am writing to request your help in rejecting the 'streamlined' approval process currently applied to the developer proposing the development at 831 Water Street.

I fully support the addition of badly needed housing at this site, but not the massive, out of scale buildings the developer is proposing. I strongly support the [831 Responsible Development](#) group and the issues and concerns detailed in their [July 19 letter](#) to the City Council. The developer must address the significant problems outlined in that letter before such a project can move forward.

As a Branciforte neighborhood resident, I regularly bike Water Street into town. The new segregated bike lane on the fast downhill section of Water Street (going towards downtown) has been a huge boon for safety. However, the impact of the proposed 831 Water Street project's blind garage driveway for 200 residents into that steep bike lane is my safety nightmare.

I urge you to work with the City Planning Department to prevent the developer from taking advantage of the streamlined approval process. We need housing in Santa Cruz, but not without addressing the many issues and concerns addressed by the 831 Responsible Development Group. We need affordable, family-oriented, well planned housing we can all live with. Once a project of such massive scale is built, the developer collects his money and moves on. Those of us who live in the neighborhood will be left with the problems created by such monstrosities.

Sincerely,

Ann Hubble  
118 Melrose Avenue  
Santa Cruz, CA 95062

**From:** [Ryan Bane](#)  
**To:** [Samantha Haschert](#)  
**Subject:** FW: 831 Water Street  
**Date:** Wednesday, April 21, 2021 6:40:00 PM

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-----Original Message-----

From: Hugh David Carter [<mailto:csarchs@cruzio.com>]  
Sent: Wednesday, April 21, 2021 5:21 PM  
To: Ryan Bane <[RBane@cityofsantacruz.com](mailto:RBane@cityofsantacruz.com)>  
Subject: 831 Water Street

21 IV 2o21

RE: 831 Water Street Project

Hello Mr. Bane,

I am writing in support of the proposed Project which would transform a somewhat run-down strip commercial development into housing and retail space, exactly the kind of higher density, mixed-use, project that should be built along the Water Street arterial.

Although the style is not my cup of tea, I think that it will serve it's function well.

Two specific comments:

1.

I don't think the North facing Courtyard between the residential wings will ever see much of the sun, South facing would be much more useful.

2.

What Regulatory mechanism will be used to assure continued serviceability of the car stacker units ? The maintenance program, a speedy repair and replacement at end of service life are elements that should be addressed. An attendant well versed in the safe use and idiosyncrasies of these machines would be ideal.

Sincerely, Hugh.

Hugh David Carter Architect

Carter & Salazar Architects  
Telephone: 831 458-1544  
E Mail: [csarchs@cruzio.com](mailto:csarchs@cruzio.com)  
Web Site: [casadesign.us](http://casadesign.us)





**From:** [Janine](#)  
**To:** [Ryan Bane](#); [Samantha Haschert](#)  
**Subject:** 831 Water - thank you!  
**Date:** Thursday, August 12, 2021 7:46:05 PM

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Hi

Thank your for your patience tonight in the Community Meeting for 831 Water. I am in support of the project. We need the affordable workforce housing it offers. The developer made lots of changes and they are very thoughtful!

You face potential vitriol with each project that is eligible for density bonuses, SB35, AB2162 or SB330. Thank you for trying to educate the public (us) about the impacts. The state laws are in play because we haven't built enough affordable housing!

So let's keep going with projects like this.

Janine Roeth

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Sent from Mobile

**From:** [Janine](#)  
**To:** [City Council](#); [Ryan Bane](#); [Lee Butler](#); [Samantha Haschert](#); [Sarah Neuse](#)  
**Subject:** 831 Water Street.  
**Date:** Wednesday, August 11, 2021 12:24:27 PM

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Hello

I'm glad there will be a community meeting tomorrow night on 831 Water Street. I am looking forward to attending and voicing my support.

The discussion at the City Council meeting yesterday was disappointing. Sure, let's discuss objective standards, SB35 and density bonuses. What is a concern is that Justin Cummings and Sandy Brown appear to be setting this up for a "how do we retain local control to object" even when it means OPPOSITION TO AFFORDABLE HOUSING.

Neighborhood opponents of this project are \*literally\* saying "Not in My Backyard" to a project which has 145 units, 50% affordable. It is on a transit corridor close to services. There has been an effort to ensure it meets objective standards, such as they are right now.

Yes, you have a bunch of projects going on downtown. Guess what? When the 6th cycle RHNA numbers come out, you will need to plan for a lot of housing throughout the city.

Maybe your intent in having SB35, objective standards and density bonus discussions is to prepare the public for less local control and more housing projects and streamlining. I'd love to hear that's the intent, but I'm skeptical.

Janine  
407 Ocean View Ave, Santa Cruz

**From:** [Joan Gilbert Martin](#)  
**To:** [Mike Ferry](#); [Samantha Haschert](#); [Eric Marlatt](#); [Lee Butler](#)  
**Subject:** 831 Water Street Development - Height  
**Date:** Monday, February 22, 2021 10:20:32 AM

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I am writing about the proposed 831 Water Street Development. I have lived on Belvedere Terrace, the street directly north of this development, for more than twenty years. And before that I lived up Branciforte Drive for thirty-five years. This is my territory.

Like many others, I am concerned about the cost of housing in Santa Cruz, and would strongly welcome affordable housing, even on the corner near my house. YES, in my back yard! However, this project is far from reasonable. It has so many flaws that I have to address them in a series of emails. This, my first, will describe how strongly I feel about its excessive height.

The plan is for two buildings on the site to be at least five stories tall. The proposal was granted an increase from 40 feet to 59 feet in order to accommodate 151 units on less than an acre. One of the buildings provides affordable housing for low and very low income renters. Housing in the other is based on a percentage of the market rate aimed at the so-called "work force." This work force building has a walled roof-top garden and bar. Thus it is effectively six stories high. (To add insult to injury: only four of these stories provide housing; the first is dedicated to retail.)

In the plan, both buildings are south of the neighboring single-family houses. Because of their height, the adjoining houses and their gardens would be in shade approximately seven months of the year. This is particularly damaging during the winter months when sunlight makes the difference between health and illness, when mold accumulates and gardens can't grow. The buildings would also cast their shade over existing solar panels, and prevent the installation of new solar panels. (Further ignoring climate change, the plans for the buildings do not include green LEED standards.)

Adding to its height, this development is perched at the summit of the very steep Water Street hill. The buildings are actually taller than the trees around them. Imagine looking up from the bottom of this hill to these buildings looming above the trees, above our houses, above the pizza parlor, above the Branciforte Small Schools. I'm horrified that these buildings could become part of our beloved Santa Cruz skyline.

Please add this letter to your project file for the 831 Water Street Development.

Sincerely,

Joan Gilbert Martin

158 Belvedere Terrace

Santa Cruz, CA 9502

831 426-6974

**From:** [Joan Gilbert Martin](#)  
**To:** [Mike Ferry](#); [Lee Butler](#); [Samantha Haschert](#); [Eric Marlatt](#); [Andy Schiffrin](#)  
**Subject:** 831 Water Street Development - Water Issues  
**Date:** Monday, March 01, 2021 1:22:28 PM

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March 1, 2021

Dear Planning Department Members,

True to its name, the Water Street hill has water issues. Back in 1972, when Water Street was about to be widened, a woman wrote a letter to the *Santa Cruz Sentinel* (June 4, 1972, pg 54). Titled "The Sinking City" it said: "The rock wall that dripped water is gone. The wooden steps up the hillside are gone. The wild flowers and apricot trees by the path are gone."

Today, Water Street is wider and it has a new rock wall and new trees, but the hillside still drips water year-round. Groundwater constantly moves through the area toward Branciforte Creek at a depth of about 4 or 5 feet. Not only is there surely a spring somewhere in this hillside, but the soil itself is a problem. Our hillside is made up of diatomite and siltstone from the Purisima Formation. It is soft and crumbly, but interspersed with impermeable rock. During our seasonal rains, water collects between these layers. We in the neighborhood already rely on sump pumps to prevent flooding in our homes. And a recently built house is currently unlivable due to black mold from water seepage. I would note that the geotechnical work for that house was done during the 2011-15 drought.

The underground garage adds to our water problems. It must be excavated 20 feet deep in order to enable two-tier stacked parking. The garage walls will set up a dam which will divert groundwater into the land under our houses. We wonder where will this water go? And what will be its impact on our permeable hillside? Answering these questions is not easy. So far this year, we have had only 48 percent of our average rainfall and another drought year is imminent. How can we analyze the impact of future winter storms under these conditions?

Landslides are another concern. The western edge of Belvedere Terrace is at least as steep as its southern edge. Historically, this hillside has been susceptible to landslides during wet winters. A retaining wall within 100 yards of the proposed site rotated and suffered vertical cracks, providing evidence of an historic slide. I have personally experienced three major landslides in the 20 years I've lived here. The first occurred in 1998 when a huge chunk of land behind my house disappeared. In subsequent rainy years, the property next door lost a similar chunk of land, and in succeeding years I lost even more of my hillside garden. How can we be sure the new monster development won't increase such slides?

To address some of these water issues, I expect the developer to rely on French drains. But where will the water drain to? And to secure our hillsides, I imagine he plans to support the buildings on steel and concrete pillars going down into bedrock. But unlike New York City, our bedrock is not granite.

Joan Gilbert Martin

158 Belvedere Terrace



Santa Cruz, CA 9502

831 426-6974

Please share this letter with the City of Santa Cruz Planning Commission, as well as adding it to your project file. Thank you.

March 8, 2021

Dear Santa Cruz Planning Department Members,

The proposed development at 831 Water Street will be located at the heart of the Villa de Branciforte. When the Marques de Branciforte, Viceroy of New Spain, established the pueblo named for him in 1797, it was designated one of the three cities of Alta California. The other two were San Jose and Los Angeles.

To populate his new city, Branciforte recruited settlers from the Mexican towns of Guadalajara and Guanajuato. He promised them tile-roofed houses and money to buy tools. But when they arrived after their long trek, there were no houses. Disappointed, but not discouraged, they built their huts of split redwood and tule reeds. Eventually some cash arrived, and they persevered and built the adobe houses that lined North Branciforte Avenue—then the mile long race track where they raced their horse. It was a lively place.

Looking back, we see that the Villa de Branciforte never became the city that Branciforte promised. But they did build a town and establish a government. They elected a mayor in 1802 in one of the first elections held in Alta California. And the Villa thrived for over a hundred years until it was annexed by the City of Santa Cruz in 1905.

Arguably, that annexation can be attributed to the antagonism between the Mission on the west bank of the San Lorenzo River and the Villa de Branciforte on its east bank. In 1850, when California became a state, the entire area between the Pajaro River and present-day Pescadero was named Branciforte County. Soon the newly enfranchised Americans changed it to Santa Cruz County. These Yankee settlers on the Mission side of the river looked down on the Mexicans who had long lived in the pueblo across the river. I see a continuation of that antagonism today when three of the designated corridors for high-density development are located on the site the Villa de Branciforte, and only one on the site where the Mission once stood.

Let's not continue on this path. Let's honor the history of the Villa de Branciforte. As the City's General Plan notes in its Historic Context statement: "The Native American and early Hispanic history of the City of Santa Cruz plays an important part in its heritage. Unfortunately, there is little in the built environment to serve as a reminder of that heritage." At the very least, the architecture of the 831 Water Street Development should reflect its Mexican roots.

Please add this letter to your 831 Water Street project file and pass it on to the Planning Commission.

Thank you,

Joan Gilbert Martin  
158 Belvedere Terrace  
Santa Cruz, CA 95062  
831 426-6974

March 8, 2021

Dear Santa Cruz Planning Department Members,

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Please add this letter to your 831 Water Street project file and pass it on to the Planning Commission.

Thank you,

Joan Gilbert Martin  
158 Belvedere Terrace  
Santa Cruz, CA 95062  
831 426-6974





**From:** [Joan Gilbert Martin](#)  
**To:** [Mike Ferry](#); [Lee Butler](#); [Samantha Haschert](#); [Eric Marlatt](#); [Sarah Neuse](#); [Matthew VanHua](#)  
**Subject:** New Request for Archeologist  
**Date:** Monday, March 29, 2021 10:13:34 AM

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Dear Planning Department Members,

Living in the Branciforte area of Santa Cruz, I am deeply interested in what life was like here before the Mexican settlers arrived. Sadly, in 1797, when the Villa de Branciforte settlers arrived, few, if any, Native American people remained in the area. In the hope that we can learn more about the lives of these early inhabitants, it is crucial that an archeologist, with a special interest in precontact native artifacts and remains, monitor the dig when (and if) the 831 Water Street Development breaks ground.

Native American people lived here for at least 10,000 years before first contact with the Spanish settlers in the 1770s. They were members of the larger Ohlone group that occupied territory from San Francisco Bay to south of Monterey Bay. Here in Santa Cruz, the main Ohlone tribal group were the Uypi. But, the Uypi were not alone, having close familial and trading connections with neighboring groups, including the Aptos, the Cotoni, and the Mutsun. These tribal groups had perfected a simple culture that met their needs for housing, food, and companionship.

And then the Spanish came. This first contact caused dramatic environmental changes resulting in poor nutrition and repeated exposure to introduced diseases. As a result, native populations dropped dramatically leaving them with insufficient people to survive on their own. In 1791, when Mission Santa Cruz was established, the decimated tribal groups fled to the Mission. The Uypi people were the first group to be totally absorbed. According to the Mission baptismal records, fifty-five Uypi were living at the Mission in 1792; by 1795, the few remaining Uypi had been joined by over seven hundred members of the fourteen local tribal groups.

Let us honor these people by making sure that any possible artifacts and/or remains be unearthed during construction on this site.

Please add this request to your project plan. Thank you.

Joan Gilbert Martin

158 Belvedere Terrace

Santa Cruz, CA 95062

831 426-6974

**From:** [Joan Gilbert Martin](#)  
**To:** [Mike Ferry](#); [Lee Butler](#); [Samantha Haschert](#); [Eric Marlatt](#); [Sarah Neuse](#); [Matthew VanHua](#)  
**Subject:** 831 Water Street Development - Affirmative Vision  
**Date:** Monday, March 15, 2021 12:22:44 PM

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March 8,  
2021

Dear City of Santa Cruz Planning Department Members,

Those of us who live on Belvedere Terrace, live under the looming shadow of the 831 Water Street Development. Recently our neighbors were asked to complete a survey describing what we thought of the proposed project. The survey concluded with an open-ended question asking us what development we would support in our neighborhood.

Of the forty people who received the survey, thirty-two (80 percent) responded. The answers conclude that we are unanimous in disliking the development in its current form. But more significantly, the answers provide us with an affirmative vision of what we would accept.

The first question was: **Do you like the current proposal for 831 Water Street?** There was only one *Yes*.

The next question asked: **If yes, what do you like about the proposed development?** The *Yes* voter answered: “Clean up the grungy strip mall.” Three other answers clearly came from *No* voters. Perhaps because of the complexity of this response, the survey called it 3.1 percent *Yes*, versus 100 percent *No*.

The third question was: **If no, what are your concerns about the proposed development?** All answers to this question addressed what one responder called “The sheer height and density of the project.” They also agreed it would create a huge noise factor, block the sun, and create major traffic and parking issues. The only *Yes* voter chimed in here to say, “Wayyy too big and too dense”

The next question was specific; it asked: **How many stories do you think the new buildings should have?** twenty people voted for three stories. Of the others, eight people opted for two stories, one for only one story, and another for four stories. It was evident that many of us here in the neighborhood (66.67 percent) would be content with three stories.

The final question was intriguing. It asked: **If you were to design a development for 831 Water Street, what would it look like?** Once again, the response was significant—twenty-eight people (70 percent) wrote about their visions for the development. Two people wanted no housing at all. But the rest (over 92 percent) presented thoughtful suggestions for what their ideal development would look like. Everybody protested the sheer height of the building. And, support for retail was mixed; some said none, some said more. But a set of other issues came up repeatedly, and our neighbors responded with positive ideas to address them:

**Health:** “full sun for the neighboring houses would reduce the chance of mold and mental health issues” “need areas for kids to play”

**Safety:** “An EIR to determine slope stability and hydrologic needs” “need extensive French

drains throughout the project” “allow emergency vehicles access to the Belvedere Cottages”

**Tenants:** “We need to house the families who work in Santa Cruz” “More family-oriented apartments” “include Section 8”

**Parking:** “street-level parking” “ENOUGH parking for tenants and guests” “bike parking with ground-level parking” “Parking should feature electric charging stations”

**Traffic:** “ingress/egress to parking on N Branciforte” “enter and exit from both N Branciforte and Water Street, as it is now” “addition of right-hand-turn lane onto Water Street” “avoid cyclist hazard on Water Street”

**Environment:** “LEED building and green space” “green building” “rooftop solar” “mitigation for green space” “landscaping consist[ing] of California native plants”

**History:** “an archeologist should be on site” “honor the unique historical element of this site” “Mexican Adobe design”

Thank you,

Joan Gilbert Martin  
158 Belvedere Terrace  
Santa Cruz, CA 95062  
831 426-6974

Please add this letter to your 831 Water Street project file and pass it on to the Planning Commission.

**From:** [Kenneth Koll](#)  
**To:** [Samantha Haschert](#)  
**Subject:** Fw: Solar impact of 831 Water development  
**Date:** Wednesday, August 11, 2021 6:36:32 PM  
**Attachments:** [Spring equinox.JPG](#)  
[Summer solstice.JPG](#)  
[Winter solstice.JPG](#)

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Hello Samantha,

Following is an email I sent to the City Council regarding the proposed 831 Water development. I have been advised that you might also be interested in this information. My email addresses the impact of the proposed development on the solar access of nearby homes. Please read and consider the severe impact this development, as currently configured, will have on the local neighbors.

Thank you,  
Kenneth Koll

----- Forwarded Message -----

**From:** Kenneth Koll <kenneth\_koll@yahoo.com>  
**To:** rbane@cityofsantacruz.com <rbane@cityofsantacruz.com>; dmeyers@cityofsantacruz.com <dmeyers@cityofsantacruz.com>; sbrunner@cityofsantacruz.com <sbrunner@cityofsantacruz.com>; sbrown@cityofsantacruz.com <sbrown@cityofsantacruz.com>; rgolder@cityofsantacruz.com <rgolder@cityofsantacruz.com>; skalantari-johnson@cityofsantacruz.com <skalantari-johnson@cityofsantacruz.com>; mwatkins@cityofsantacruz.com <mwatkins@cityofsantacruz.com>  
**Sent:** Monday, August 9, 2021, 09:23:15 AM PDT  
**Subject:** Solar impact of 831 Water development

Dear Council Members,

I am writing in opposition to the proposed development at 831 Water Street. There are many reasons that this development is inappropriate for that location. I will address only one, the effect of the building solar shadow of the adjacent homes.

I evaluated the solar shadow of the proposed building. The results are clear. The closest homes will have their solar access impacted all year long and completely eliminated for certain months. In winter, homes on the north side of Belvedere Terrace and south side of Berkely Way will even have impacts to their solar access.

- On December 22 (winter solstice) the near homes (south side of Belvedere Terrace) will be in shadow all day. At noon the solar shadow will also completely cover properties on the north side of Belvedere Terrace and even reach to some homes on the next street (Berkeley Way)
- At noon on the equinox (Mar. 20, Sept. 22) the closest homes (south side on Belvedere Terrace) will receive no sun on the entire property.
- Even at the summer solstice (June 22) the yards of the closest homes will be in shadow at noon.



I have attached drawings showing the solar shadow impact. NOTE: My drawings underrepresent the shadow as the tool I used can only model a 50 ft. building. Per the developers' drawings, the proposed building height is 59 feet and that does not count the elevator and other rooftop structures.

The City of Santa Cruz, County of Santa Cruz, and the State of California have all committed to encouraging the development of renewable energy. Rooftop solar is a critical component in that effort. Beyond the energy considerations, the shadow created by the proposed development will have a significant negative impact on property values and the quality of life for the near neighbors.

I strongly recommend that the City Council direct the planning department take all necessary steps to make sure that the 831 Water project not go forward in its current form.

Sincerely,

Kenneth Koll

431 Stanford Ave.

Santa Cruz, CA 95062

**From:** [Gabrielle Diane Laney-Andrews](#)  
**To:** [City Council](#)  
**Subject:** 831 Water Street: Critical issues and concerns  
**Date:** Thursday, July 29, 2021 4:11:31 PM

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Dear Members of the Council,

I am writing to you in support of the letter sent to you that was drafted by 831 Responsible Development citizens' group regarding 831 Water St.

I agree with the group that we absolutely cannot support adding such housing at a scale that would completely overwhelm entire areas of our city. I also believe the proposed density-bonus-driven design for 831 Water St. project would create numerous health and safety issues due to the transportation, parking, hydrology, geology, fire easement, and other concerns the proposed development seemingly ignores. The fact that the proposed development is also indifferent toward the cultural heritage of the area where it would be built is another reason for the city to send this particular project proposal back to the drawing board.

thank you,  
Gabrielle D. Laney-Andrews  
[gdlaney@icloud.com](mailto:gdlaney@icloud.com)

**From:** [Andree LeBourveau](#)  
**To:** [City Council](#)  
**Subject:** Please reject the streamlined application for 831 Water St development  
**Date:** Thursday, July 29, 2021 4:14:32 PM

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Hello City Council,

My family has been in Santa Cruz since 1955 (66 years) and a resident on Magnolia Street since 1968 (53 years).

**Please reject the streamlined application for 831 Water Street development.**

The developer needs to address the major issues with the property outlined in the [831 Responsible Development](#) group's letter sent on [July 19 letter](#) to you all.

I was shocked to see it's scale and especially the location of the underground garage on the steepest part of the slope of Water Street. As a cyclist this is very dangerous as well for skateboarders going down the hill.

It is really true that our backyards fill up with water after heavy rains.

I strongly support affordable housing in Santa Cruz to keep our families here. Half of my family had to leave Santa Cruz because they can't afford to stay. This is so sad.

Please prevent the developer from getting a green light without addressing the neighbor issues.

Thank you,

Andree LeBourveau  
131 Magnolia St  
Santa Cruz, CA 95062

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Andrée LeBourveau  
Visual Resource Curator  
Visual, Applied, & Performing Arts  
Cabrillo College  
VAPA 1005  
(831) 479-6343  
M-Th: 8-12pm, F: 7:30-11:30am

~~~~~  
Library Resource Specialist  
Robert E. Swenson Library  
Cabrillo College  
1020

(831) 479-5028

M-Th: 1-5pm, F: 12-4pm



**From:** [Carol & Mike](#)  
**To:** [Donna Meyers](#)  
**Cc:** [City Council](#); [Mike Ferry](#)  
**Subject:** Re: Proposed Development at 831 Water Street and Objective Standards  
**Date:** Wednesday, March 10, 2021 11:56:45 AM

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Good morning Mayor Meyers and City Council members,

Yesterday my wife and I sat in on the city council meeting via Zoom. I made some comments during the comment period for item 24 on the agenda. I would like to add some additional comments here. While I realize the current council was elected last November there were folks in place to evaluate the impacts of SB-330 passed in October of 2019 on the development trajectory of Santa Cruz. They had from October 2019 until March of 2020 to get something in place. There were a number of comments about COVID getting in the way to enacting Objective Standards for Santa Cruz. There have been many folks who have had to work through the pandemic, like my wife, to get the job done anyway. Especially one as important as this. From the outside looking in it appears that Objective Standards were just not a priority. I currently reside in Live Oak but what you folks do or don't do affects the whole Mid-county too. During the Dan Forbus era for District 1 in the county Live Oak became a dumping ground for high density housing which was not shared equally with the other districts. He was finally voted out and replaced by Jan Beautz who helped promote more equitable the distribution higher density housing in the county. It appears that the most recent map of housing density proposed is doing the same thing to the East Side of Santa Cruz. The very high density is being dumped on the East Side out of proportion from the West Side of town. Could it be that the upper West Side wealthy folks have more say than the blue collar East? The height issue is another one. Do you folks want our corridors to look like El Camino Real or Stevens Creek Blvd. over the Hill? Perhaps Santana Row is your idea of what Santa Cruz should look like? Seems like like the majority of people here or come here to escape that?

My family has been in Santa Cruz since around 1860. I have relatives that are buried in Evergreen Cemetery. My great grandmother was born here in 1883. None of them were wealthy and struggled financially to survive here but were able to do so. My wife and I have three children. We are doing well but not wealthy so we have limited resources to help our children. Two out of the three have families of their own and have left Santa Cruz because of housing costs and the other one can't afford it here but has not acknowledged it yet. They are the first ones in our family who cannot afford to live here. Which brings me to my point about projects like 831 Water Street. There are no family units proposed for this project. Studios and one bedroom apartments do not supply affordable housing for working families. It looks like the project is good for single people and couples from Silicon Valley or students. Which brings me to my next point. UCSC should be housing their student population and if they can't they should stop growing to alleviate some of the housing shortage. UCSC housing should also be on the upper West Side close to the university instead of the East Side. CO2 emissions from

excess trips because of poor placement of housing with respect to climate change?

The last issue I would like to comment about is water or the lack there of. I have asked this question during comment periods before. I either get ignored or the issue is side stepped.

Does the water department have a solid workable plan in place for the kind of growth that you folks are proposing? With global warming it certainly appears that our area rainfall is changing for less amounts. Why can't anyone talk about water availability with respect to developments?

Thanks

Mike Young and Carol Libby

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**From:** [Carol & Mike](#)  
**To:** [Donna Meyers](#)  
**Cc:** [City Council](#); [Mike Ferry](#)  
**Subject:** Proposed Development at 831 Water Street  
**Date:** Friday, March 05, 2021 2:19:15 PM

---

Dear Mayor Meyers and City Council Members,

We are writing as concerned Santa Cruz residents about the proposed development at 831 Water Street. We understand the need for more affordable housing in Santa Cruz, however it should be thoughtfully placed in regards to scale, size and safety in our community. We are in favor of mixed use developments as long as it does not infringe on existing neighborhoods in an irresponsible manner.

The height of the proposed structures seems extreme when considering the surrounding neighborhood. It clearly does not belong on such a small parcel of less than one acre, so close to and looming over the Belvedere Terrace houses and back yards on the north side of the development. There is no regard for this long existing neighborhood and all of the surrounding neighborhoods. Not only would the homes on the south side of Belvedere Terrace be robbed of their sun exposure for much of the year with the shadow of these monstrous buildings, but what about the existing solar panels? This neighborhood would also be directly affected by the lack of adequate parking that is proposed for the 151 units. Belvedere Terrace would obviously become a parking lot for the 831 residential and commercial development, especially since the developer wants to charge for parking spaces. The existing proposal also includes a rooftop bar as an additional story making it a 6 story proposal really, even though it was proposed as 5 stories. Along with this, come additional noise, safety and parking issues. Impaired drivers so close to the schools at North Branciforte Avenue and Water Street are another issue. The noise from HVAC, trash pick-up and retail deliveries will adversely affect the Belvedere / North Branciforte neighborhood. The “community space” in the project isn’t really community space as it impacts the existing community by deleting the privacy in their homes and backyards and it will not be a space for children as the development does not include units for family housing. How would any of this be responsible or respectful to any of the nearby neighbors?

Also at issue is the additional traffic, noise and air pollution created during heavy commute times. Traffic at and near the intersection of North Branciforte Avenue & Water Street is already terrible. The safety of pedestrians and bicyclists going down the Water Street hill toward Ocean Street is especially concerning since the main entrance / exit is on the down slope of the hill. That seems to pose a possible danger to bicycles heading down the hill at faster speeds if cars are entering and exiting the parking garage there. Bicycle safety in Santa Cruz is already poorly rated and this could exacerbate this dismal track record. The U-turns that would have to be made to get in and out of there will create an even greater nightmare of traffic back-up and safety near and at the intersection. In addition, the Emergency access

gate located at the end of Belvedere connecting to the 831 Water Street site does not appear to have been taken into consideration. The Emergency access needs to be free and clear and not blocked off by a structure.

This project does not appear to be in line with preserving and protecting the long existing surrounding neighborhood. The design looks like a huge medical building on the hill and the density of units on such a small parcel seems irresponsible.

Sincerely,

Carol Libby and Mike Young



**From:** [Lira Filippini](#)  
**To:** [Samantha Haschert](#); [Ryan Bane](#)  
**Cc:** [sue terence](#); [cathy puccinelli](#); [rosa lavorando](#)  
**Subject:** 831 Water Project - Questions, Clarifications, Concerns  
**Date:** Wednesday, August 25, 2021 7:36:32 PM

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Hi Samantha and Ryan,

Thank you again for meeting with a few of us today. Here are the questions and desired areas of clarification. Hope bringing these to your attention can help to mitigate the related concerns. Trying to keep it brief here and stick to what was on my list for today, so I'm not including many of the concerns you are already aware of. I know that this is not "brief" comparatively, but I swear I'm trying. Totally understand that you don't have time to respond to everything, but if you do have immediate answers to any of these, please do share.

### 1. Clarification of Unit Count on Application

- Looks like it is in CC or mixed use medium density.
- Isn't that 55 units per acre?
- But on new plans it says the DU/acre is 15.. where did they get that and why would they state a lower allocation that is clearly not being applied?
- On the .91 acre site.. with the highest allocation I can find in the General Plan and Land Use for this location as 55 units per acre zoning - would be 50 units max density before application of density bonus.

### 2. Clarification of "Base" Density Calculations per the 55 unit/acre zoning

- The application indicates 105 base units would be allowed before density bonus, which doesn't comply to the objective, knowable units/acre zoning. It looks like they are applying the following Land Use elements -
- "LU3.7.1 Allow and encourage development that meets the high end of the General Plan Land Use designation density **unless constraints associated with site characteristics and zoning development standards require a lower density.**"
- "LU3.8 Allow the following residential uses to exceed the maximum densities in this chapter: Cf. LU1.3 and 3.7.1. • Single-room occupancy (SRO) units; • Small ownership units (SOU); • Small studio and one-bedroom units;... "
- **Where are the already adopted objective, knowable regulations and stipulations for how LU3.8 is applied?** This land use element was created for developments in a time they would also adhere to CEQA as a health and public safety measure. How can a discretionary land use element be applied in an SB 35 application for ministerial treatment without CEQA? Application of this land use element requires discretion as to "how" much more density is allowed for specific site characteristics. Hoping you will let Novin know this cannot be applied to an SB 35 application, as the General Plan is currently written. A new objective standard will need to create "knowable" and objective parameters for future application of this land use element for SB 35. As it is now, how can the developer or City apply it?

### 3. SB 35 Adherence Per Current Submitted Plans - Base Units

- Novin's application discusses 50 base units (base "scheme") as affordable and 55 base units at market rate - on page 7 of his revised application. In this official submitted "updated" application, does he indicate that some of the base units in his market rate

building are allocated to be affordable units? I may have just missed it. What page?

- To qualify for SB 35, a minimum of 50% of the units need to be set at affordable rates before application of any density bonus units. It's just what the legislation says.
- You seemed surprised when I brought this up today; to clarify, yes, I want affordable housing - but affordable housing that is not segregated and that will not pose health and safety risks to the public (including any new residents in said development). I see many ways this current application poses significant impacts to health and public safety,.. including significant cultural equity impacts.

4. Has Novin been able to produce his funding source for the affordable units or confirm State or Local Funding program eligibility?

- The updated HCD guidelines clearly state that "Affordable units shall be distributed throughout the development, unless otherwise necessary for state or local funding programs..."
- If the tax credit is considered a state funding program, doesn't it require 100% of the "development" to be affordable? This application is for two buildings as one application for development, so the development is not 100% affordable as proposed, around half of it is. Not sure how these can both be applied.

5. Objective Standards - Segregation. Our inclusionary ordinance and our density bonus ordinance are both applicable objective standards.

- Note that I'm not asking whether the development should qualify for the state density bonus here, I'm referring to the ordinances' standards for units being applicable objective standards, which the state law does stipulate.
- One such standard is for the inclusionary units, and one is for standards for density bonus units. SB 35 does indicate both are applicable as objective standards, so this indicates to me that these are 2 different standards he'd need concessions for, not just one.
- Has he indicated knowledge of both objective standards as separate?

6. Additional Concession for Objective Standard Non-Conformity?

Perhaps, this can be easily explained, but wanted to inquire about this part of the application specifics.

- It calls the small units "studios" in the application and development plan.
- To qualify for a Density Bonus, per our SC Density Bonus Ordinance, it says that "studios" must be a minimum of 500 square feet. It says that SRO units can be 250 square feet minimum, but studios must be 500 square feet.
- Novin lists his 50 qualifying affordable units as "studios", at 371 square feet.

7. State Density Bonus Law on concessions and incentives

“(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.”

- Are you looking at the health and public safety impacts in relation to the density bonus? Guessing and hoping that you are. I won't list the many that you were already aware of.
- Cathy Puccineli's recent discovery: 0 ft setback on the East side against Branciforte's sidewalk - with what is shown as the entrance and exit for the surface parking, commercial vehicles (which can often include semi trucks), and large service vehicles between the 5 story building with zero setback and the Belvedere homes. The plans also show it as a firelane to the North side of the development. None of the service, commercial, or service vehicles will be able to exit in a forward manner with the current plans. This is a very dangerous aspect of the plan, not previously brought up to our knowledge.

#### 8. State Density Bonus & Historic Resource Element

The overlay map for archeological sensitivity for this area seems to specifically apply to the Villa de Branciforte.

- All of the area in SC is subject to the requirements over native tribal consultation requirements, but our overlay map shows the Villa area as a specific area of archeological sensitivity. This is connected to Indigenous history, but also quite separate as well.
- The Villa de Branciforte is also on the state register of historic resources, with the school as the current designated center and "site" of real property; however, almost all available evidence points to the lot now hosting the "Argus" used car dealer, as the town center - with historic maps all showing that as the site of the town square. I have a ton of evidence for this, as well as for the question as to what the true center of the Villa was.
- The Cornelio Perez Property/Bolcoff Hill is a known historic location, with adobe foundations found near the Habitat for Humanity homes built by Bill Brooks. That archeology report, the history of the current 831 Water project site, and the fact that it is inbetween a known adobe foundation and the town square makes for a strong case for preserving it and requiring only above ground development.
- The Berkeley Shellmound case shows that cities can and will deny SB 35 based on historical and cultural resources. **Berkeley lost that case, but they also were not able to produce much evidence that a shellmound could be located under that site and that was the historic resource they used for denial.**
- However, we can produce loads of historical evidence showing likely significant historic resources under the blacktop at this site. I would love to share all of that with your department if you will support the preservation of this historic resource.

9. SB 35 seems to allow up to 35% density bonus, yet Novin indicates that it would award him a 50% density bonus per SB 35. Am I looking at the wrong legislation or supporting documents? What legislation code and associated link is he using for that calculation?

10. Development on this site should allocate the space for, and should also provide the funds to - develop a Right hand turn lane onto Water from SB North Branciforte.

- The 2011 EIR for the 2030 General Plan specifies this recommended improvement for the intersection - add a right hand turn lane heading southbound on Branciforte. This sure seems to be a knowable and objective item.
- "LU1.4 Ensure that new development pays its proportional share of the costs of expanded infrastructure needed to serve new development. Cf. M3.1.5, ED2.3.1."

- Isn't the need for a new right hand turn lane something either public works or your department also alerted Novin to in the department's response to the pre-application?
- The current application plans show 0 foot setback to the current sidewalk and definitely don't include this identified needed infrastructure update for this intersection.

Thank you again for working so hard on what has become both an escalated application assessment timeline and the associated interim objective standards. These are clearly very stressful and pressing conditions. Please know that we hope to see our concerns and findings welcomed as helpful instead of non-constructive. I guess it depends on what everyone's ultimate "objective" is (sorry, had to throw in at least one bad pun).

-Lira Filippini  
130 Belvedere Terrace  
Santa Cruz, Ca 95062  
(831) 226-2853



**From:** [Samantha Haschert](#)  
**To:** ["Lira Filippini"; Ryan Bane](#)  
**Subject:** RE: 831 Water - Clarifying Question  
**Date:** Saturday, August 14, 2021 1:30:57 PM  
**Attachments:** [NAHC Tribes Contact List.pdf](#)

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Hi Lira,

Thanks. It was definitely strange to answer questions or provide feedback but not be able to hear responses. I hope that some of the information was useful.

In response to your question about NA tribe noticing, we were required by the SB35 legislation to obtain a list of tribes from the Native American Heritage Commission, which we did and which is attached. Here is the requirement:

(ii) Upon receipt of a notice of intent to submit an application described in clause (i), the local government shall engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code, of the proposed development. **In order to expedite compliance with this subdivision, the local government shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development.**

We received a request for a scoping consultation from Kanyon Sayers-Rood and others said that if we are meeting with Kanyon then they defer to her for providing guidance. Others requested that we add specific conditions to the agreement, which we did. Finally, some requested to review the Enforceable Agreement before it was finalized which they did and there were no changes requested to the draft. So the answer is yes, we heard from everyone.

In response to your archaeological resources question, and I think that I mentioned this in the community meeting, our usual process outside of the SB35 process is to require the submittal of an archaeological report based on a reconnaissance and then if the report indicates that there is the possibility of resources at the site then we require as a condition of approval that an archaeologist be onsite to monitor during all excavation and grading activities. In this application, we included the requirement for monitoring upfront in the Enforceable Agreement. The Enforceable Agreement includes the requirement to have a Native American monitor and an Archaeologist at the site during grading activities and the applicant will be required to stop work and report/record any discovered resources. If the resource is one that needs to be preserved in place then it's highly possible that the applicant will be required to redesign the project to avoid the resource. We've made the applicant aware of this possibility.

Even though we have already taken this second step of requiring monitoring, we believe that there is an objective requirement for an archaeological reconnaissance and the submittal of a written report to the city. The City Attorney's office is still in the process of reviewing the objective standards that we identified so at this point I don't want to definitively say what is and isn't required but we think that the report will be required.

I hope that answers your questions! I apologize in the delay. Ryan is super busy reviewing the project and preparing all of the materials in the very short window of time required by SB35 so I'm trying to help him out with responses to comments.

Thanks,

Sam

**From:** Lira Filippini [mailto:lirafilippini@gmail.com]

**Sent:** Friday, August 13, 2021 3:59 PM

**To:** Samantha Haschert; Ryan Bane

**Subject:** 831 Water - Clarifying Question

Hi Sam!

Last night was rough and you did a great job moderating and facilitating.

After talking with a Tribal Liaison, I have a follow up question for you on that particular part of the process. I know the Amah Mutsun were consulted, and have read the resulting Monitor Contract, but I was informed there are a number of Tribes who should have also been contacted.

Can you verify that all of the MLD's (Most Likely Descendants) - listed as contacts for Santa Cruz County by the State Native American Heritage Commission (NAHC) - were properly notified of this project? And did they all respond?

Also, I sent an email to Ryan (CC'd here) 9 days ago and haven't heard back. It was regarding the Villa de Branciforte element of the historical and archeological process. I will forward it to you and hope one of you can help clarify that area of inquiry as well.

Thank you!

I know this project has become a real pain.. for everyone.

-Lira Filippini

(831) 227-5470

**From:** [Lira Filippini](#)  
**To:** [Samantha Haschert](#)  
**Cc:** [Ryan Bane](#)  
**Subject:** Re: 831 Water - Clarifying Question  
**Date:** Saturday, August 14, 2021 2:44:19 PM

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Wow, Samantha.. a Saturday response! I can't tell you how much I appreciate you taking the time and providing such thorough information on the weekend. I figured Ryan was super busy and in hindsight, I should have CC'd you (though you are clearly incredibly busy as well).

I'm greatly relieved to hear that an archeologist will be required on site for all of the excavation/grading. Please keep me apprised around drafting and submittal of the likely archeology reconnaissance report, as the Villa de Branciforte and Bolcoff Hill significance should be on there. Charlene Duval, a local historian who works with archeologists, says it is sometimes overlooked and that would be a big issue requiring revision and a lot of investigation into all the historical documents about the site. There are a ton! There is concern for everyone about about "late discovery", including the developer if he's aware of the potential.

The current proposed removal of a historic landmass itself is also a big concern; it looks like Bolcoff Hill would be completely removed and hauled away with the garage element. But maybe I'm seeing that wrong? His latest revision does not give enough specifics on the garage.

I know the Villa doesn't get much attention around here, but it's very significant for our Californian history. Did you know that it was only one of three official "Townships" in the entire State of Alta California.. and yet such a tiny part of our town? Fingers crossed we don't jeopardize significant resources with this project.

Thanks again very much and I hope you get some respite this weekend!

-Lira  
(831) 226-2853

On Sat, Aug 14, 2021 at 1:30 PM Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)> wrote:

Hi Lira,

Thanks. It was definitely strange to answer questions or provide feedback but not be able to hear responses. I hope that some of the information was useful.

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We received a request for a scoping consultation from Kanyon Sayers-Rood and others said that if we are meeting with Kanyon then they defer to her for providing guidance. Others requested that we add specific conditions to the agreement, which we did. Finally, some requested to review the Enforceable Agreement before it was finalized which they did and there were no changes requested to the draft. So the answer is yes, we heard from everyone.

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I hope that answers your questions! I apologize in the delay. Ryan is super busy reviewing the project and preparing all of the materials in the very short window of time required by SB35 so I'm trying to help him out with responses to comments.

Thanks,

Sam



**From:** Lira Filippini [mailto:[lirafilippini@gmail.com](mailto:lirafilippini@gmail.com)]  
**Sent:** Friday, August 13, 2021 3:59 PM  
**To:** Samantha Haschert; Ryan Bane  
**Subject:** 831 Water - Clarifying Question

Hi Sam!

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Thank you!

I know this project has become a real pain.. for everyone.

-Lira Filippini

(831) 227-5470

**From:** [Lira Filippini](#)  
**To:** [Mike Ferry](#); [City Council](#); [City Plan](#); [Tony Condotti](#); [sue terence](#)  
**Subject:** Mitigation Officially Requested - 831 Water St. Public Hearing  
**Date:** Tuesday, January 19, 2021 4:08:47 PM  
**Attachments:** [Screen Shot 2021-01-19 at 10.43.52 AM.png](#)  
[Screen Shot 2021-01-19 at 10.42.20 AM.png](#)

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Shortly after sending emails to the City Council of Santa Cruz, the City's Planning Department and City Attorney's office, today, January 19th, starting at 12:11 pm, notifying said departments of the failure to notify the public of the Public Hearing for 831 Water St. development proposal, in a timely adherence to current requirements, I received the required notice.

You will note proof that the City's project page for the proposed development at 831 Water Street, did not include the required notice at the time sent. Screenshot is attached here, as well as on the original communication sent today at 12:11pm. The screenshot also includes the date and time in the top right corner.

Note I will be subsequently submitting a request, to [DisclosurePRA@ftb.ca.gov](mailto:DisclosurePRA@ftb.ca.gov), per The Public Records Act for the policy/law details concerning this matter, as well as copies of all correspondence to, from and between City Elected Representatives and/or City Staff concerning the topic of the 831 Water Street proposal, for the date range of 1/01/2021-1/20/2021.

Again, per original email today: It is not adequate notice for a Public Hearing concerning a development proposal, which does not conform to the current City zoning, the City's General Plan 2030, nor for which is being proposed in a time of Local, State and international Crisis, to the extent that the established structure of in-person public hearings has been replaced with an entirely new digital system.

Please assist in clarifying the City's requirements and status, i.e. the two following questions, in consideration of the three compounding factors:

1. (This will be clarified through my Public Records Act request) What is the current legal status for public hearings regarding new developments - especially ones proposed at height, density and design that do not conform to the current zoning/general plan and code for the location in which it is proposed?

2. Principally, the pre-application posted on the [City's website for 831 Water Street](#).

When asked directly, the developer putting this proposal forward, told one of the neighbors of this site, that the "community meeting" was scheduled for January 27th. However, as of noon on January 19th, the neighborhood directly adjacent to the site has not received notification postcards alerting us to this meeting. (The City updated the City website to reflect the required notice at 1:37 today, after sending the original email document).

As we are currently in an unprecedented state of unrest that is hindering normal governmental functions in measurable ways, we request mitigation around insufficient notice due to -

1. The severity of the public health crisis of the pandemic and its associated duration of the inhibiting/disrupting nature of the SIP. A reasonable additional allotment of time must be allocated for the range of demographics within your Citizen population to prepare to use the

digital system newly replacing the governmental standard of in-person public hearings.

2. Unprecedented nation-wide political tension and unrest.

3. The carrying capacity of the United States Postal Service has been exceeded, resulting in untimely delivery, which is further affected by the developer choosing to send their notice immediately prior to the Federal holiday of Martin Luther King Day.

We request equal to or extended, legally required, sufficient notice, to the neighboring communities for any meeting or hearing concerning this proposed development, that any Elected Representative or City Staff will attend. Due to the compounding circumstances described, sufficient notice would include the full allocation recorded in local law, with extra consideration given to the preparation time required for the familiarization with a newly applied system of digital public hearings that will inequitably affect senior citizens.

Your time and mitigation on this are greatly appreciated,  
Lira Filippini  
130 Belvedere Terrace, Santa Cruz, CA 95062  
(831) 226-2853

**From:** [Lira Filippini](#)  
**To:** [City Council](#)  
**Subject:** Urgent Mitigation Needed - i.e. 831 Water St. Hearing  
**Date:** Tuesday, January 19, 2021 1:44:59 PM

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To the City Council of Santa Cruz,

Note that this has also been sent to the Planning Department of the City of Santa Cruz, as well as the email provided through the "email" function/button provided under the City of Santa Cruz's "City Attorney" page.

Please assist in clarifying the City's requirements and status, i.e. the two following questions, in consideration of the three compounding factors:

1. What is the current legal status for public hearings regarding new developments - especially ones proposed at height, density and design that do not conform to the current zoning/general plan and code for the location in which it is proposed?
2. Principally, the pre-application posted on the [City's website for 831 Water Street](#).  
When asked directly, the developer putting this proposal forward, told one of the neighbors of this site, that the "community meeting" was scheduled for January 27th. However, as of noon on January 19th, the neighborhood directly adjacent to the site has not received notification postcards alerting us to this meeting. Additionally, the City website currently shows no scheduled events/dates for this proposal.

As we are currently in an unprecedented state of unrest that is hindering normal governmental functions in measurable ways, we request mitigation around insufficient notice due to -

1. The severity of the public health crisis of the pandemic and its associated duration of the inhibiting/disrupting nature of the SIP. A reasonable additional allotment of time must be allocated for the range of demographics within your Citizen population to prepare to use the digital system newly replacing the governmental standard of in-person public hearings.
2. Unprecedented nation-wide political tension and unrest.
3. The carrying capacity of the United States Postal Service has been exceeded, resulting in untimely delivery, which is further affected by the developer choosing to send their notice immediately prior to the Federal holiday of Martin Luther King Day.

We request equal to or extended, legally required, sufficient notice, to the neighboring communities for any meeting or hearing concerning this proposed development, that any Elected Representative or City Staff will attend. Due to the compounding circumstances described, sufficient notice would include the full allocation recorded in local law, with extra consideration given to the preparation time required for the familiarization with a newly applied system of digital public hearings that will inequitably affect senior citizens.

Your time and clarification are greatly appreciated,  
Lira Filippini  
130 Belvedere Terrace, Santa Cruz, CA 95062  
(831) 226-2853



**From:** [Mike Ferry](#)  
**To:** [lirafilippini@gmail.com](mailto:lirafilippini@gmail.com)  
**Cc:** [Samantha Haschert](#); [Lee Butler](#); [Eric Marlatt](#)  
**Subject:** 831 Water St. Public Hearing  
**Date:** Wednesday, January 20, 2021 8:46:15 AM

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Dear Ms. Filippini,

Thank you for your email. We were aware that that noticing for the community meeting was not consistent with the Community Outreach Policy for Planning Projects in that the meeting notice was not published to the City website at least fourteen days prior to the meeting date. We also recognized that the developer had already mailed the notices to neighboring properties and that it would be difficult to notice a cancellation of the meeting and that a required cancellation would be inconsiderate to members of the public who were already planning to attend. While a community meeting is required by city policy, many developers elect to hold community meetings and/or public outreach events in addition to those that are required. These are considered to be voluntary meetings and not city-partnered community meetings. The community meeting that is scheduled for 1/27/21 does not fulfill the requirements of a city-partnered community meeting, however, the developer may still choose to meet with neighbors on a voluntary basis. For this reason, we did not require that the meeting is cancelled; however, the developer is still obligated to hold a community meeting pursuant to the Community Outreach Policy that meets all of the noticing requirements of that policy.

To clarify, this meeting is not required to follow the public noticing requirements for a public hearing; rather, this is a community meeting that is subject to the noticing requirements in the Council-adopted Community Outreach Policy. A public hearing requirement is specified in the City's Municipal Code (as opposed to the Council's policy), and a public hearing is when decision makers (such as the Planning Commission or City Council) take action on a project. This is separate and distinct from a community outreach meeting, like the one in question, the purpose of which is to garner community feedback.

1. (This will be clarified through my Public Records Act request) What is the current legal status for public hearings regarding new developments - especially ones proposed at height, density and design that do not conform to the current zoning/general plan and code for the location in which it is proposed?

I don't entirely understand this question but I'm going to assume that "current legal status" refers to the noticing requirements for public hearings. If so, public hearings are required to be noticed pursuant to section 24.04.100 of the zoning ordinance. These noticing methods include a mailed notice, a notice published in a newspaper of general circulation, and on-site posting. Just to clarify, the meeting that is currently under discussion is a community meeting and not a public hearing where action will be taken by a hearing body. The level of project review for a formal application has not yet been established given that the project is in a Preapplication stage and we are missing the information required to make such a determination. The city is in the process of reviewing the materials submitted with the Preapplication and will provide the developer with a Preapplication letter that includes our feedback on the project. This letter will be posted to the city's website for public review. Please also note that an Informational Memo on the project was prepared for the City Council in December and is now posted to the project page on the city's website for public review.

2. Principally, the pre-application posted on the [City's website for 831 Water Street](#). When

asked directly, the developer putting this proposal forward, told one of the neighbors of this site, that the "community meeting" was scheduled for January 27th. However, as of noon on January 19th, the neighborhood directly adjacent to the site has not received notification postcards alerting us to this meeting. (The City updated the City website to reflect the required notice at 1:37 today, after sending the original email document).

We were aware of the noticing issue prior to receiving your original email. We determined that the noticing was not consistent with the Community Outreach Policy on Friday and have since determined that the developer may continue to hold the meeting on 1/27 as a voluntary community outreach meeting. The meeting will not fulfill their obligations under the Community Outreach Policy, therefore, the developer will be required to hold a second community meeting that meets all noticing requirements.

As we are currently in an unprecedented state of unrest that is hindering normal governmental functions in measurable ways, we request mitigation around insufficient notice due to -

1. The severity of the public health crisis of the pandemic and its associated duration of the inhibiting/disrupting nature of the SIP. A reasonable additional allotment of time must be allocated for the range of demographics within your Citizen population to prepare to use the digital system newly replacing the governmental standard of in-person public hearings.
2. Unprecedented nation-wide political tension and unrest.
3. The carrying capacity of the United States Postal Service has been exceeded, resulting in untimely delivery, which is further affected by the developer choosing to send their notice immediately prior to the Federal holiday of Martin Luther King Day.

We agree that the noticing was insufficient in that the notice was not published to the city website at least 14 days prior to the meeting date; however, the noticing did meet the requirements for mailed notices in that the policy does not stipulate that the developer attempt to time the receipt of the mailed notices. The policy requires that the mailed notices are sent a minimum of 14 days prior to the meeting.

I will coordinate with the developer more closely in the future to ensure the notifications are timely and consistent with our community outreach policy.

Mike

**From:** [Lee Butler](#)  
**To:** [Ryan Bane](#); [Mike Ferry](#)  
**Cc:** [Eric Marlatt](#); [Samantha Haschert](#)  
**Subject:** FW: 831 Water & SB35  
**Date:** Tuesday, March 16, 2021 1:36:50 PM  
**Attachments:** [image002.png](#)

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When preparing a determination regarding project eligibility to use SB 35, please review info below and address as necessary. Also, please share with the applicant.

**Lee Butler**, AICP, LEED AP  
Director of Planning & Community Development  
809 Center Street, Room 107 | Santa Cruz, CA 95060  
Main: 831-420-5110 | Direct: 831-420-5103



Share your experience with us. Take our [Department Customer Survey](#).

**From:** Lira Filippini [mailto:lirafilippini@gmail.com]  
**Sent:** Tuesday, March 16, 2021 1:26 PM  
**To:** Donna Meyers <dmeyers@cityofsantacruz.com>; Sonja Brunner <sbrunner@cityofsantacruz.com>; Sandy Brown <sbrown@cityofsantacruz.com>; Justin Cummings <jcummings@cityofsantacruz.com>; Renee Golder <rgolder@cityofsantacruz.com>; Shebreh Kalantari-Johnson <SKalantari-Johnson@cityofsantacruz.com>; Martine Watkins <mwatkins@cityofsantacruz.com>; Lee Butler <lbutler@cityofsantacruz.com>; City Plan <cityplan@cityofsantacruz.com>  
**Subject:** 831 Water & SB35

Dear City Council and Planning and Community Development Department,

I write to you today with great concern over the status of Novin Development awaiting a determination on qualification for ministerial streamlining under SB35.

As SB35 ministerial streamlining attempts to remove much of the municipal and community oversight, careful consideration of all available information is of unusual importance. This is compounded by the environmental vulnerability when the CEQA is similarly circumvented.

To be able to adequately assess a possible qualification, please require the developer to provide an updated pre-application or preliminary application to the public and to your Planning and Community Development Department that contains specifications that then can realistically be assessed for SB35 streamlining. The current pre-application housed on the City's website falls well outside SB35 qualification when inspected against the City's 2030 General Plan, which is the governing document to be used until the City has adopted its upcoming Objective Standards.

SB35 clearly stipulates that:

"A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation... In the event that objective zoning, general plan, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan." (1)

Novin Development's pre-application dramatically exceeds and is hence inconsistent with two zoning specifications adopted in the City's 2030 General Plan:

1. Density - Novin Development's pre-application specifies 151 units on the subject site that is less than one acre. The 2030 General Plan has the zoning standard for this site's CC (community commercial) zoning (as well as its land use zoning of Mixed High Density) at 10-55 units per acre. This deems the current pre-application "inconsistent" with the zoning standards set forth in the general plan.
2. Height - Novin Development's pre-application specifies 59' tall buildings, with an additional roof-top bar with accompanying additional bar roof. This puts the total height at approximately 70' for the current pre-application. The 2030 General Plan has the zoning standard for this site's CC (community commercial) zoning at 40' max height. This deems the current pre-application dramatically "inconsistent" with the zoning standards set forth in the general plan.

Density Bonus Law, as adopted by and referred to within the 2030 General Plan, cannot be applied to Novin Development's pre-application, as currently submitted, so cannot be applied to grant concessions waivers for the inconsistencies listed above. One such reason is that the explicit specifications delineated in the current proposal states two separate buildings, managed by separate entities, and specifying the allocation of affordable housing would be housed separately than market rate. This violates the requirements of the City's Density Bonus Law, in which it states: "Affordable units qualifying a housing development for a density bonus shall be reasonably dispersed throughout the housing development and compatible with the design of market rate units in terms of appearance, materials, and finished quality." (3)

Additionally, it is unclear as to whether the City of Santa Cruz is even under obligation to consider SB35 ministerial streamlining under the qualifying requirement of a locality's determination of insufficient RHNA fulfillment. The total RHNA goal set forth in the 2015-2023 Housing Element has been greatly surpassed in total. Only the Very Low Income (0-50% AMI) of RHNA may be under its goal which is yet to be determined until April 2021, when the 2020 annual report is set to publish. Although the CA state reporting for RHNA is currently using the sub-categorization within the "affordable housing" spectrum, as set forth by AMBAG in Santa Cruz County and surrounding area - it is also important to note that SB35 specifically defines only 2 categories for assessment of RHNA fulfillment: "affordable to households making below 80 percent of the area median income" and affordable to those making above 80%. It stands to reason that further specification and sub-categorization within each of those two SB35 categories is non-applicable in final SB35 determination. It may also be helpful to note that the City may additionally count affordable units that have been included in its annual report that were "rehabilitated", for RHNA fulfillment in SB35 application: "The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition..." (1)

On top of these disqualifying determinants, and considering the "total" RHNA goal allocation has been long since greatly surpassed, it stands to reason that the local municipality may also exercise its power in evaluation of RHNA goals and application within their overall



fulfillment. Any insufficiency in part thereof, is trivial in lieu of this considerable achievement.

The archeological element of this developer's application may also be grounds for disqualification, as demonstrated by the City of Berkeley determining disqualification of the "Fourth Street" development application under SB35, due to archeological significance they deemed fell under historical significance protection, as it would be threatened by the CEQA circumvention under SB35 ministerial streamlining. This sets precedence in application of law in SB35 determination. Of note is that the City of Berkeley has granted SB35 streamlining for other developments both before and after their denial of the Fourth Street development on those grounds.

The 831 Water Street site is topographically central within the historically significant Villa de Branciforte, deserving an increase in respect and protection for its traditionally under-highlighted Mexican American heritage. Cultural and racial importance of this underserved population needs your attention and protection in this location, shown on the 2030 General Plan map dictating "Areas of Historical Archeological Sensitivity."

Environmental impact potential for this site is also significant, considering site specifications including the hydrogeologically unique water table and proximity to single family home zoning and steep slope along Water Street. The inconsistency of the current specifications of the applicant's proposal with the zoning allowances as set forth in the 2030 General Plan, deem this location especially warranting of conformity to the California Environmental Quality Act (CEQA).

"[B]ecause development cannot subsist on a deteriorating environmental or economic base, sustainable development maintains or enhances economic opportunity and community well-being, while protecting and restoring the natural environment upon which people and economies depend."(2)

It would be a disservice to both the local governing municipality as well as the citizenry it protects, to remove municipal oversight through SB35, subjecting the citizenry to due process circumvention, the environment to CEQA circumvention and limiting the City to ministerial processing.

Please inform Novin Development that in the pre-application form that is currently submitted, this development does not qualify under SB35 ministerial streamlining.

Thank you for protecting the interests and rights of your administrative oversight, environmental protection under the CEQA, and your Citizen population.

Lira Filippini  
130 Belvedere Terrace  
Santa Cruz, CA 95062  
(831) 227-5470

#### Cited Supportive Documents

1. SB35
2. 2030 General Plan
3. Density Bonus Provisions Ordinance 2018-10



**From:** [Eric Marlatt](#)  
**To:** [Samantha Haschert](#); [Mike Ferry](#)  
**Subject:** FW: Liz Pollock has a question  
**Date:** Monday, December 14, 2020 8:51:51 AM

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From: [slgspoll@cruzio.com](mailto:slgspoll@cruzio.com) [[slgspoll@cruzio.com](mailto:slgspoll@cruzio.com)]  
Sent: Wednesday, December 09, 2020 6:55 PM  
To: Martine Watkins  
Subject: Liz Pollock has a question

Dear Martine,

December 8, 2020

Re: the Branciforte Avenue & 831 Water Street project proposal

This corner is the entryway to an historically significant residential neighborhood. Last week i wrote to the Planning Commission asking them to reject this current proposal: 151 studios, 5 stories is such a massive development - completely out of style and scale for this historically significant neighborhood.

The Branciforte Adobe was the center of an important settlement of Californios in the early 1800s, forty years before Santa Cruz became a town, and is located just 6 blocks away from the proposed development.

I'm asking if you will request that the proposed project be referred to the Historic Preservation Commission. It needs to be far more consistent with neighborhood standards and the HPC could provide much needed guidance.

Thank you for your commitment to the history of Santa Cruz.

Sincerely,

Liz Pollock  
1121 N. Branciforte Avenue  
Santa Cruz, CA 95062-1013  
(831) 251-9218

**From:** [COG](#)  
**To:** [Samantha Haschert](#)  
**Cc:** [Donna Meyers](#); [Tony Condotti](#)  
**Subject:** Fwd: Novin's SB35 Archeological Conflict  
**Date:** Tuesday, June 29, 2021 6:46:19 AM

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Thank you for your thoughtful, thorough response.

I'd like to add the obvious, that Water Street is named so due to the volume of spring water that flows around and under it; more than a few neighbors have active natural springs on their properties.

I would suggest that permitting unground parking in a flow path is a direct violation of SB35/65480(1) intent to protect and preserve natural resources?

I'm not a legal analyst, I can only speak to how inappropriate this project's scale is to its location, and surrounding.

SB35 is very clear this is about providing housing, and only housing; it provides no intent of retail or a rooftop bar!!!!

Thank you again. I'm sensitive to the learning curve and challenges.

M. Marten

Begin forwarded message:

**From:** Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)>  
**Date:** June 28, 2021 at 7:42:12 PM PDT  
**To:** COG <[sea2seaweed@yahoo.com](mailto:sea2seaweed@yahoo.com)>  
**Cc:** Ryan Bane <[RBane@cityofsantacruz.com](mailto:RBane@cityofsantacruz.com)>  
**Subject:** RE: Novin's SB35 Archeological Conflict

Hello M. Marten,

Thank you for your comments. The applicants have not yet submitted a formal application for development. They have submitted a Notice of Intent to submit an SB35 application and the requirements for the notice are listed in a very simple checklist of items in the SB35 legislation. So yes, we have accepted their notice of intent as complete and have moved forward with formal noticing of the Notice of Intent to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development. We have held one scoping consultation meeting and have discussed the project with the representatives of several different tribes. As required per SB35, the consultation process will result in an enforceable agreement regarding the potential discovery and protection of any Native American resources that are uncovered during construction.

When the applicant submits a formal application, we will be required to undergo a process of determining if the project is consistent with all applicable objective



standards in our code. One of these objective standards is the requirement for submittal of an archaeological report, which should address the potential for local cultural resources on the site. We are in the process of determining if compliance with the reports' recommendations is also an objective standard and if so, a typical requirement of such a project in a highly sensitive location is for an archaeologist to be on-site to monitor ground disturbing activities. If artifacts or remains are discovered, the code provides a process for ceasing activity and reporting the artifacts or remains to determine how they should be handled.

I don't see anywhere in SB35 that prohibits development on a site that is mapped for potential resources however, our interest is in protecting any resources that may be uncovered during development. At this time, we are still reviewing which of our codes are objective and how much we can condition the project to protect underground resources.

We do not have an SB35 office or committee. Ryan Bane is the planner for the project and I'm helping him out with the review and we are also working in coordination with the Planning Director and the City Attorney's Office. You can submit any further comments or questions to myself and Ryan.

Thank you,  
Samantha

Samantha Haschert  
Principal Planner  
Department of Planning &  
Community Development  
City of Santa Cruz  
831) 420-5196

-----Original Message-----

From: COG <[sea2seaweed@yahoo.com](mailto:sea2seaweed@yahoo.com)>

Sent: Monday, June 28, 2021 12:35 PM

To: Samantha Haschert <[SHaschert@cityofsantacruz.com](mailto:SHaschert@cityofsantacruz.com)>

Subject: Novin's SB35 Archeological Conflict

Hello,

I'm surprised to learn that this application for an 831 Water St. development that proposes underground parking, and rooftop deck has even been considered; let alone as an SB35?

Those of us who've lived here awhile near N. Branciforte are very aware of the archeological, and historical significance of that specific location!

Are you aware of the existing artifacts capped in concrete at the end of Belvedere

Terr?

Additionally, the City at one time had it mapped for its extreme significance.

Per SB35's own guidelines development would be prohibited based on this status.

Please let me know who I should be notifying on the State level to make them aware of this?

Is there an SB35 office or committee? I was not able to find such online.

Thank you,  
M. Marten

**From:** [M. Smith](#)  
**To:** [Mike Ferry](#)  
**Subject:** building plan concerns  
**Date:** Tuesday, December 08, 2020 5:16:50 PM

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December, 2020

City of Santa Cruz  
Senior Planner, Mike Ferry

Dear Mike,

This letter is addressed during the Covid-19 period, I hope you and your family are well.

I am writing this letter because I learned this morning that many Santa Cruz residents and taxpayers are looking at the possibility of a great loss in property value due to plans for a multi-apartment structure to be situated at Water Street and Branciforte Avenue, abutted against the South side of Belvedere Terrace.

A plan to build a multi-apartment building along the small stretch of land will affect the hundreds of homeowners and residents in the area, particularly the homes on the south side of Belvedere Terrace, as well as the adjoining streets in the neighborhood; even the area that includes the B-40 Middle School blocks.

In speaking with a city staff member today, December 8, 2020, I learned the plan is in Pre-Application phase. It is my hope that you all will give attention and preference to the residents of the said area of our city. To build apartments at that location will begin a host of problems that must be avoided. Maintaining the residential community feel of the neighborhood as well as a sense of a safe domain is very important.

It would be highly commendable for the City of Santa Cruz to take into consideration the local residents when deciding whether to hand out building permits that will result with a negative impact. Wealthy Developers looking for maximum profits is most often at the expense of the people; taxpayers and wage-earners, those of us raising our families in this beautiful city.

Why not bring in revenue with desirable businesses at the same locale, like a Starbucks or Pete's Coffee? Either of these would bring lots of business, especially considering the Starbucks on Ocean is a far-cry from town expectations with its lack of accessibility, and the downtown location is not commonly visited by most residents.

The list below addresses some of the issues this projected development poses:

1. Public concern of residential and commuting traffic, and the number of vehicles on our streets, and likely parking complications.
2. The loss of property values to every homeowner residing on the city streets within a good radius from the Apartment Building.

3. Electric outages, something new to our community, will be increased during peak usage.
4. Vital city resources would be stretched even further.

Belvedere Terrace/the back of the building site:

5. Safety, privacy, and a sense of security will decrease gravely for residents immediately adjoined to the apartment complex.
6. Selling a house along Belvedere Terrace, Berkeley Way, and Dahlia Street will be at a great loss.
7. Homeowners on Belvedere Terrace, who have enjoyed sunshine in their yards, will no longer have sun for much of the day.
8. Noise levels would obviously increase.
9. Crime increase.

Further, the developers who have the means to build, coupled with those leaders that are determined to change and undermine the quality of life here in our city, should they be able to do so? Shouldn't the longtime residents and taxpayers have a say? Shouldn't the people have the final word?

**Please remove this dilemma from our doorstep.** There are other alternatives for land use in Santa Cruz that would preserve the Santa Cruz City lifestyle.

Sincerely,

Concerned Resident



**From:** [Nancy Maynard](#)  
**To:** [City Council](#)  
**Subject:** 831 water st. Should not be ministerial  
**Date:** Wednesday, July 28, 2021 1:18:59 PM

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This huge, out of scale proposal, which would be located at 831 Water Street, is on a "fast track" for approval as a so-called "Ministerial Project." That means NO Environmental Review, NO Planning Commission hearing, NO City Council hearing on the merits, and NO vote on the merits by our elected officials. Normally, huge projects with profound public impacts are "discretionary," meaning that our elected officials get to vote "yes" or "no," and can modify or impose conditions. NOT with this project (based on SB 35, a state law that removes local discretion for qualifying projects). If this proposed project goes forward as the developer requests, the public and our elected officials will be bystanders, not participants. There WILL be a so-called "community meeting," which is basically to inform the public, and let the public vent.

Nancy Maynard

**From:** [nancy maynard](#)  
**To:** [Mike Ferry](#)  
**Subject:** 831 water st. Bad concept  
**Date:** Wednesday, November 25, 2020 8:02:18 PM

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From what I've read it does not fit the neighborhood. The height is a threat to neighbors. A roof top bar with no parking for customers is bad planning. The noise til 2a.m. will make it unbearable to neighbors. Please rethink this  
Nancy Maynard

**From:** [Norene Huber](#)  
**To:** [City Council](#)  
**Subject:** 831 Water Street  
**Date:** Monday, July 26, 2021 7:37:20 AM

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Please take a critical eye to the proposed development at 831 Water Street and direct staff to review and intervene in the Novin SB35 application.

Your intervention is critical for the well-being of the local neighborhood and for Santa Cruz as a whole. Please carefully review [the critique](#) of the deleterious impact that this unrestrained project will have, which has been sent to you by concerned constituents. Do not allow this developer to take advantage of you and the streamlined approval process he believes he's entitled to.

Thank you,

JN Huber

**From:** [Gary Patton](#)  
**To:** [City Council](#)  
**Subject:** 831 Water Street - Is It All "Ministerial?" No!  
**Date:** Wednesday, July 28, 2021 12:17:25 PM  
**Attachments:** [Five Rules I Follow.pdf](#)

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Dear Members of the City Council,

As I think all Members of the Council know, I was an elected official for twenty years. At the end of my final term, I thought back on what I had learned, and I came up with "Five Simple Rules." I am attaching them, below, and I want to commend Rule #2 to your attention, in particular.

I think virtually all Members of the Council are aware of the very significant and substantive issues involved with the 831 Water Street proposal. Despite these substantive concerns, there is a claim that this project should be approved, as requested by the developer, on a "ministerial" basis.

Please push back against that assertion. There are opportunities for the Council to exercise discretion (particularly with respect to the density bonus waivers and exceptions sought by the developer). Without a grant of those waivers and exceptions, the developer will not be able to build the project as he is currently proposing. The City's "Approval Body" has the right to exercise discretion - and the City's Approval Body need not go along with the claim that this project must be treated as "ministerial" pursuant to SB 35, and that there are no discretionary elements for City decision. Besides the density bonus provisions that require discretion, there may well be other discretionary elements that the Council should demand that it decide upon, as a Council.

PLEASE DO NOT LET THE STAFF EXERCISE THE CITY'S DISCRETION, on behalf of the Council. Please insist that the Council exercise that discretion itself. That is what my "Rule #2" is all about.

Thank you for taking this request seriously. Rule #2 of my five rules is perhaps the most important one of all:

**Rule #2: "*Remember You're In Charge.*" There is a bureaucratic momentum present in every institution (certainly including government). An elected official needs to remember that he or she was elected to run the bureaucracy--not the other way around.**

Despite SB 35, the City does still have some discretion with respect to the proposed 831 Water Street Project. Please be sure that the Council itself - not the City staff - retains for itself the right to make the key discretionary decisions involved.

Gary A. Patton, Attorney at Law  
P.O. Box 1038  
Santa Cruz, CA 95061  
Telephone: 831-332-8546  
[Email: gapatton@mac.com](mailto:gapatton@mac.com)



Website / Blog: [www.gapatton.net](http://www.gapatton.net)

Facebook: <https://www.facebook.com/gapatton>

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## **FIVE RULES I FOLLOW**

**After twenty years on the Board of Supervisors, I've decided what it takes to do a good job as an elected official. It all comes down to five simple rules:**

**Rule #1: “*Answer Your Mail.*”** This is just a shorthand way of saying that it's important to listen to the messages that come to you--from whatever source--and then to respond to them, as honestly and as positively as you can. By following this rule, I always have lots of work to do, and the people who contact me really do get to influence the government.

**Rule #2: “*Remember You're In Charge.*”** There is a bureaucratic momentum present in every institution (certainly including government). An elected official needs to remember that he or she was elected to run the bureaucracy--not the other way around.

**Rule #3: “*Remember Who Elected You.*”** On many of the big issues, there are at least two responsible and reasonable positions--if not an even greater number. Presumably, if you're an elected official, you were elected because of the positions you took. If you were elected as an environmentalist, be an environmentalist. Do what you said you would do. After all, you got the majority vote. That's why you were elected.

**Rule #4: “*Go Where You're Invited.*”** In other words, never be afraid to open up a dialogue and discussion with the people who didn't elect you. You might learn something. This is an antidote to Rule #3.

**Rule #5: “*Be honest.*”** This means more than the minimum requirement of not taking bribes--though of course that is important. What this Rule means is that you've got to tell people what you really think. That lets them decide whether they like your positions, and whether they like you. That puts the people in charge of politics.

**In the end, that's what it's supposed to be all about!**

**Gary A. Patton, Member  
Santa Cruz County Board of Supervisors  
November 20, 1994**

**From:** [rob edwards](#)  
**To:** [City Council](#); [Donna Meyers](#); [Sonja Brunner](#); [Sandy Brown](#); [Justin Cummings](#); [Renee Golder](#); [Shebreh Kalantari-Johnson](#); [Ryan Bane](#); [SHaschert@cityofsantacruz.co](mailto:SHaschert@cityofsantacruz.co); [Martin Bernal](#); [Lee Butler](#)  
**Subject:** [CAUTION: Verify Sender Before Opening!] Development project at Water and Branciforte  
**Date:** Saturday, July 31, 2021 11:33:44 AM  
**Attachments:** [Lost Adobe Rooms map.docx](#)  
[Mission Hill Map.docx](#)

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To: Members of the Santa Cruz City Council

Re: proposed Branciforte/Water Street development

July 31, 2021

I am deeply concerned about the current proposed development project at 831 Water Street. I am aware that adobe foundations have been found in the area adjacent to the proposed project. I do not think there has been sufficient consideration given to cultural resources, specifically the underground resources of structural foundations and cultural refuse pits and therefore important details of the history of the City and County of Santa Cruz may be lost.

I am an Archaeologist with a long history of work in and around Santa Cruz County since the 1970s. I served on the Santa Cruz County Planning Department's Environmental Review Committee during most of the 1970s. I taught at Cabrillo College from 1971 through 2008, developed and chaired the Archaeological Technology Program, and carried out archaeological research in Central California since the late 1960s

I have also supervised archaeological surveys of Santa Cruz sites for the City Planning Department with members of the Santa Cruz Archaeological Society. I have spent many years researching and excavating local Mission-era sites with students from the Archaeological Technology Program at Cabrillo College. I served as a cultural resource consultant to many private projects throughout the County and in the City over the years. As a result, I am writing from a long history of professional expertise about the importance of archaeological resources to our County.

Many years ago (around 1980), the City Planning Department approved a lot split immediately behind the standing historic Branciforte Adobe at Branciforte and Goss Streets. The construction on that lot revealed at least two refuse pits which were salvaged by members of the Santa Cruz Archaeological Society. Those artifacts which could have revealed information about Mission-era life were never formally reported upon as there was no archaeological requirement. The result was the loss of historical information about life during the time of the Branciforte Adobe. This is an example of what happens when planners are only concerned about potential structures of adobe brick or palisade type construction from this historic era, but not concerned about the associated cultural refuse pits.

This has happened before in Santa Cruz. In 1978, an “Adobe” Condominium project was permitted on Mission Hill north of School Street. Archaeological monitoring was required but in 1980, construction equipment was utilized on-site without archaeological supervision. The remnants of a series of adobe brick walls/foundations were exposed but the cultural materials that should have been in those rooms were destroyed. Only a brief map and report were done by a volunteer archaeologist. However, thanks to the effort and permission of a local family with long ties to Mission Hill whose property adjoined the Condo property resulted in a different outcome. Cabrillo students and members of the Santa Cruz Archaeological Society excavating under my direction, were able to document the remains of twelve rooms of a large adobe neophyte housing structure. That structure (called the “Lost Adobe”) is probably longer than the State Historic Park Mission Adobe. The many artifacts we documented in the rooms allowed us to tell enriching stories of the people who lived there during the Santa Cruz Mission period.

A map from the first chapter of the report on that “Lost Adobe” illustrates the architectural data that was revealed by that work (See attached map). Many of the belongings that were excavated have allowed cultural stories of the indigenous peoples of the Mission to be told. The excavations allowed us to document a major structure of the Santa Cruz Mission that was unknown before. The State Mission Historic Park is located just south of School Street. The “Lost Adobe” is located northeast of the Hill Street extension *on private property*. (See attached map on Mission Hill). You can find more information regarding the cultural resources on Wikipedia under “Santa Cruz Mission”, “Lost Adobe”, and “phoenix buttons”. There is also a recently completed manuscript on “Unlocking the Mystery of the “Lost Adobe”.

The problem of ignoring historic resources is not just a problem of the distant past. It is important to note that Mission era adobe structures on Sylvar Street have more recently been impacted by unresearched development even though the area was mapped as sensitive on the City’s 2006 planning maps.

The Villa de Branciforte is significant for the State of California, as it is one of only 3 original Alta California secular establishments. It is my professional opinion that the current Branciforte project is on and/or adjacent to a highly sensitive archaeological site and is unsuitable for a ministerial development process such as S. B. 35. Allowing this current proposed Branciforte project to go forward without CEQA level research would mean the historic cultural data on that property and the associated infrastructure (e.g. water, electricity, sewage) would be lost. It is essential that planners not only be concerned about evidence relating to potential structures of adobe brick or palisade type construction but also for the associated cultural refuse pits that would be associated with any such structures that could provide information about past Branciforte life.

Rob Edwards, Professional Archaeologist,



Professor, Cabrillo College, (Retired)

--

Rob Edwards

pronouns: he/him/his

*My home is within the village of Sokal in the unceded lands of the Awaswas Nation of the Ohlone speakers whose descendants still care for the land.*

**From:** [Ryan Bane](#)  
**To:** [Samantha Haschert](#)  
**Subject:** FW: 831 Water St development  
**Date:** Wednesday, May 12, 2021 1:09:39 PM

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FYI

-----Original Message-----

From: Dennis Wheeler [<mailto:gaza@gazabowen.com>]  
Sent: Wednesday, May 12, 2021 12:44 PM  
To: Ryan Bane <[RBane@cityofsantacruz.com](mailto:RBane@cityofsantacruz.com)>  
Subject: 831 Water St development

Have you considered the water shortage and how you might make this a green/sustainable building project as a model for other future developments?!

The planning department is WAY behind the times here. i wish that all new buildings were required to have a (food) forest planted on the vertical surfaces, a massive rain water catchment system, and composting toilets that use little to no water to transform waste into usable fertilizer.

PLEASE! its time to wake up and grow up and tend to the problems at hand THROUGH development. There is so much you all can do to contribute to healthy growth in our town.

Please do that, rather than use archaic developmental models and designs to move our town backwards. The time is now!

And if you are not the appropriate person to share this widely held sentiment with, would you please forward it on to those who might be able to do something with this?!!

thank you, Ruselle Revenaugh

**From:** [Shannon M.](#)  
**To:** [Mike Ferry](#)  
**Subject:** 831 Water St development comments  
**Date:** Sunday, January 24, 2021 11:31:17 AM

---

Dear Mike,

I'm a resident of Santa Cruz and live down Branciforte. It recently came to my attention that there is a proposed residential development for the property on 831 Water St that is currently the home of DJ's Market and other small shops. I agree that Santa Cruz needs more residential housing. However, I have issues with the proposed project:

1. The project proposed by Novin Development does not take into consideration the look and character of Santa Cruz. It appears that the developer did not take any time to review what the surrounding community looks like. Their large glass and concrete building would be a complete monstrosity and eye sore. They could at least use the new property at 708 Water St as their example of what a building that matches community character looks like. Not only that, there is Victorian architecture all around this area. Why was that not taken into consideration??
2. Why does the City of Santa Cruz not have Design Guidelines and a Design Review planning staff member the way the City of Santa Barabara does? The goal for Santa Cruz should be to retain its charm and not adopt the sterilized architecture of San Jose, or anywhere else in the bay area.
3. Where will all the building residents park?? 151 units, but only 141 parking spaces! Each unit will most likely have two vehicles. Let's get real, everyone in California has to have a car. No matter how much we want people to be car-less, it denies reality. And what about the people who would be patronizing the bar that's proposed for the rooftop? Water St turns into a one lane road at the Branciforte intersection and there is limited street parking.
4. I call for this project to be placed on hold until an appropriate design can be made and approved by the community that lives here. If this project goes on to be built as is, the community would be forever condemned to live with this ugly monstrosity.

Thank you in advance for your consideration,

Shannon McDonald

**From:** [paul stephens](#)  
**To:** [City Council](#)  
**Subject:** Building project at Water and Branciforte  
**Date:** Thursday, January 21, 2021 8:55:25 AM

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CITY COUNCIL MEMBERS:

THIS BUILDING PROJECT DOES NOT BELONG IN SANTA CRUZ.

STOP TRYING TO MAKE OUR TOWN LOOK LIKE SAN JOSE. WE ARE NOT SAN JOSE.

YOU ARE ALLOWING OVERBUILDING OF OUR TOWN.

WE CANNOT SUSTAIN THE WATER USE OR THE TRAFFIC THIS AND OTHER PROJECTS WILL CAUSE.

NO TO THIS PROJECT AND THE MAJORITY OF OTHER PROJECTS THAT WILL OR HAVE COME BEFORE YOU.

SUZANNE STEPHENS

Sent from [Mail](#) for Windows 10



**From:** [Michael Urban](#)  
**To:** [Mike Ferry](#)  
**Subject:** Dear Mr. Ferry,  
**Date:** Tuesday, November 10, 2020 3:57:08 PM

---

We write to ask you to reject any planning proposals that exceed three stories in the Branciforte neighborhood. The project for which a "pre-application" has been submitted -- which proposes two five-story structures -- seems to be a particularly egregious example of over-building. Traffic on that corner in normal times is heavy. This proposal will make it impossible.

Thank you for your consideration,

Michael and Veronica Urban  
119 Magnolia St.

**From:** [Ginger Mosney](#)  
**To:** [City Council](#)  
**Subject:** asking for your support to reject streaming process 831 Water street  
**Date:** Saturday, July 31, 2021 10:29:52 AM

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Dear City Council,

As a 30 year resident of Santa Cruz resident I am asking for your help in rejecting the 'streamlined' approval process currently applied to the developer proposing the development at 831 Water Street.

While I believe affordable housing is needed, the proposed project is not an appropriate choice for this location. The scale and problematic features of this proposal would be detrimental to the existing neighborhoods. I strongly support the [831 Responsible Development](#) group and the issues and concerns detailed in their [July 19 letter](#) to the City Council. The developer must address the significant problems outlined in that letter before such a project can move forward.

I request that you work with the City Planning Department to prevent the developer from taking advantage of the streamlined approval process. We need housing in Santa Cruz, but not without addressing the many issues and concerns addressed by the 831 Responsible Development Group. We need affordable, family-oriented, well planned housing we can all live with. Once a project of such massive scale is built, the developer collects his money and moves on. Those of us who live in the neighborhood will be left with the problems created by such monstrosities.

Sincerely,  
Virginia Mosney  
312 Poplar Ave  
Santa Cruz



YIMBY Action advocates for welcoming communities where everyone can thrive.  
yimbyaction.org

## **Santa Cruz Planning Commission**

809 Center Street, Room 101  
Santa Cruz, CA 95060

*December 4, 2020*

### **RE: Support for 831 Water Street**

Dear Planning Commission:

YIMBY Action enthusiastically supports the proposed project at 831 Water Street in Santa Cruz. This project would offer 151 units of housing, 77 of which are below-market-rate, helping to house Santa Cruz's most vulnerable community members, as well as the city's teachers, students, essential workers, and young professionals. This project will help address our staggering citywide housing shortage. In particular, it would add infill housing, helping to reduce the disastrous environmental effects of sprawl.

YIMBY Action is a network of pro-housing activists fighting for more inclusive housing policies. Our vision is an integrated society where every person has access to a safe, affordable home near jobs, services, and opportunity.

California's severe housing shortage is causing skyrocketing homelessness and poverty, crippling our economy, and leading to debilitating commutes that exacerbate our global climate crisis. These impacts fall disproportionately on our

region's low-income workers and families, and disproportionately deny communities of color access to opportunity. This project will help address the housing shortage, help advance racial justice, and ensure a welcoming California where everyone can thrive.

Best regards,

Laura Foote

YIMBY Action, Executive Director



YIMBY Action advocates for welcoming communities where everyone can thrive.  
[yimbyaction.org](http://yimbyaction.org)



## Rosemary Balsley

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**From:** Todd Pinsky <toddcofa@gmail.com>  
**Sent:** Thursday, September 09, 2021 4:24 PM  
**To:** City Council  
**Subject:** 831 Water St. project

I am writing to voice my opposition to this project. I support affordable housing, but this project is not acceptable for many reasons which have been clearly articulated.

Personally, as a resident in this neighborhood, I have significant concerns about the density, the parking, and the traffic (nuisance and especially safety). At one point I heard it described as "public transit friendly," but it doesn't seem there's been much planning for Metro bus service. The existing bus stop is already difficult to negotiate, especially during busy times. Has there been involvement from Metro regarding the physical requirements for a new or improved bus stop? Consider that Routes 71 and 66, which would take these residents downtown, are often at full capacity since it is the end of the trip... and likewise, the bike racks are often full. It's not as though Metro can or would simply add more frequent service.

I have also read that this project application does not fully satisfy the SB 35 requirements, and that the City has acknowledged this nonconformity.

It looks bad. I oppose it.

Sincerely,

Todd Pinsky  
N Branciforte Ave resident

## **Rosemary Balsley**

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**From:** Dusten Dennis <dusten\_dennis@hotmail.com>  
**Sent:** Monday, September 06, 2021 12:33 PM  
**To:** City Council  
**Subject:** Approve 831 Water St.

This proposed project will provide a large number of affordable housing units. Please approve this project so all members of our community will be able to find a place to live.

Thank You,

Dusten Dennis  
920 Cayuga St.

## Rosemary Balsley

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**From:** Nancy Maynard <mtnmom3@gmail.com>  
**Sent:** Monday, September 06, 2021 1:18 PM  
**To:** City Council  
**Subject:** 831 Water St..

Dear Santa Cruz City Council and Nathan Nguyen,

Your help is needed to deny the proposed project at 831 Water St. in Santa Cruz. The project does not meet the required objective standards, satisfy the requirements for health and safety, nor the requirement for a density bonus.

1. The driveway access on the downhill slant is dangerous to bike riders and the north fire lane/commercial vehicle access is dangerous to pedestrians: Theresia Rogerson of Vision Zero for eliminating traffic fatalities in Santa Cruz wrote, "The driveway location would not be safe for pedestrians and bicyclists." Do you want a decision made that likely would cause more accidents and possible deaths?
2. Other areas of concern are the total number of units: The development would be 145 units on less than one acre, the zoning allows up to 55 units per acre. It is zoned for 40 feet tall and should include open space. This project's height is 60 ft.
3. This development currently has the affordable units segregated from the market-rate units in a separate building. The state requirement for SB 35 developments is to have affordable units distributed throughout the development. Santa Cruz City requires the affordable units to be dispersed throughout the development (Inclusionary Ordinance & Density Bonus Ordinance).
4. Truly affordable housing is a very good idea but not at the expense of the health and safety of many in our community.

We want projects built with affordable housing that do not put the community's safety in question.  
Nancy Herr

**Rosemary Balsley**

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**From:** tutti hacking <tutthacking@gmail.com>  
**Sent:** Monday, September 06, 2021 8:50 PM  
**To:** City Council; Nathan Nguyen  
**Subject:** re: Proposed Housing Project at 831 Water Street

Dear Santa Cruz City Council and Nathan Nguyen,

Your help is needed to deny the proposed project at 831 Water St. in Santa Cruz. The project does not meet the required objective standards, satisfy the requirements for health and safety, nor the requirement for a density bonus.

1. The driveway access on the downhill slant is dangerous to bike riders and the north fire lane/commercial vehicle access is dangerous to pedestrians: Theresia Rogerson of Vision Zero for eliminating traffic fatalities in Santa Cruz wrote, "The driveway location would not be safe for pedestrians and bicyclists." Do you want a decision made that likely would cause more accidents and possible deaths?
2. Other areas of concern are the total number of units: The development would be 145 units on less than one acre, the zoning allows up to 55 units per acre. It is zoned for 40 feet tall and should include open space. This project's height is 60 ft.
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4. Truly affordable housing is a very good idea but not at the expense of the health and safety of many in our community.

We want projects built with affordable housing that do not put the community's safety in question.

Sincerely,



Tutti Hacking (SC property owner since 1992 and widow of a cyclist killed in a collision with a car here in Santa Cruz)

## Rosemary Balsley

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**From:** Douglas M. Chesshire <dchesshire@nccrc.org>  
**Sent:** Thursday, September 02, 2021 4:59 PM  
**To:** City Council  
**Subject:** 831 Water Street\_Novin Development  
**Attachments:** 9-2-2021\_Novin Development.pdf

Good afternoon Bonnie,

Can you please see that the attached support letter makes it to the Mayor and Councilmembers.

Thank you,

Doug Chesshire  
Senior Field Representative  
Carpenters Union  
Santa Clara, San Mateo, San Benito, Santa Cruz & Monterey Counties  
Cell: (510) 421-7562  
[dchesshire@nccrc.org](mailto:dchesshire@nccrc.org)

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**UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA**

Local Union 505 ~ County of Santa Cruz  
(831) 688-5025

INSTITUTED AUGUST 12, 1881

225 Searidge Road ~ Aptos, CA 95003  
F (831) 688-5027



ALWAYS DEMAND THE LABEL

September 2, 2021

City of Santa Cruz  
City Council  
Office of the City Clerk  
809 Center Street Room 9  
Santa Cruz, CA 95060

**Re: *Carpenters Union Local 505 Support for the development at 831 Water Street, Santa Cruz, CA***

Dear Mayor Meyers and Fellow Councilmembers,

The members of Carpenters Union Local 505 here in Santa Cruz County and throughout the surrounding Central Coast strongly support the approval and development of Novin Development's 831 Water Street project in downtown Santa Cruz. This development as proposed will generate hundreds of union construction jobs right here in Santa Cruz. These jobs will provide livable wages, healthcare and a retirement while also providing an opportunity for local apprentices, including women, minorities and at risk youth to begin or continue a career in the construction industry allowing them to work in their own community, avoiding long commutes.

This development is precisely what the City of Santa Cruz needs. A development that adheres to the visions and goals established in the General Plan and those set forth through SB35, while delivering a well thought out eco-friendly project that is LEED certified. It will also transform an underutilized location into housing, that, the City is in dire need of. Retail on the ground floor will allow commerce to continue along Water Street, at the same time, helping the City of Santa Cruz get closer to meeting its RHNA numbers at the low and very-low income levels.

Through collaboration, City Staff and Novin Development have brought forth a project that the residents of Santa Cruz can be proud of and will benefit from for years to come. One that will create good paying union jobs, expedite affordable/workforce housing and give the ability for those less fortunate to continue to call Santa Cruz home. The sum of this project equals, Opportunity.

The Development Team's commitment to Santa Cruz, the Carpenters Union, and residents is a Win for the community and housing. We urge you to support this project.

Sincerely,

Tony Uzzle  
Senior Field Representative

## Rosemary Balsley

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**From:** Susan Cook <cooksusanj@gmail.com>  
**Sent:** Thursday, September 02, 2021 1:39 PM  
**To:** City Council  
**Subject:** Large development projects

Dear council members,

I add my alarm to the explosion of huge buildings in the pipeline with particular alarm about the one at Water Street and Branciforte. I cross that intersection often, both on a bike and in a car, and the bike lane issue is very serious. I can't imagine slamming on bike brakes on that hill for cars exiting a garage. Please exert extreme pressure to put a stop to this project and get it modified in a safe manner.

I won't say much about water for these big projects. It is obviously an extreme problem. I can't personally save much more water without killing my trees.

Housing. Try as we might, we can't possibly build Santa Cruz into an affordable place to live, much as it sounds like what caring people should support. However, the West Side, where I live, could use more student housing - not hotels. Duplexes and fourplexes, yes. These could fit the neighborhood, in spite of the complaints of many of my selfish neighbors.

I can't spend a lot of time following Santa Cruz politics, but I will pay attention to your positions on large developments when I vote next time.

Sincerely,

Susan Cook



**Rosemary Balsley**

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**From:** joanne katzen <jokat9@hotmail.com>  
**Sent:** Tuesday, September 07, 2021 10:24 AM  
**To:** City Council  
**Subject:** Proposed Water St. Project

Dear City Council members,

As a long-time residents of Santa Cruz county, we would like to "weigh-in" on the proposal for 831 Water St. In the first place, it is extremely crucial that the residents who live closest to this area be surveyed regarding the potential impacts of this development on their lives. All efforts must be made to mitigate any safety, traffic, and equity concerns. We understand that one of the main issues is the project's density. Building fewer units, but making more of them "affordable" could lead to the project's acceptance by the public. In addition, we would suggest that one of the most important considerations would be pedestrian and bicyclist safety. Any development proposed, today, must be thoroughly analyzed for its potential impacts on those individuals and for the inevitability of increased traffic in the area. We all recognize the need for increasing the availability of "affordable" housing in the area, but we must also make sure that those developments do not put anyone's safety at risk.

Sincerely,

Joanne Katzen, Doris Katzen, Beth Katzen

## Rosemary Balsley

---

**From:** Bonnie Bush  
**Sent:** Thursday, September 02, 2021 7:38 AM  
**To:** City Council  
**Subject:** FW: 831 Water - racist?

*Bonnie Bush, CMC*

City Clerk  
City of Santa Cruz  
831-420-5035

Public Records Requests may be submitted online via the Public Records Request form, by email, or by hard copy form available at the City Clerk's Office located at 809 Center Street, Room 9, Santa Cruz, CA 95060.

Please note: Public Record Act Requests submitted via email, fax, USPS, or dropoff after 5:00 p.m. on a business day, Saturdays, Sundays, or holidays will be processed as received on the next open business day. The 10-day response period begins when the request is received.

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**From:** Alan Speidel [mailto:speidel@cruzio.com]  
**Sent:** Tuesday, August 31, 2021 10:29 PM  
**To:** Bonnie Bush <bbush@cityofsantacruz.com>  
**Subject:** 831 Water - racist?

Is it true that all of the affordable units will be in one of the two buildings?

If so ... Isn't it true that this building will therefore house a far higher percentage of people of color? And that the other "elite" building will likely have a very low percentage of people of color, relatively speaking?

If so ... Isn't this institutionalized racism, pure and simple? Are there discussions about mixing the low-income units with the market-rate ones? Did I miss them? If there are none, shouldn't we be talking about that?

If this is the current state of affairs – Can the state really stipulate that only health and safety concerns can be reasons for modifying or denying this project? Can the state or the developer refuse to countenance our principled opposition to a housing project that is *de facto* racist?

If I am right in my depiction of the current situation – and forgive me if I am not, it has been difficult to follow these proceedings – the city council members must make a stand. There is a higher law here, a moral imperative to resist institutionalized racism whenever and wherever it appears.



Virus-free. [www.avg.com](http://www.avg.com)

## Rosemary Balsley

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**From:** Jane Hancock <dantesc@sbcglobal.net>  
**Sent:** Wednesday, September 01, 2021 1:25 PM  
**To:** City Council  
**Subject:** 831 Water Street Project, Please Read

Jane Hancock  
415 Grant St.  
Santa Cruz, CA  
95060  
August 31, 2021

Dear City Council Members,

I have been a resident and homeowner in Santa Cruz City for over 40 years. I am a responsible citizen and a considerate and helpful neighbor. I am all for affordable housing that will benefit those who need it and the city in general.

Recently I have found out about the proposed buildings at 831 Water Street. I went to the zoom meeting on August 12<sup>th</sup> to become more informed. I must say I was appalled at the plan that was presented.. To build such a large structure on such a small space in such a congested intersection in a neighborhood that would be greatly affected by such buildings are what nightmares are made of. Besides the following safety and health problems which are below, who is the target population for many of these 2 parking place sized units (the size the developer quoted)? Certainly not families who need affordable housing. Perhaps it is out of town UCSC students whose parents would gladly pay. It would be just an extension of a UCSC dorm. This building would not solve any housing crisis here in Santa Cruz for families.

The serious concerns I have are here.

Concerning public health and safety,

1. The traffic flow will be greatly affected. The only outlet, a driveway on Water, will be a dangerous hazard to cyclists, cars cannot make a left turns and will be making u turns to further congest traffic, and the already congested intersection will be made worse by car owners from these 145 units.
2. Many home owners on Belvedere Terrace will be sun blocked, no longer to have viable solar energy or grow home gardens which may include sustainable fruits and vegetables. With these buildings looming over them, the value of their homes will undoubtedly go down.
3. People in units unable to afford the monthly parking rate will have to use nearby neighborhoods for parking, again increasing the congestion and possible hazards Also there are not enough parking places to accommodate all the 145 units.

4. Water health hazards. The location of the building and the proposed garage has the potential to trap water, causing stagnation and possible formation of mold which is lethal to many people.

Also because of SB35, there will be no CEQA, and there could be possible endangerment of the surrounding environment. No one truly knows without an environmental assessment. . What is happening to our culture? How this state bill got passed is a mystery.

And my last concern, however, not least, is the segregated plan for the affordable versus the market rate apartments. What ? Are we going back to the 1950s? Separate but equal? This is a travesty.

\*\*\*\*\*

If the developer wants to really build something that helps with those who cannot afford housing, build fewer reasonably spacious units to accommodate more families and lower the building to 3 stories with lesser units as to fit in with the neighborhood.

\*\*\*\*\*

I do hope the council members listen to the long term residents of Santa Cruz who have supported the city with taxes and so many other forms of loyalty. These are the people who truly care what happens to this city. Without them, Santa Cruz would not be the city it is today.

It is your turn to be listen to and support these long term residents of Santa Cruz like they have supported the city for decades and decades.

With great concern,  
Jane Hancock



## Rosemary Balsley

---

**From:** Bonnie Bush  
**Sent:** Tuesday, August 31, 2021 2:30 PM  
**To:** City Council  
**Subject:** FW: 831 Water Street

Bonnie Bush, CMC  
City Clerk  
City of Santa Cruz  
831-420-5035

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-----Original Message-----

From: geri lieby [mailto:glieby@gmail.com]  
Sent: Tuesday, August 31, 2021 2:28 PM  
To: Bonnie Bush <bbush@cityofsantacruz.com>  
Subject: 831 Water Street

Hello,

This is a great project. It upgrades a blighted corner. It provides much needed housing at rates people can afford. It is on a major transportation corridor which fits the city's goal of reducing the city's carbon footprint.

Please support it.

Geri Lieby

## Rosemary Balsley

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**From:** Bonnie Bush  
**Sent:** Tuesday, August 31, 2021 12:35 PM  
**To:** City Council  
**Subject:** FW: 831 Water St Comments

*Bonnie Bush, CMC*

City Clerk  
City of Santa Cruz  
831-420-5035

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**From:** judy l [mailto:jlomba476@gmail.com]  
**Sent:** Tuesday, August 31, 2021 12:32 PM  
**To:** Bonnie Bush <bbush@cityofsantacruz.com>  
**Subject:** 831 Water St Comments

This project is:

- Too large/tall for the space
- Too ugly
- Creates a huge traffic impact in an already heavily congested area
- Subjects nearby residents to noise and diminished privacy
- Provides very little "affordable" housing
- Fails to address water runoff on the rock face beneath the project

Shame on this developer for showing so little concern for the surrounding neighborhood. Make it smaller or place it elsewhere. The hideous architecture suggests a more appropriate location would be an industrial park or San Jose.

Judith Lomba

## Rosemary Balsley

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**From:** Shelley Hatch <scghia@gmail.com>  
**Sent:** Monday, September 06, 2021 2:49 PM  
**To:** City Council; Donna Meyers; Justin Cummings; Sonja Brunner; Sandy Brown; Shebreh Kalantari-Johnson; Renee Golder; Martine Watkins; Nathan Nguyen  
**Subject:** Fwd: dishonoring our partner, Vision Zero

After I originally sent this email I noticed errors in the first line that I had not corrected .. I also forgot to put in the heading that this email regards the 831 Water Street development .

From: **Shelley Hatch** <[scghia@gmail.com](mailto:scghia@gmail.com)>  
Date: Mon, Sep 6, 2021 at 1:21 PM  
Subject: dishonoring our partner, Vision Zero, @ 831 Water Street  
To: <[citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)>, <[dmeyers@cityofsantacruz.com](mailto:dmeyers@cityofsantacruz.com)>, <[jcummings@cityofsantacruz.com](mailto:jcumings@cityofsantacruz.com)>, <[sbrunner@cityofsantacruz.com](mailto:sbrunner@cityofsantacruz.com)>, <[sbrown@cityofsantacruz.com](mailto:sbrown@cityofsantacruz.com)>, <[sKalantari-Johnson@cityofsantacruz.com](mailto:sKalantari-Johnson@cityofsantacruz.com)>, <[rgolder@cityofsantacruz.com](mailto:rgolder@cityofsantacruz.com)>, <[mwatkins@cityofsantacruz.com](mailto:mwatkins@cityofsantacruz.com)>, <[nnguyen@cityofsantacruz.com](mailto:nnguyen@cityofsantacruz.com)>

Dear Council members and Transportation manager Nguyen,

I have written previously regarding the garage's egress/ingress for the proposed development @ 831 WaterStreet.

Novin representatives have heard many references to the injuries and deaths that could occur if the city rubber stamps their inferior choice as the safest, best and only choice . It is Novin's first choice, but the responsibility of the city is to make sure that the safest location for the garage driveway will be carefully deliberated and that we listen to experts in the field of transportation, and continue to respect the need to provide the safest streets possible for cyclists and pedestrians.

The reasoning used for placement of the bollards on the downhill side of the Water Street hill, to ensure safety at a location that was deemed to need extra protection., should not be compromised . To now decide to create a serious hazard at a location that had only recently been upgraded to a more protected status.would be a major step in dishonoring the program goals of our partner in safety, Vision Zero.

Please deliberate carefully,  
Shelley Hatch

## Rosemary Balsley

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**From:** Shelley Hatch <scghia@gmail.com>  
**Sent:** Monday, September 06, 2021 1:22 PM  
**To:** City Council; Donna Meyers; Justin Cummings; Sonja Brunner; Sandy Brown; Shebreh Kalantari-Johnson; Renee Golder; Martine Watkins; Nathan Nguyen  
**Subject:** dishonoring our partner, Vision Zero

Dear Council members and Transportation manager Nguyen,  
I have written to the the garage's egress/ingress for the proposed development @ 831 WaterStreet.

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Please deliberate carefully,  
Shelley Hatch



## Rosemary Balsley

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**From:** Sarah Olson <7saraholson777@gmail.com>  
**Sent:** Monday, September 06, 2021 2:03 PM  
**To:** City Council; Donna Meyers; Justin Cummings; Sonja Brunner; Sandy Brown; Shebreh Kalantari-Johnson; Renee Golder; Martine Watkins; Nathan Nguyen  
**Subject:** Your Help is needed.Please read.

Dear Council Elected Officials and Nathan,

Respectfully, you all have an important job for the city of Santa Cruz. I know you take it seriously.

Safety for the citizens of Santa Cruz greatly matters. We have many streets in our city marked "F" for safety.

Let's not make another one. The busy block of 831 Water St. is no place for a driveway on a downhill slant for hundreds of cars waiting to get into a parking garage while drivers await their parking rack to park their car.

Even if less than 300 people which is the potential of possible people wishing to park at 831 Water St. do not have cars how can bike riders safely travel through when cars are backed up and pulling into the driveway? This is a busy intersection.

I recommend Nathan to conduct the traffic study at \* am,3 pm, and 5:15 pm on weekdays during the workweek.

The 831 Water project is to provide workforce housing, therefore, it is important to run the traffic study during the heavy traffic times when people return from work This is important.

The City Council does have say on an SB 35 project just as other charter cities have had say. Please use your say to either deny or downsize the 831 Water St. project.

Thank you. We elected you. Please use your power to keep your community safe.

Thank you.

## Rosemary Balsley

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**From:** Housing Santa Cruz County <admin@housingsantacruzcounty.com>  
**Sent:** Wednesday, September 01, 2021 9:36 PM  
**To:** Donna Meyers; Sonja Brunner; Martine Watkins; Justin Cummings; Sandy Brown; Renee Golder; Shebreh Kalantari-Johnson; City Council  
**Cc:** Bonnie Bush  
**Subject:** [CAUTION: Verify Sender Before Opening!] HSCC letter regarding 831 Water Street  
**Attachments:** HSCC ltr regarding 831 Water .docx; PastedGraphic-2.tiff

August 31, 2021

Santa Cruz City Council

809 Center Street

Santa Cruz, CA 95060

Dear Mayor and City Councilmembers

We write on behalf of Housing Santa Cruz County to express our support for the creation of affordable and workforce housing at 831 Water Street.

We understand that you have a complicated situation in which neighborhood concerns rub up against state law and the pressing need for homes for lower income working families and individuals in our community.

We hope you consider five key issues as you consider Council action on the 831 Water Street proposal.

- 1) You have made a serious – and much-appreciated – commitment to creating more affordable housing opportunities in Santa Cruz. You have approved some important projects that are helping fulfill that commitment. However, you did not say you would advance affordable housing only when it was politically easy. Your commitment was more serious than that. Now you have the chance to stay out of the way and help advance dozens more affordable units even though the politics are more challenging. Please rise to that challenge and approve essential housing for our essential workers.
- 2) The state legislature has made a very clear set of decisions to require local jurisdictions to approve more housing in general and more lower income affordable housing, in particular. Foremost among those is SB 35. Now we have a project that has carefully followed the rules of SB 35, and it seems ready to move forward once your council has acknowledged that the project meets the legal requirements. It is clear to us that it

has. Of course, project opponents from the single-family homes in the vicinity have found legal arguments that “might” suggest that this project does not qualify for SB 35. There are very talented attorneys on their team that know how to raise legal uncertainty. They hope this will lead you to shy away from the SB 35 verification. We would simply point out the following language of SB 35 – in case you are tempted to lean toward finding a way around SB 35: “the design review or public oversight shall be objective and shall be strictly focused on assessing compliance with criteria required for streamlined projects” and “***shall not in any way inhibit, chill or preclude the ministerial approval*** provided for by this section.” In most decisions you make as a city council, political considerations and neighborhood objections take center stage. It is clear from the legislation that these are not allowed to be a part of your deliberations in this instance.

- 3) In the last few years, Santa Cruz has started doing better than most local jurisdictions in approving housing but has still not met the RHNA targets for low income and very low-income homes for the essential workers in our community. This project will move Santa Cruz closer to meeting those targets with more than 70 deed-restricted very low- and low-income apartments. Once those targets are met, the city will regain some discretion over projects such as this one. Under SB 35 you are currently denied much of that discretion.
- 4) It is tempting to wish for this project to have fewer stories and less density. However, the very real money constraints of developing affordable apartments require that affordable projects maximize density. It is easy to say, “let’s have a 100 percent affordable project with three stories on this site and we’ll get the affordable housing we need.” However, those that say this are not attempting to finance a project on this site. They are simply engaging in wishful thinking. Wishful thinking does not produce affordable homes for the medical assistants, café workers, teacher’s aides, maintenance workers and store clerks that make our community function. It’s also important to remember that this project and the housing it provides will be able to occur without any City money. As you know, all the affordable housing funds the City has are already committed to other projects, and yet we still need additional affordable housing.
- 5) The City and the Council have made serious and appropriate efforts to address inequity in our community. One manifestation of current inequities in our community is the primacy we have historically placed on “neighborhood integrity” not only within single family home neighborhoods but on the perimeters of those neighborhoods. Those fortunate to own a valuable home in a low-density residential neighborhood have quite frequently been able to prevent higher density affordable housing from occurring nearby, even when those projects are legally within the community-designed regulations already in place. If we are to truly address inequity in our community, we need to adjust our priorities and ensure that poorer people are taken fully into account when making housing decisions. The 831 Water Street project is a key opportunity to address this historic inequity. Some have complained that this project would perpetuate inequity because legal requirements associated with the financing of this project necessitate having two separate buildings right next to each other rather just having one building. It is simply a political language game to call this “redlining.” This project is actually housing low-income and moderate-income people right next to each other and creating a situation where the families from both buildings share the same amenities and common spaces. The true threat to maintaining a “redlining” type situation is to force all higher density affordable housing downtown—thereby ensuring that very few poorer people live near more affluent single neighborhoods. Again, this project is step in the right direction as we battle against past practices such as redlining, which historically segregated different populations.

The struggle to build a more equitable community with affordable places to live for the people in our community that make it work for all of us is indeed a struggle. It is not easy for neighbors. It is not easy for the City Council. But it is a struggle we must engage in and your support is essential.

Thank you.

Alina Harway   Don Lane   Gretchen Regenhardt

For the Governing Board of HSCC

*[Housing Santa Cruz County \(HSCC\)](#) is made up of individuals, nonprofit and for-profit businesses, service providers, homelessness organizations and advocates, agriculture leaders, faith-based organizations, labor leaders, financial institutions, housing professionals, sustainable community leaders (transportation, environment, health, education and energy professionals) nonprofit and for-profit housing developers, and many other community leaders.*





[admin@housingsantacruzcounty.com](mailto:admin@housingsantacruzcounty.com) \* [www.housingsantacruzcounty.com](http://www.housingsantacruzcounty.com)

August 31, 2021

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## **Rosemary Balsley**

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**From:** orly laluz <eighththreeone831@yahoo.com>  
**Sent:** Tuesday, September 07, 2021 12:06 PM  
**To:** City Council  
**Subject:** project density: 831 Water St and others

Elected Officials

This email is from four of us in one household to express our concerns about public health and safety with high density buildings in development.

There is a water shortage which would be problematic with any current high density building project.

There is public safety concern regarding bicyclists as well as pedestrians.

DO NOT ALLOW HIGH DENSITY BUILDING TO CONTINUE

## **Rosemary Balsley**

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**From:** Pierce Brownstone <piercebrownstone@gmail.com>  
**Sent:** Wednesday, September 08, 2021 2:36 AM  
**To:** City Council  
**Subject:** APPROVE 831 WATER STREET

As a lifelong resident of Santa Cruz who's in danger of being priced out of my own hometown, I'm begging you to approve more affordable housing like 831 water street. Just because the lower income residents of Santa Cruz don't have the time to make as much of a fuss about developments as the wealthy single family home owners, doesn't mean we aren't equally passionate about these projects. Please approve more of them. Young people will continue to flee the city if you don't.



## **Rosemary Balsley**

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**From:** Greg Martin <ezskeyewater@yahoo.com>  
**Sent:** Wednesday, September 08, 2021 8:06 AM  
**To:** City Council  
**Subject:** 831 Water Street  
**Attachments:** Review of 831 Water Street - an SB 35 application - Google Docs.pdf

Attached is my review of 831 Water Street, an SB 35 application.

## Review of 831 Water Street - an SB 35 application

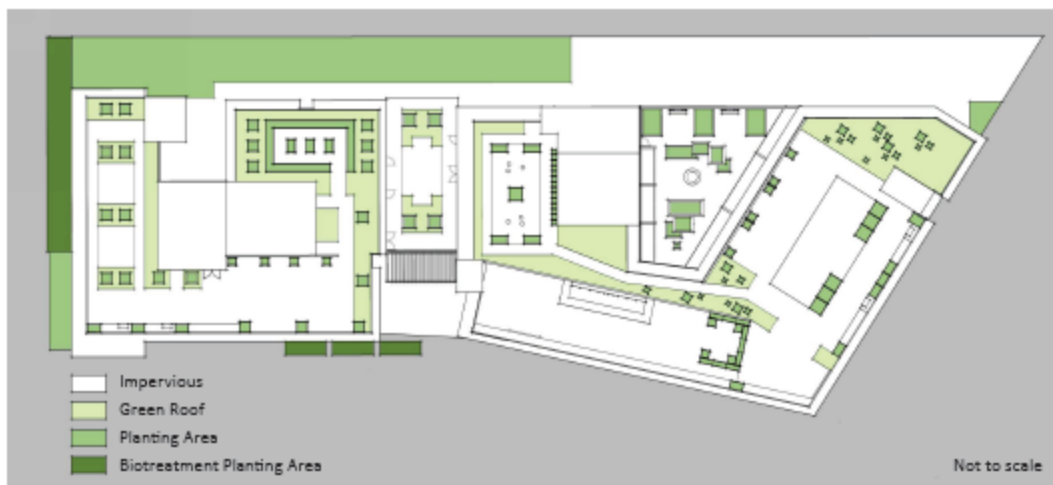
### **Discussion**

The primary specific grounds to not approve this project are:

#### Incomplete

The plans are deficient as follows:

1. No existing topo on its own sheet, the existing topo should show all easements and be accompanied with a preliminary title report.
2. No existing or proposed typical sections for the City roads, sections must be fully dimensioned to demonstrate compliance with objective design standards.
3. No landscape plans in plan view with the revised application. The original application included landscaping as shown on the excerpt from the concept plan below, but the Concept Plan sheets were never updated for the revised application so they are not part of the application.



4. Insufficient information to verify additional objective standards are met (see Details below).

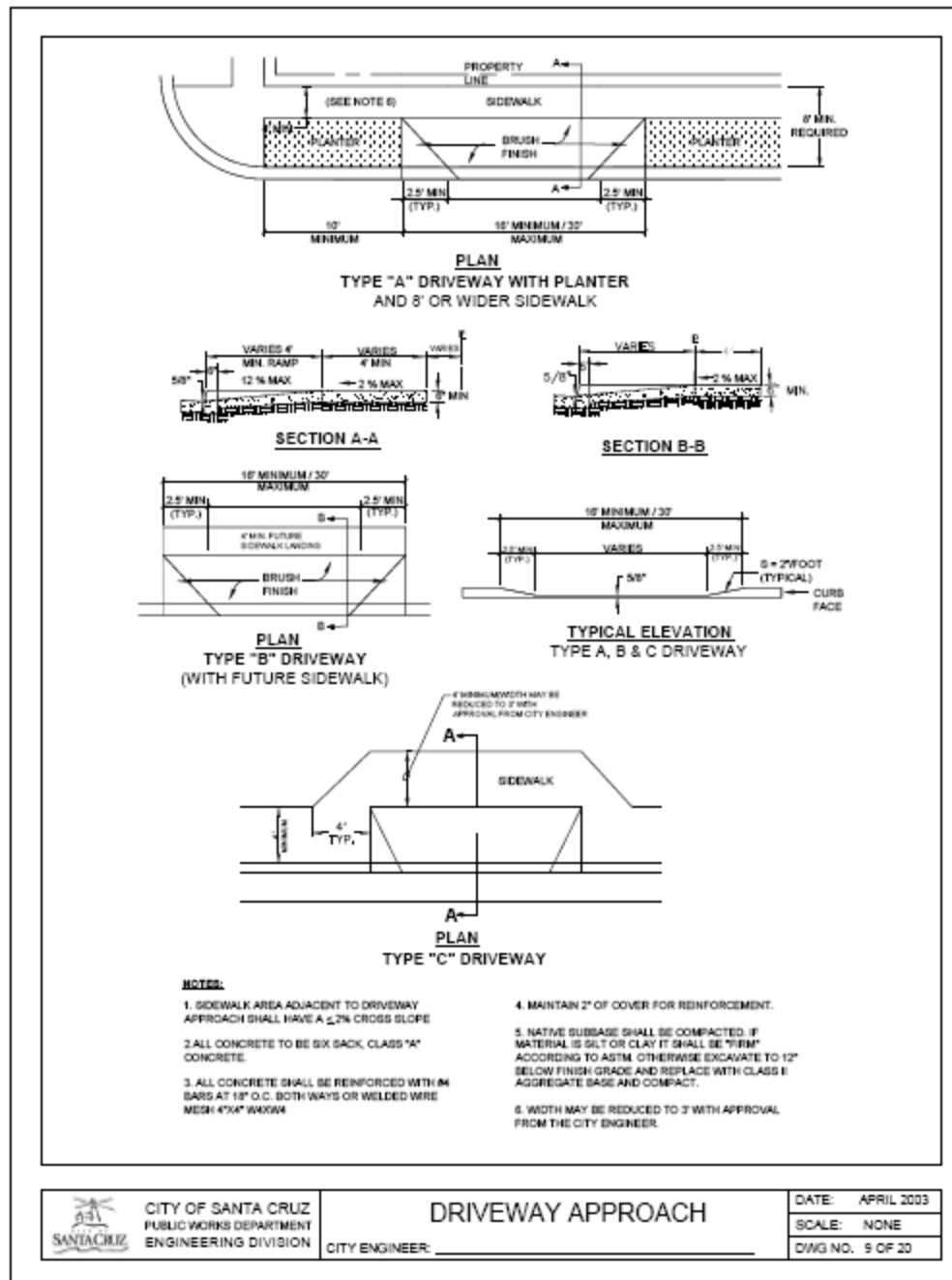
#### Non-Compliant

5. The project erroneously proposes the 20 foot fire access be located up to the face of the retaining wall fronting Water Street. Since a vehicle barrier is required at the top of the wall and the 20 foot fire access must be kept free of structures such as

vehicle barriers, the 20 foot fire access is improperly located. Additional space is required between the face of the retaining wall and the 20 foot fire access.

6. The fire access requires a standard driveway and the current fire access easement location will cause this driveway to conflict with the curb ramp and landing at the intersection.
7. The use of SB 35 is predicated upon transit being available. The project has an existing sub-standard bus stop on its frontage. **The project plans fail to comply or even attempt to demonstrate compliance with objective Metro standards for a bus turnout, boarding and alighting requirements, bus shelter pad, and bus shelter.**

8. The improvement plans show curb returns for the new project entrance on the Water Street. The project is not in compliance with the objective standard of a driveway which meets standards.





9. **The City did not comply with SB 35 law by permitting, requesting, or allowing the applicant to make major revisions after submission of the application. Further they declared that the original review deadlines applied and it was only by the applicant volunteering to extend the deadlines, that the deadlines were able to be extended.** There is no provision under SB 35 law for the applicant to make revisions while the planning or design reviews are underway. NONE WHATSOEVER.

The City staff report dated July 29, 2021 states.:

**“ The City’s reading of the state law is that the timeline does not automatically restart if major plan revisions are submitted; however, in this case, the applicant voluntarily provided the city with an extension of the review time to evaluate the revised plan set.”**

Presumably the City came to this conclusion by following the guidance provided by the State. Only State guidance is from the State Department of Housing and Community Development (HCD) which published, “Updated Streamlined Ministerial Approval Process Guidelines”.

Section 301 (a)(2)(B) of these HCD guidelines says, *“If the application can be brought into compliance with minor changes to the proposal, the local government may, in lieu of making the detailed findings referenced above, allow the development proponent to correct any deficiencies within the timeframes for determining project consistency specified in Section 301(b)(4) below.”*

Other than that the 831 Water Street revision of chopping off 20 feet of the front of the building is obviously not minor there’s only one other problem. The law itself says nothing of the kind. **HCD guidance pushes past the law AND infringes upon the local agency’s right to review within a specified time frame.** If an agency were to plan additional time for the developer to correct any deficiencies as suggested, that would take away from the local agencies’ right under the law to have a set period time to review a submittal. The local agency is compelled to follow the law as much as possible, not just at their discretion whether for the developer or for a particular cause. The public has the right to expect the local agency will follow the letter of the law and the local agency will not make up procedures to bend the law to their own interests.

The City should have followed the law and completed their reviews of the original submittal and approved or listed their reasons for not approving the project within

the timeframes per SB 35 law. SB 35 has no provisions which permit a revised submittal.

Reiterating, SB 35 is pretty simple the more you dig into it. The law itself says, "The bill would require a local government to notify the development proponent in writing if the local government determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development is deemed to comply with those standards."

Holland and Knight, a law firm that won a major SB 35 case for a developer describes the law, "Qualifying projects that provide the required percentage of on-site affordable units need only to comply with the city or county's "objective" development standards, and can bypass time-consuming and costly discretionary review processes that the Legislature found to be a key contributor to the statewide housing supply crisis."

it should be clear that adding discretion and procedures not included with SB 35 law to the SB 35 process is contradictory to its nature and intent. Now housing advocates including the State of California's Housing and Community Development Department and the City of Santa Cruz Planning Department are effectively arguing that any amount of discretion is fine as long as it facilitates the approval of a project faster, and you could try to infer that, but there's nothing specific about adding such discretion within the text of the law.

SB 35 does not say the submittal of the development may be revised, that it may be revised after review, that revisions for small changes to correct deficiencies are permitted, or that any number of revisions can be made any time and the local agency still has to meet the deadlines as described by the law. **By omission, it says the opposite, the submittal may not be revised after it is submitted. Held to the letter of the law, there are no revisions possible, the developer just resubmits once the local agency has identified all the deficiencies. Comprehensive and simple.**

It's true the courts have deferred to the state's interest in housing to facilitate the approval of projects that qualify for ministerial approval and frowned on what it calls bad faith efforts to hold projects up. It's not bad faith to follow the letter of the law.

Now if the deficiencies on the 1st submittal were minor, then on the second application submittal the local agency can consider a much expedited review for

objective planning and design standards. The law clearly states for example, "Within 90 days of submittal" which permits a review earlier than 90 days and this language is consistent for all the time frames and types of review in the law. In this way, the local agency can follow the SB 35 legal process and control the review process. This is good faith to all parties, developers, City staff, and the public. The time taken isn't far off what the City already planned. It's easy to understand, easy to manage, and compliant with the law.

Once the City develops some experience they can even target earlier review dates for 1st submittals to speed the process up even further if so inclined.

The process outlined above is a vast improvement on the City's policy which would permit as many revisions as the developer would like and hold the City to the legal time frames unless the developer volunteered otherwise. It's also completely compliant with the law.

## **Details**

### **Inaccurate**

1. Application Sheet BG2.0 The base project was abandoned and shouldn't even be on the revised application.
2. Application Sheet B1.1: It's impossible for the 20 foot wide fire access to be constructed 20 feet wide as currently shown as the 20 foot width shown for the fire access would have to include a physical barrier between the fire access and the back of sidewalk. The plans are so schematic as to not know the exact dimensions and extent of this error or omission.

### **Incomplete**

If a project can not be reviewed to determine whether it meets objective standards then it must be rejected.

3. A topographic survey of the site and the intersection of Water and Branciforte and at least an additional 50 feet in each direction on its own sheet without anything else. The topographic survey must include existing curbs, gutters, sidewalk, striping, landscaping, poles, signs and the existing right of way on both sides of the street should be shown.  
This allows an evaluation of the existing right of way and existing improvements vs the right of way and improvements required to comply with City standards.
4. Insufficient information is presented to directly determine if the half width street improvements meet standards for both roads and roadside improvements

fronting the project. Plan view sheets should show dimensions. Dimensions should be provided for travel lane width, bike lane width, curb and gutter width, sidewalk width, bus turnout standards, bus shelter pad standards. Water Street is an arterial. Branciforte is a collector. It's impossible to tell if either road fronting the project complies with City standards. The City must require that a half width of the road and roadside improvements fronting the property be brought up to objective standards for travel lane width, bike lane width, curb and gutter width, sidewalk width, bus turnout standards, bus shelter pad standards.

5. No existing or proposed typical sections, sections must be fully dimensioned and annotated.
6. No landscape plans with the application.
7. Sheet B0: Shaded areas do not have legends to be able to determine what the shading means.
8. Sheet B0.1: Legend for colors, hatching, and shading not present.
9. Sheet B0.1: The site plan is purposely schematic so it's impossible to determine the location and width of driveways at the sidewalk or if ADA requirements are met. For example the only place you see the Water Street driveway is on Sheet B1.0 and in the isometric. Sidewalk wraparounds for a driveway are required to be four feet wide.
  - a.

#### Compliance with Objective Standards

10. Sheet B0.1: There is no consideration for a bus turnout to Metro's current standards. The existing bus stop does not meet current Metro bus turnout and bus shelter pad requirements.
11. Sheet B1.0: The driveway entrance shown on Water Street is shown with returns rather than a standard driveway with ramp, wings, and a sidewalk wraparound.  
**A standard driveway shall be provided on Water Street.**
12. The fire access is required to have a standard driveway on Water Street and this will conflict with the existing curb ramps and landings.
13. The recognized standards are as follows:
  - i. ADA standards  
**The project needs to demonstrate that the existing ADA curb ramp and landing fronting the project meets current standards with respect to slope and cross slope of the landing, truncated domes dimensions and orientation, and adjacent road requirements with respect to slope.**
  - ii. Road Standards - Highway Design Manual - AASHTO  
Typical sections should be provided for both roads and at least two typical sections should be provided on Water Street, one for the



typical road and one for the road at the bus turnout bay. Each typical section should be dimensioned to show compliance with the road standards and Metro standards.

1. Travel lane width 12 feet
  2. Turn lane width 12 feet
  3. Bike lane width 5 feet
  4. Curb height 6"
  5. Sidewalk - minimum 4 feet
- iii. Standard Driveway - Concept Plan
1. Basement Floor Plan Sheet
    - a. Curb returns shown for Water Street entry are not acceptable. Standard driveway required.
- iv. Transit Standards - Santa Cruz Metro - ADA
- SB35 relies upon proximity to transit so the failure of the project to upgrade the existing transit stop on the project frontage to Metro standards is glaring. The transit stop in front of the development shall meet the local transit agency objective standards.

Per SB 35:

(B) In the event that objective zoning, general plan, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

Per General Plan:

M1.4 Ensure that sidewalks, transit centers, and major transit stops are conveniently located, usable, and accessible to all. Cf. PR1.6.3.

M1.4.1 Assure that right-of-way acquisition and street design will support pedestrian and bike improvements and transit. Cf. LU4.2.3, LU4.5, M4.1.5, CD4.2

M2.4.12 In coordination with the transit district, **require development along arterial streets to provide adequate and accessible bus shelters**, with curb cuts leading to the shelter and to destination and loading platforms. Cf. PR1.6.3.

To guide development of the General Plan, the City Council adopted the following key principle with regard to Mobility: We will provide an accessible, comprehensive, and effective transportation system that integrates automobile use with sustainable and innovative transportation options—including enhanced public transit, bicycle, and pedestrian networks throughout the community.

1. Bus turnout

Bus turnout width 12 feet

- a. Bus turnout approach 60 feet
- b. Bus turnout bay 60 feet
- c. Bus turnout departure 60 feet
- d. For the turnout, it's sufficient to demonstrate compliance with a standard by showing a turnout dashed on the existing topography and on the proposed improvement plans with the standard dimensions.

2. Boarding and alighting areas

**810.2.2 Dimensions.** *Bus stop boarding and alighting areas shall provide a clear length of 96 inches (2440 mm) minimum, measured perpendicular to the curb or vehicle roadway edge, and a clear width of 60 inches (1525 mm) minimum, measured parallel to the vehicle roadway.*

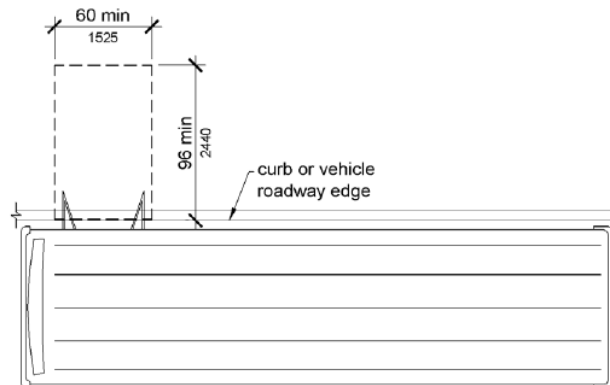


Figure 810.2.2 Dimensions of Bus Boarding and Alighting Areas

### 3. Access to boarding and alighting area

**810.3 Bus Shelters.** Bus shelters shall provide a minimum clear floor or ground space complying with 305 entirely within the shelter. Bus shelters shall be connected by an accessible route complying with 402 to a boarding and alighting area complying with 810.2.

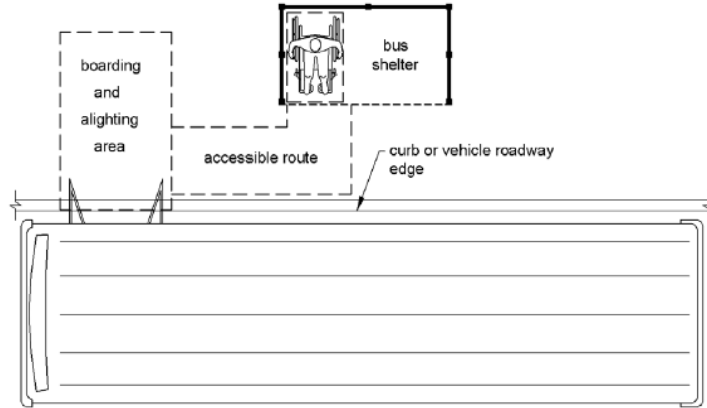


Figure 810.3 Bus Shelters

4. Bus shelter pad
  - a. behind sidewalk 8 x 12
  - b. Vertical clearance must be sufficient to allow standard bus shelter
5. Bus shelter  
Per Metro standards
6. The requirement to comply with Metro standards, particularly the vertical clearance needed to accommodate a standard bus shelter, could result in fire access being relocated. If the fire access is relocated it must meet Fire standards with respect to road

## Rosemary Balsley

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**From:** Kate Clark <kclark@cruzio.com>  
**Sent:** Wednesday, September 08, 2021 8:11 PM  
**To:** City Council  
**Subject:** 831 Water Street Development

City Council:

Please reconsider the current proposal for the monstrous development planned for 831 Water Street. While I support affordable housing, the size and scale of the proposed project is simply an affront to the neighborhood in which I live. The zoning does not allow for a building of this size; the segregated housing for affordable units promotes racism and classism; the traffic issues due to the access to the parking and impact on the neighborhood; the impact to the historical site; the shade impact on the nearby housing; all these issues must be addressed before any development.

Let's get a project we can be proud of when it is built and into the future. This current plan is NOT in the best interest of me, my neighbors, my community, and my city.

I am in opposition to the current development.

Kate Clark  
Hugus Ave  
Santa Cruz



## Rosemary Balsley

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**From:** Laura W. McFarland <laura.w.mcfarland@gmail.com>  
**Sent:** Wednesday, September 08, 2021 8:28 PM  
**To:** City Council  
**Subject:** 831 Water development proposal

Dear City Council,

I am a resident in the neighborhood that is right next to the 831 Water development proposal, and I'm also a teacher at the Branciforte Small Schools campus at 840 N. Branciforte. The traffic that drives through the intersection of Water and Branciforte is extremely dangerous. Cars absolutely fly by from all directions. (I'm still in shock that there aren't crossing guards for all the children coming to school.) To add an apartment complex with 144 units would add an absurd amount of traffic in this school zone- not to mention the neighborhood. Additional traffic lights would most certainly need to be added in order for anyone wanting to make a left turn onto Water St from the "banana belt" neighborhood.

Please do not allow the 831 Water development proposal to go any further.

Regards,

Laura McFarland  
120 Dake Ave

## Rosemary Balsley

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**From:** Victoria Tatum Wilson <vtatum@vtatum.com>  
**Sent:** Wednesday, September 08, 2021 8:49 PM  
**To:** City Council  
**Cc:** blue Wilson  
**Subject:** 831 Water St. Development

Dear City Council,

I am a longtime resident of a home on Branciforte Avenue close to Water Street, and am extremely concerned about the proposed development for 831 Water.

I am an advocate of affordable housing who spoke to the City Council about the For-the-Future-Housing Project that went up down the hill on Water Street. My husband Blue and I were instrumental not only in connecting the developer with the seller of the land, but we also successfully connected the developer with Housing Choices, which resulted in a number of units being reserved for special needs adults.

That location was suitable for a large-scale project. The top of the hill at 831 Water is not, for a number of reasons. One, two five-story building significantly impact sunlight on Belvedere Terrace, which backs up to the project. I am concerned for the sake of my neighbors who live on that street. Two, as one who cycles on errands as much as possible, I am alarmed at the prospect of an entrance/exit for 145 drivers crossing the bike lane that heads down Water. And three, if residents opt out of paying for parking and instead park for free on Belvedere Terrace and Branciforte Avenue, it will significantly impact the street parking I and my neighbors rely on.

The fact that the state of California passed a law fast-tracking affordable housing proves that the majority of voters understand the desperate need for more of it in our state. But I wonder how many of us would have voted for it if we'd known it would override our own city's regulations regarding new housing, especially in light of the fact that the SB 35 Application is nonconforming and incomplete.

With the current number of affordable housing projects in the works downtown, there is no reason the City Council should disregard the legitimate concerns of the neighbors regarding an out-of-town developer's plans for 831 Water.

Sincerely,  
Victoria T. Wilson

## **Rosemary Balsley**

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**From:** Trician Comings <triciansc1@earthlink.net>  
**Sent:** Wednesday, September 08, 2021 9:07 PM  
**To:** City Council  
**Subject:** 831 Water Street

Dear City Councilmembers,

I do not live in the immediate area of the proposed development at 831 Water St. but every time I travel by that corner by car or bike, I am aghast that this massive housing proposal would even be considered.

It is just wrong on so many levels! I won't list the many issues here, but I do agree with ALL the points the local group 831 Responsible Development has raised.

Our town can do much better than planting this monstrosity on this historic corner!  
Please do not approve it. Don't cave in to the developer's wishes.

Trician Comings  
Longtime Eastside homeowner, not a NIMBY

## Rosemary Balsley

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**From:** Jack Bowers <jbowerspiano@aol.com>  
**Sent:** Wednesday, September 08, 2021 10:38 PM  
**To:** City Council  
**Subject:** Concerns regarding 831 Development

Dear City Council Members-

I would like to express my serious concerns with the process, scale and design of the proposed 831 development at the corner of Water and Branciforte. I am not opposed to reasonable development, and take pride in living in a neighborhood [Pennsylvania and Windsor] that includes apartments, duplexes, town homes and single family units.

"831" has serious design flaws and scale issues that will cause significant problems in our near Eastside neighborhood. I request that you

1. Fully complete the required review process
2. Integrate the housing rather than segregating low income units from market rate units
3. Provide reasoned, adequate parking and garage egress that will not unduly affect all traffic [pedestrian, bicycle and motor vehicle] in the immediate neighborhood.
4. Ensure that the development will conform to the geologic needs required of this unique property.

Thank you,

Jack Bowers  
422 Windsor St.

Art is a weapon that penetrates the eyes, the ears, the deepest and subtlest human feelings.  
David Alfaro Siqueiros



**Rosemary Balsley**

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**From:** s parker <sparker740@yahoo.com>  
**Sent:** Wednesday, September 08, 2021 11:13 PM  
**To:** City Council  
**Subject:** 831 Water Street Proposal

As a Santa Cruz tax payer I am very concerned about the size and scope of the 831 project. The proposed building is oversized for the space and not in compliance with the current zoning laws. Construction in Santa Cruz is turning this beach side town into a San Jose look alike. Please reconsider the scale of this project.

With concern,

Susan Parker  
123 4th Ave  
Santa Cruz, CA

Sent from my iPhone

## Rosemary Balsley

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**From:** Juanita Usher <jau@baymoon.com>  
**Sent:** Wednesday, September 08, 2021 11:53 PM  
**To:** City Council  
**Subject:** 831 Water Street

Dear City Council — I write today to express my concerns about the overdevelopment of 831 Water Street. The lot, less than one acre, is zoned for up to 55 units per acre WHEREAS, 831 Water proposes putting 145 units on this lot. In addition, it is being proposed as a 60 foot building in a zone that requires developments to be no more than 40 feet high. How is it even possible to consider such obscene variances in the name of “progress?”

Further, I am concerned about the “fast track” nature of this project (Senate Bill 35). The City of Santa Cruz has already acknowledged that the application to develop does not satisfy the minimum SB 35 requirement. If this is the case, how can the City possibly even begin to take this project seriously.

Also, the developer proposes to segregate the low-income units from the market rate ones. This flies in the face of two City Ordinances that dictate all inclusionary affordable units are to be “dispersed throughout the development.” This same requirement is set forth in SB35 regulations.

I am a bicyclist in Santa Cruz and often use the newly installed bicycle lanes on Water Street, instead of Soquel or Broadway. They are fabulous and make me feel safe in traffic. I understand that the only proposed entrance/exit for the underground parking garage on this development runs smack in the middle of this new bike lane.

Speaking of parking — this proposed development offers a dearth of parking spaces. If one has 145 units, do the math — supposing 2 people live in each unit, and each of them drives a car. At a minimum, parking would need to be allotted at 290 spaces. AND, the developer wants to charge for parking. How does that help low income people living in 1/2 of the development? Is it presumed they will take the bus everywhere?

I urge the City Council to reject this proposed development. I urge you NOT to be cowed by the dictates of SB35. Santa Cruz City does have the voice and ability to select size-specific designs for the future of our City. I am FOR providing low income housing, but this proposed design segregates rich from poor and does not follow Zoning laws in effect.

The project does not belong at the site suggested. Period. Please listen to those that elected you and respect our voices. Send this project back to the proverbial drawing board.

Thank you, Jane Usher, 422 Windsor Street.

## Rosemary Balsley

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**From:** Vita Hall <vitahall@gmail.com>  
**Sent:** Thursday, September 09, 2021 5:28 AM  
**To:** City Council  
**Subject:** 831 Water St. Santa Cruz Opposing this development

Reasons below : But mostly this scale of development is so uncharacteristic of Santa Cruz and makes me soooooo sad to see this. I was born here and I still live here. Its awful what my city is starting to look like!!

- Why is the city even officially assessing an application that does not even satisfy the minimum SB 35 requirement — of "50% or more affordable units"? [The City has posted acknowledgment](#) of this nonconformity. The City of San Francisco has set a process that makes this situation stop the application until the applicant submits a new conforming application; and then the timeline starts over again.
- How can we adequately assess an application that is also obviously incomplete beyond the requisite affordability numbers?
- The elaborate table in the old/replaced application showed how the developer felt they fulfilled the specific objective standards they identified with their building design and relative specifics, as well as the SB 35 requirements. That old application had different unit counts, parameters/massing, setbacks, etc., so it cannot be used to measure the new application against any identified standards/requirements.
- The new application is missing this needed table or similar explanation of fulfillment of the standards/requirements. Without it, how can the City, the public, or any other reasonable person be able to assess it?

**2. Mass / Scale / Density:** This development would be 145 units on less than one acre, in zoning that is only supposed to allow up to 55 units per acre. It would also be 60 feet tall and take up almost the entire lot that is zoned for only 40 feet tall and should include more open space for any new residents. Loopholes in the density bonus and new state laws are allowing developers to try to build much larger and denser than is healthy for our community.

**3. Segregated Housing:** This development segregates affordable units from market rate unit in two separate buildings, promoting classism and racism; we cannot allow the development patterns in society to perpetuate this segregation. Two City Ordinances dictate that all inclusionary affordable units are to be "dispersed throughout the development." This includes our Inclusionary Ordinance as well as our Density Bonus Ordinance. It is also a requirement for the affordable units found in SB 35's regulations per the state's Department of Housing and Community Development.

**4. Cyclists — Public Safety:** The only proposed entrance/exit for the underground parking garage poses an unusually unsafe situation for cyclists riding down the new protected bike lane on Water Street. If we want to build a more cyclist and pedestrian oriented City, dangerous proposals like this cannot be approved.

**5. Traffic — Public Health:** Traffic already backs up at the intersection of N. Branciforte Avenue and Water Street. Adding this much population density to such a small lot will dramatically increase this. And it's not just the density,

the only entrance/exit is on Water Street where the center divide will force everyone entering and exiting the property to make U-turns to access the property, depending on which way motorists are heading. Traffic has been linked to dangerous air quality and many other negative health impacts.

**6. Historical / Archeological:** The Villa de Branciforte holds significant yet largely ignored historical and archeological significance for the City, the County (originally named Branciforte County) and the State. Potential buried structures/foundations and artifacts from that era must be protected and the presence of which should disqualify the development for SB 35 approval. The Villa had a completely different culture than the Santa Cruz Mission town. Native Americans and Mestizos were allowed to vote in the Villa and some even held office. This is in stark contrast to the secular and controlled society at the Mission, where huge numbers of Natives perished. For being such a small strip of town with huge historical significance for the entire State, the old Villa de Branciforte area needs to be treated with great archeological care during any deep excavation that would completely remove the [historical Bolcoff Hill](#) for a two level underground parking garage.

**7. Building Safety / Earthquakes — Public Safety:** This site is on a hill with a slope of more than 30 degrees and with very specific geography. The type of soil is loose and crumbly with chunks cracking and falling along the retaining wall on Water Street. Santa Cruz is in an area with six major faults surrounding us, and the Ben Lomond Fault going straight through our City.

- Unfortunately, SB 35 only restricts developments within areas in which the State Geologist has published official maps showing them as delineated earthquake fault zones. Unfortunately "no data" has been officially applied to the entire area of our City on the official maps, even though the fault activity map on the State's [geological survey](#) shows a ton of faults. If you go to our City's address on this map and zoom out, you will see many faults and we know first hand that our City is prone to plenty of damage due to earthquakes.
- The oversight of our City not yet having adequate data on the State Geologist's site should not be allowed to result in improperly constructed large developments throughout our City that don't get the proper EIR/CEQA process that could mitigate such dangers by requiring earthquake retrofitting in the design.

**8. Standing Water — Public Health:** This site is hydrologically challenged due to its geography. During wet-weather months, water is trapped above the substrata of mudstone and pools in the neighborhoods north of Water Street as it runs down from Delaveaga. Water Street gets its name because water constantly seeps through the retaining wall at this site. If the developer is allowed to put in a concrete two-level underground garage, it will create a "dam" along the entire north side of this long, narrow lot. That poses a considerable threat to homes, as well as a public health issue, coupled with the shading from these tall buildings. Standing water + total shade (see below) = toxic mold.

**9. Shade — Public Health:** The 60-foot height of this development would cast shade on many nearby homes; during the winter, many would see zero direct sun for the entire day. This is linked to depression (Seasonal Affective Disorder). It could also cause serious illness due to toxic mold when those properties would have neither the drying warmth, nor UV sterilization from the sun during the wet time of the year.

**10. Parking:** This site does not provide the required amount of parking for the density of housing proposed and only a couple parking places for their commercial retail. On top of that, the parking will be expensive for the residents and



paid for separately (uncoupled) which poses an extra strain on new residents needing affordable housing. This will cause many residents and commercial patrons to park elsewhere, greatly impacting neighboring streets.

**11. Open Space / Privacy:** Green open space is part of our development standards and crucial to include in any development for physical health, mental health and well being of residents, as well as the air-scrubbing needed from plants to mitigate the huge increase in population density and associated traffic. Besides a couple of very small strips, the only open space proposed for this development is the rooftop, where people will be able to look down directly into the yards and homes of the neighboring community.

**12. Cumulative Impacts:** Large developments are already permitted all over the City and more are being proposed. The cumulative impacts on our community are not being discussed and the crucial infrastructure needed to support such density is not being adequately addressed. We are already over our carrying capacity for many necessities, such as water (with no end to our global warming-perpetuated drought in sight).

--

Vita Hall  
Coldwell Banker Real Estate  
Global Luxury Specialist  
650-823-9248  
[www.vitahall.com](http://www.vitahall.com)  
CADRE 01262611

## Rosemary Balsley

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**From:** Norene Huber <jnhuber6@gmail.com>  
**Sent:** Thursday, September 09, 2021 7:43 AM  
**To:** City Council  
**Subject:** 831 Water St.

Although I am all for providing more affordable housing, I am completely baffled by why the city is officially assessing an application that doesn't even meet the criteria of the SB35 minimum requirement of 50% or more affordable units.

Please follow the example of San Francisco, which has set a process that makes this situation stop the application until the applicant submits a new conforming application, at which time the timeline starts over again.

Thank you for your consideration.

JN Huber

**From:** [Curt Coleman](#)  
**To:** [City Council](#)  
**Subject:** 831 Water Street Application  
**Date:** Thursday, September 09, 2021 7:52:28 AM

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Dear Council Members,

Please do not approve the proposed 831 Water Street project. The height of the building is incompatible with the neighborhood, particularly for the residents on Belvedere immediately behind the property. I also object to the segregated sections. And I worry about the small number of parking spaces, the lack of open space, and having to provide water for so many units. Please have the developer go back to the drawing board and create a smaller, integrated plan.

Thanks for your service,

Curt Coleman  
Santa Cruz City Resident

## **Rosemary Balsley**

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**From:** Rossana Bruni <rossanabruni@yahoo.com>  
**Sent:** Thursday, September 09, 2021 8:28 AM  
**To:** City Council  
**Subject:** Water St. Development at Branciforte

Hello City Council Members,

I am a homeowner near the proposed project. My home is at 173 Belvedere Terrace. It is a four unit development of which I am the Secretary of the Homeowner Association. The fire safety of our development is dependent on a gate that fire trucks can pass through between our 4 homes and the shopping center. The proposed development COMPLETELY IGNORES THE FIRE SAFETY GATE, and proposes that buildings be built there in it's stead, completely ignoring our needs.

Additionally, I am in favor of affordable housing on this site, however, the project is out of scale with the neighborhood.

Please ensure the integrity and fire safety of this neighborhood.  
thank you,  
Rossana



## Rosemary Balsley

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**From:** Tom Voorhees <tommedia101@gmail.com>  
**Sent:** Thursday, September 09, 2021 9:33 AM  
**To:** City Council  
**Subject:** 831 Water St. development

Hello City Council Santa Cruz,

I'm writing to express opposition to the development proposed at 831 Water St. development. There are a number of issues that are wrong with this development for that lot/space and neighborhood. The safety aspect for pedestrians and bicyclists is a major concern and should be addressed by rejecting the current plan and sending it back to be rewritten. Also I find it inappropriate for the city to develop new housing without integrating the housing for lower income/more affordable housing, this should be done as agreed by the council to satisfy minimum SB 35 requirements! It is outrageous that the plan could be approved in its current state as it promotes racial and class division. In addition the scale of the project is not in the best interest of the neighborhood and its citizens or visitors due to the fact that it does not provide any open space for the public, enough parking for the expected traffic and is inappropriate for the neighborhood when considering the history and size of existing buildings.

I urge the city council to reject this proposal and send it back to be rewritten to meet the needs of the people in this neighborhood.

Tom Voorhees

## Rosemary Balsley

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**From:** MargaretJade W <margaretjadewilson@gmail.com>  
**Sent:** Thursday, September 09, 2021 9:42 AM  
**To:** City Council  
**Subject:** Safety questions regarding 831 Water project.

Dear City Council,

I want to thank you all for taking the time to address the community's questions and concerns regarding the 831 Project.

I am writing as I participated in last month's meeting, and am hoping for more robust answers to a few questions and concerns regarding the project. I hope my writing of the questions before the anticipated City Council meeting on 9/14/21 will allow for more elaborate explanations at the meeting as well.

With the anticipated 145 units at the corner of North Branciforte and Water Streets, I'm wondering specifically how does the City of Santa Cruz plan to manage the traffic, parking, safe bikeways, and initiate more robust public transportation options to accommodate the influx of residents, and their cars (as the limited, charged/stacked parking is likely not a popular option- certainly in low income housing). I am wondering what solutions/creative ideas will the City offer while waiting for 2040 AMBAG MTP/SCS plan to be open? How do we make the new housing add value and not stress our transportation, bikeways, parking areas and congest the traffic?

Primarily, I very concerned about the safety issue regarding delivery/emergency trucks not having the ability to turn around in the 831 Project's current plan for a small parking lot. As I understand it, delivery trucks (which we can expect will be frequent at any large building) will be forced to back up into busy traffic lanes. This is so worrisome, as it is already a busy traffic intersection, and having trucks being forced to back up or "emergency park" in the bike lane, nearby a school, with small children walking and biking is just a disaster waiting to happen... As such it is my opinion that it is way too dangerous for such a big building to not have a turnaround/roundabout.

If needed, I believe the building size should be adjusted/shrunk to allow for a proper truck turnaround to encourage and promote safe trucking, parking, bussing, and walking/biking nearby.

Additionally, I would hope a bus pull-out on Water Street could be constructed/expedited with the 831 project's construction (as a lack of one - will lead to further traffic plugs, and more dangers for bikers and car traffic).

I kindly thank you for your time and consideration, and if you have any further questions, please let me know.

Take care, Margy Wilson

M. Wilson (831) 359-2817

**From:** Eric Harris <eharris101@hotmail.com>  
**Sent:** Thursday, September 09, 2021 10:04 AM  
**To:** City Council  
**Subject:** Opposition to 831 Water Street

### 1. Incomplete SB 35 Application:

- Why is the city even officially assessing an application that does not even satisfy the minimum SB 35 requirement — of “50% or more affordable units”? [The City has posted acknowledgment](#) of this nonconformity. The City of San Francisco has set a process that makes this situation stop the application until the applicant submits a new conforming application; and then the timeline starts over again.
- How can we adequately assess an application that is also obviously incomplete beyond the requisite affordability numbers?
- The elaborate table in the old/replaced application showed how the developer felt they fulfilled the specific objective standards they identified with their building design and relative specifics, as well as the SB 35 requirements. That old application had different unit counts, parameters/massing, setbacks, etc., so it cannot be used to measure the new application against any identified standards/requirements.
- The new application is missing this needed table or similar explanation of fulfillment of the standards/requirements. Without it, how can the City, the public, or any other reasonable person be able to assess it?

**2. Mass / Scale / Density:** This development would be 145 units on less than one acre, in zoning that is only supposed to allow up to 55 units per acre. It would also be 60 feet tall and take up almost the entire lot that is zoned for only 40 feet tall and should include more open space for any new residents. Loopholes in the density bonus and new state laws are allowing developers to try to build much larger and denser than is healthy for our community.

**3. Traffic — Public Health:** Traffic already backs up at the intersection of N. Branciforte Avenue and Water Street. Adding this much population density to such a small lot will dramatically increase this. And it's not just the density, the only entrance/exit is on Water Street where the center divide will force everyone entering and exiting the property to make U-turns to access the property, depending on which way motorists are heading. Traffic has been linked to dangerous air quality and many other negative health impacts.

**4. Historical / Archeological:** The Villa de Branciforte holds significant yet largely ignored historical and archeological significance for the City, the County (originally named Branciforte County) and the State. Potential buried structures/foundations and artifacts from that era must be protected and the presence of which should disqualify the development for SB 35 approval. The Villa had a completely different culture than the Santa Cruz Mission town. Native Americans and Mestizos were allowed to vote in the Villa and some even held office. This is in stark contrast to the secular and controlled society at the Mission, where huge numbers of Natives perished. For being such a small strip of town with huge historical significance for the entire State, the old Villa de Branciforte area needs to be treated with great archeological care during any deep excavation that would completely remove the [historical Bolcoff Hill](#) for a two level underground parking garage.

**5. Building Safety / Earthquakes — Public Safety:** This site is on a hill with a slope of more than 30 degrees and with very specific geography. The type of soil is loose and crumbly with chunks cracking and falling along the retaining wall on Water Street. Santa Cruz is in an area with six major faults surrounding us, and the Ben Lomond Fault going straight through our City.

- Unfortunately, SB 35 only restricts developments within areas in which the State Geologist has published official maps showing them as delineated earthquake fault zones. Unfortunately “no data” has been officially applied to the entire area of our City on the official maps, even though the fault activity map on the State's [geological survey](#) shows a ton of faults. If you go to our City's address on this map and zoom out, you will see many faults and we know first hand that our City is prone to plenty of damage due to earthquakes.



- The oversight of our City not yet having adequate data on the State Geologist's site should not be allowed to result in improperly constructed large developments throughout our City that don't get the proper EIR/CEQA process that could mitigate such dangers by requiring earthquake retrofitting in the design.

**6. Standing Water — Public Health:** This site is hydrologically challenged due to its geography. During wet-weather months, water is trapped above the substrata of mudstone and pools in the neighborhoods north of Water Street as it runs down from Delaveaga. Water Street gets its name because water constantly seeps through the retaining wall at this site. If the developer is allowed to put in a concrete two-level underground garage, it will create a "dam" along the entire north side of this long, narrow lot. That poses a considerable threat to homes, as well as a public health issue, coupled with the shading from these tall buildings. Standing water + total shade (see below) = toxic mold.

**7. Shade — Public Health:** The 60-foot height of this development would cast shade on many nearby homes; during the winter, many would see zero direct sun for the entire day. This is linked to depression (Seasonal Affective Disorder). It could also cause serious illness due to toxic mold when those properties would have neither the drying warmth, nor UV sterilization from the sun during the wet time of the year.

**9. Parking:** This site does not provide the required amount of parking for the density of housing proposed and only a couple parking places for their commercial retail. On top of that, the parking will be expensive for the residents and paid for separately (uncoupled) which poses an extra strain on new residents needing affordable housing. This will cause many residents and commercial patrons to park elsewhere, greatly impacting neighboring streets.

**10. Open Space / Privacy:** Green open space is part of our development standards and crucial to include in any development for physical health, mental health and well being of residents, as well as the air-scrubbing needed from plants to mitigate the huge increase in population density and associated traffic. Besides a couple of very small strips, the only open space proposed for this development is the rooftop, where people will be able to look down directly into the yards and homes of the neighboring community.

**12. Cumulative Impacts:** Large developments are already permitted all over the City and more are being proposed. The cumulative impacts on our community are not being discussed and the crucial infrastructure needed to support such density is not being adequately addressed. We are already over our carrying capacity for many necessities, such as water (with no end to our global warming-perpetuated drought in sight).

Please do not add this development to move forward and become yet another bad policy decision by City Council

Eric Harris

## **Rosemary Balsley**

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**From:** Gary <garyhughes@earthlink.net>  
**Sent:** Thursday, September 09, 2021 10:15 AM  
**To:** City Council

I wish to express my opinion to the 831 Water project. I do not live in that neighborhood, but do feel that it will be a negative addition to our area and cause undue crowding and traffic that affects us al, not to mention a strain on the water system that is already inadequate for our needs.l.

Gary Hughes  
Paget Ave.

## **Rosemary Balsley**

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**From:** Liz Pollock <slgspoll@cruzio.com>  
**Sent:** Thursday, September 09, 2021 10:30 AM  
**To:** City Council  
**Subject:** Re: 831 Water St. Project

Dear City Councilmembers,

I urge the city council to vote No on the 831 Water St. Project.

By navigating the SB 35 Building Code, the developer's attempt to sneak in this proposal during a worldwide pandemic (!) is purely sinister.

For almost two years now, most of our attention has been upon our family's health and welfare; both local residents and city staff have been and are still working from home. We can only watch and listen to presentations on Zoom (which cannot fully be considered open or standard public proceedings.) More information is needed and more available to a wider audience; this huge project warrants a closer inspection. All of the fine citizens of Santa Cruz should be aware of this proposal's future impact upon one of the oldest and most historic neighborhoods.

With a design looking like a glorified prison (with its cell-size bedrooms) the 831 Water St. Project should not be forced upon this city - in the middle of a worldwide pandemic! Vote No.

Thank you,  
Liz Pollock  
1121 No. Branciforte Ave.  
Santa Cruz, CA 95062-1013  
831.251.9218

## **Rosemary Balsley**

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**From:** Steve Lawton <steve@otterbbooks.com>  
**Sent:** Thursday, September 09, 2021 10:34 AM  
**To:** City Council  
**Subject:** 831 Water Street

Councilpersons -

The proposed development for 831 Water Street is inappropriate for all the reasons that you have had described to you. The fact that you would even consider such an abomination is a mark against good governance.

Steve Lawton  
1891 16th Avenue  
Santa Cruz



## Rosemary Balsley

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**From:** Stacey Naman Grant <yecats7757@gmail.com>  
**Sent:** Thursday, September 09, 2021 10:35 AM  
**To:** City Council  
**Subject:** 831 Res dev. concern

Dear City Council,

I am among the very many concerned citizens who oppose the Water St. construction proposal.

As a native Santa Cruz-an and one who NEVER left this town these past 64 years of mine, I am happy to embrace change and such, BUT this particular project has me concerned for all the reasons that the concerned citizens have studied and shared with neighbors/community.

I grew up in this 'hood....walking the length of Branciforte Ave. to B-40 Elementary school, often remembering on the way my dad telling me how the road used to be a horse racetrack! (we found many horseshoes on our property in the '50's).

All this to say I love the preservation of history while also acknowledging the need for growth and change.... (as a kid I hated it when Water St. was widened, then later as an adult driver, was grateful for it!)

However, the 831 project seems OVER the TOP inappropriate.  
This letter is sent to you to plead for reconsideration of its approval.

Thank you for your time and effort.

Fondly,  
Stacey Naman Grant

## Rosemary Balsley

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**From:** edward bailey <gev73a2lxq7@gmail.com>  
**Sent:** Thursday, September 09, 2021 12:33 PM  
**To:** City Council  
**Subject:** 831 Water Street

I want to let the Council know that I support affordable housing — and support it on the 831 Water Street site. But I also must let them know that the size and scale of the current proposal is not at all acceptable to the citizens who elected them. 145 units on less than one acre — in zoning that allows up to 55 units per acre — is detrimental to planning and development for a sustainable and healthy City that values the health and safety of its current and future residents. just finally learn that you are destroying this city. housing costs are ridiculous and the homeless management non-existent. when are you going to learn?!?  
ed bailey  
lower broadway where the homeless have taken over.

## Rosemary Balsley

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**From:** Jeff Sturgis <jeffsturgis@gmail.com>  
**Sent:** Thursday, September 09, 2021 1:03 PM  
**To:** City Council  
**Subject:** 831 Water St, Issues and Concerns

This project needs to be reconsidered, 145 units on less than one acre — in zoning that allows up to 55 units per acre — is detrimental to planning and development for a sustainable and healthy City that values the health and safety of its current and future residents.

Issues:

**1. Incomplete SB 35 Application:** The City should officially respond to the applicant in writing, deeming the fast-track application as non-conforming and incomplete.

- Why is the city even officially assessing an application that does not even satisfy the minimum SB 35 requirement — of "50% or more affordable units"? [The City has posted acknowledgment](#) of this nonconformity. The City of San Francisco has set a process that makes this situation stop the application until the applicant submits a new conforming application; and then the timeline starts over again.
- How can we adequately assess an application that is also obviously incomplete beyond the requisite affordability numbers?
- The elaborate table in the old/replaced application showed how the developer felt they fulfilled the specific objective standards they identified with their building design and relative specifics, as well as the SB 35 requirements. That old application had different unit counts, parameters/massing, setbacks, etc., so it cannot be used to measure the new application against any identified standards/requirements.
- The new application is missing this needed table or similar explanation of fulfillment of the standards/requirements. Without it, how can the City, the public, or any other reasonable person be able to assess it?

**2. Segregated Housing:** This development segregates affordable units from market rate unit in two separate buildings, promoting classism and racism; we cannot allow the development patterns in society to perpetuate this segregation. Two City Ordinances dictate that all inclusionary affordable units are to be "dispersed throughout the development." This includes our Inclusionary Ordinance as well as our Density Bonus Ordinance. It is also a requirement for the affordable units found in SB 35's regulations per the state's Department of Housing and Community Development.

**3. Standing Water — Public Health:** This site is hydrologically challenged due to its geography. During wet-weather months, water is trapped above the substrata of mudstone and pools in the neighborhoods north of Water Street as it runs down from Delaveaga. Water Street gets its name because water constantly seeps through the retaining wall at this site. If the developer is allowed to put in a concrete two-level underground garage, it will create a "dam" along the entire north side of this long, narrow lot. That poses a considerable threat to homes, as well as a public health issue, coupled with the shading from these tall buildings. Standing water + total shade (see below) = toxic mold.

**4. Shade — Public Health:** The 60-foot height of this development would cast shade on many nearby homes; during the winter, many would see zero direct sun for the entire day. This is linked to depression (Seasonal Affective Disorder). It could also cause serious illness due to toxic mold when those properties would have neither the drying warmth, nor UV sterilization from the sun during the wet time of the year.



## **Rosemary Balsley**

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**From:** Joan Gilbert Martin <joan@baymoon.com>  
**Sent:** Thursday, September 09, 2021 1:11 PM  
**To:** City Council  
**Cc:** Mike Ferry; Lee Butler; Samantha Haschert; Eric Marlatt; Sarah Neuse; Matthew VanHua  
**Subject:** Correction

A correction to my recent letter regarding 831 Water Street: Of course I meant a U-turn is required both to enter from and exit to the West from the underground garage.

Mea Culpa

Joan Gilbert Martin

## Rosemary Balsley

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**From:** yarmi74 <yarmi74@netscape.net>  
**Sent:** Thursday, September 09, 2021 2:00 PM  
**To:** City Council  
**Subject:** OPPOSED: 831 Water Street application (RE: City Council Meeting scheduled for Tuesday, September 14)

We are in support of affordable housing — specifically, even, on the 831 Water Street site — but opposed to the project at 831 Water Street as currently proposed, as it is detrimental to sustainable development in a City that values the health and safety of present and future residents. There are several specific issues:

**1. Incomplete SB 35 Application:** This application does not even satisfy the minimum SB35 requirement of “50% or more affordable units,” a [non-conformity publicly acknowledged by the City of Santa Cruz](#). The elaborate table in the old/replaced application had different unit counts, parameters/massing, setbacks, etc., so it cannot be used to measure the new application against any identified standards/requirements. The new application is missing this needed table or similar explanation of fulfillment of the standards/requirements. Without it, no one (whether City of Santa Cruz or the public) can assess the application properly. The applicant should be required to submit a new conforming application.

**2. Public Safety — Building Safety/Earthquakes:** This site is on a hill with a slope of more than 30 degrees and with very specific geography. The type of soil is loose and crumbly with chunks cracking and falling along the retaining wall on Water Street in a City surrounded by six major faults, and bisected by the Ben Lomond Fault.

- Unfortunately, SB 35 only restricts developments within areas in which the State Geologist has published official maps showing them as delineated earthquake fault zones. Unfortunately, “no data” has been officially applied to the entire area of our City on official maps, even though the fault activity map on the State’s [geological survey](#) shows several faults, some of which have obviously caused plenty of earthquake damage.
- The oversight of our City not yet having adequate data on the State Geologist’s site should not be allowed to result in improperly-constructed, large developments throughout our City without proper EIR/CEQA procedures that could mitigate such dangers by requiring earthquake retrofitting.

**3. Cumulative Impacts:** Large developments are already permitted all over the City and more are being proposed. The cumulative impacts on our community are not being discussed and the crucial infrastructure needed to support such density is not being adequately addressed. We are already over our carrying capacity for many necessities such as water, with no end to the current climate-change induced drought in sight.

**4. Mass / Scale / Density:** This development would be 145 units on less than one acre, in zoning that is only supposed to allow up to 55 units per acre. It would also be 60 feet tall and take up almost the entire lot that is zoned for only 40 feet tall and should include more open space for any new residents. Loopholes in the density bonus and new state laws should not allow construction much larger and denser than is healthy for our community.

**5. Open Space / Privacy:** Green open space is part of our development standards and crucial to include in any development for physical health, mental health and well being of residents, as well as the air-scrubbing needed from plants to mitigate the huge increase in population density and associated traffic. Besides a couple of very

small strips, the only open space proposed for this development is the rooftop, where people will be able to look down directly into the yards and homes of the neighboring community.

- The “Corridors Plan,” shelved due to the disproportionately high impact it would have had on city residents east of the river, acknowledged the city’s responsibility to older neighborhoods. The 831 Water Street project *is not faithful to the guidelines expressed in that plan*, violating the clear guidance from City Council to city staff to “preserve and protect residential neighborhood areas and existing City businesses, as the City’s highest-level policy priority” [City Council minutes, August 27, 2019].

**6. Parking:** This site does not provide the required amount of parking for the density of housing proposed and only a couple parking spaces for their commercial retail. On top of that, the parking will be expensive for its own residents and paid for separately (uncoupled) which poses an extra strain on new residents needing affordable housing. This will cause many residents and commercial patrons to park elsewhere, greatly impacting neighboring streets.

**7. Public Safety — Cyclists:** The only proposed entrance/exit for the underground parking garage poses an unusually unsafe situation for cyclists riding down the new protected bike lane on Water Street. If we want to build a more cyclist- and pedestrian-oriented City, dangerous proposals like this cannot be approved.

**8. Public Health & Safety — Traffic:** Traffic already backs up at the intersection of N. Branciforte Avenue and Water Street. Adding this much population density to such a small lot will dramatically increase this. And it’s not just the density, the only entrance/exit is on Water Street where the center divide will force everyone entering and exiting the property to make U-turns to access the property, depending on which way motorists are heading. Traffic has been linked to dangerous air quality and many other negative health impacts.

**9. Public Health — Standing Water:** This site is hydrologically challenged due to its geography. During wet-weather months, water is trapped above the substrata of mudstone and pools in the neighborhoods north of Water Street as it runs down from Delaveaga. Water Street gets its name because water constantly seeps through the retaining wall at this site. If the developer is allowed to put in a concrete two-level underground garage, it will create a “dam” along the entire north side of this long, narrow lot. That poses a considerable threat to homes, as well as a public health issue, coupled with the shading from these tall buildings. Standing water + total shade (see below) = toxic mold.

**10. Public Health — Shade:** At 6 stories (including a walled rooftop garden), the proposed project is unthinkableably large, towering over the neighboring residential street (Belvedere Terrace), and even over other housing projects recently developed in the vicinity (e.g., Water Street Apartments and Breakers Apartments). The 60-foot height of this development would cast shade on many nearby homes; during the winter, many would see zero direct sun for the entire day. This is linked to depression (Seasonal Affective Disorder). It could also cause serious illness due to toxic mold when those properties would have neither the drying warmth, nor UV sterilization from the sun during the wet time of the year.

**11. Segregated Housing:** Two City Ordinances dictate that all inclusionary affordable units are to be “dispersed throughout the development.” This includes our Inclusionary Ordinance as well as our Density Bonus Ordinance. It is also a requirement for the affordable units found in SB 35’s regulations per the state’s Department of Housing and Community Development; however, the proposed project segregates affordable units from market rate units in separate buildings, promoting classism and racism; we cannot allow the development patterns in society to perpetuate this segregation.

**12. Historical / Archeological:** The Villa de Branciforte holds significant yet largely-ignored historical and archeological significance for the City, the County (originally named Branciforte County) and the State. Potential buried structures/foundations and artifacts from that era must be protected and the presence of which should disqualify the development for SB 35 approval. The Villa had a completely different culture than the Santa Cruz Mission town. Native Americans and Mestizos were allowed to vote in the Villa and some even held office. This is in stark contrast to the secular and controlled society at the Mission, where huge numbers of Natives perished. For being such a small strip of town with huge historical significance for the entire State, the old Villa de Branciforte area needs to be treated with great archeological care during any deep excavation that would completely remove the [historical Bolcoff Hill](#) for a two-level underground parking garage.

The size and scale of the project at 831 Water Street is clearly not compatible with this area of our City.

Thank you for your time and consideration,

The Thompsons, 208 Elk Street, Santa Cruz



## Rosemary Balsley

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**From:** terilynn decker <2winless@gmail.com>  
**Sent:** Thursday, September 09, 2021 2:37 PM  
**To:** City Council  
**Subject:** 832 Water Street Anomaly

Dear city Counsel:

My name is Terilynn Decker. I have lived i Santa Cruz for almost 40years. And I lived in various parts of Santa Cruz in that amount of time and I'm also been educated here. Beyond my high School years. The last place I lived before moving to Watsonville where I live now was in the area of the proposed project. I want you to know that I support affordable housing — and support it on the 831 Water Street site. But you also must know that the size and scale of the current proposal is not at all acceptable to the citizens who elected them. 145 units on less than one acre — in zoning that allows up to 55 units per acre — is detrimental to planning and development for a sustainable and healthy City that values the health and safety of its current and future residents. There are and will be plenty of future places to build desirable units on equal equally desirable properties. That project is just too big to be to this scale is just too big for the area it's massive it's unattractive it's there's too much building! Thank you for your time today and I'll see you at the next counsel meeting!!

Kind regards,

Terilynn Decker

Ladyship Publishing LLC

terilynn decker n Nina n Jazko (MSD)

## Rosemary Balsley

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**From:** John Hall <jhall5@ucsc.edu>  
**Sent:** Thursday, September 09, 2021 3:09 PM  
**To:** City Council  
**Subject:** Consideration of the 831 project

Dear Members of the City Council:

After detailed examination, I have come to the conclusion that the 831 development project is incomplete in its specifications, and therefore should not be considered for approval by any ministerial process involving a City authority or the City Council.

Over and above these problems, which could easily entangle the City in lawsuits, the proposed project has a number of straightforward planning problems in its own terms. As the opponents of the project have made clear, they are not opposed to affordable housing and they are not opposed to a project at the proposed site. However, they ask for a reasonable proposal that will not have substantial negative impacts on traffic circulation, safety and other considerations.

I hope and trust that you will take these concerns seriously and be very careful about whether and how you proceed in relation to this proposal.

Thank you in advance for your hard work and for your consideration,

John Hall

[John R. Hall](#)  
Research Professor of Sociology  
University of California - Santa Cruz and Davis  
"Climate change, apocalypse, and the future of salvation," 2021  
<https://sociology.ucsc.edu/about/directory-emeriti.php?uid=jhall5>  
<https://ucdavis.academia.edu/JohnHall>

**Rosemary Balsley**

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**From:** Ellen L Mc Carthy <mccarthymckoy@sbcglobal.net>  
**Sent:** Thursday, September 09, 2021 3:06 PM  
**To:** City Council  
**Subject:** [CAUTION: Verify Sender Before Opening!] 831 Water Street Proposal  
**Attachments:** 9 Sep 2021.docx

Please enter the attached letter in the record regarding the proposed development.

Thank you

9 Sep 2021

To:

Santa Cruz City Council  
Santa Cruz City Planning  
800 Center Street  
Santa Cruz, CA

From:

Thomas H. McKoy  
1113 N. Branciforte Ave  
Santa Cruz, CA

Dear Sirs/Madams,

I am writing to strenuously urge you to reject the currently proposed Novin Development plans for 831 Water Street. The reasons for my position are the following:

The proposed location is already a traffic hazard. It backs up frequently along Water Street and the addition of the proposed complex and proposed ingress and egress will only worsen the situation. The city has invested a good deal of money to improve pedestrian crosswalks and bicycle lanes. The proposed development runs counter to those investments .

The notion that some percentage of the residents will not own automobiles or have visitors who own automobiles is at best magical thinking. The historic nature of our neighborhood is such that many of the garages are narrow single-car garages. People often park on the street. Households often own more than one automobile. The neighborhood would be profoundly impacted by the additional vehicles which would certainly accompany the currently proposed design. The proposed permit process does not expand the available curb space. The access to public transportation as a rationale for limiting the number of automobiles does not address reality in our city. Few people actually ride the bus and currently seating is limited due to Covid restrictions. Those Covid restrictions are not going away soon.

The size of the smaller units as envisioned by the architects is too small to house a two or three person family in any sort of comfort. During the last Zoom call related to this development the architect stated the units will be the size of two parking spaces. This is insufficient for a permanent living situation.

Recognizing that there is insufficient housing in Santa Cruz, we who have been cutting back on our water usage for years resent the results of our stewardship being used to justify the permitting and construction of hundreds of new housing



units in our city. There is no way of predicting how long the current drought will last. The assurances by the water department of sufficient water supply do not take into account the impact of unknown future weather patterns.

Finally, the proposed design and size of the development are much too large for the lot size or fitting in with the surrounding neighborhood. The developer has made minor changes to the design but those changes do nothing to mitigate the boldfaced ugliness or size inherent in the proposal. There is nothing in the developer's portfolio to indicate they possess the imagination required for an attractive right-sized development, however one would hope a rejection of the currently proposed development would give them the opportunity to create a smaller design that actually takes into account the historic nature and architectural appeal of the neighborhood.

Thomas McKoy

## Rosemary Balsley

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**From:** Todd Pinsky <toddcofa@gmail.com>  
**Sent:** Thursday, September 09, 2021 4:24 PM  
**To:** City Council  
**Subject:** 831 Water St. project

I am writing to voice my opposition to this project. I support affordable housing, but this project is not acceptable for many reasons which have been clearly articulated.

Personally, as a resident in this neighborhood, I have significant concerns about the density, the parking, and the traffic (nuisance and especially safety). At one point I heard it described as "public transit friendly," but it doesn't seem there's been much planning for Metro bus service. The existing bus stop is already difficult to negotiate, especially during busy times. Has there been involvement from Metro regarding the physical requirements for a new or improved bus stop? Consider that Routes 71 and 66, which would take these residents downtown, are often at full capacity since it is the end of the trip... and likewise, the bike racks are often full. It's not as though Metro can or would simply add more frequent service.

I have also read that this project application does not fully satisfy the SB 35 requirements, and that the City has acknowledged this nonconformity.

It looks bad. I oppose it.

Sincerely,

Todd Pinsky  
N Branciforte Ave resident

## Rosemary Balsley

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**From:** Victoria Vaughn <victoria@a6supply.com>  
**Sent:** Thursday, September 09, 2021 5:00 PM  
**To:** City Council  
**Subject:** I am in opposition to 831 Water St Development

I am letting you - The City Council know that I support affordable housing — and support another version of it on the 831 Water Street site.

However, I DO NOT support the size and scale of the current 831 Water St. development proposal. It is not at all acceptable to the citizens who elected them. 145 units on less than one acre — in zoning that allows up to 55 units per acre — is detrimental to planning and development for a sustainable and healthy City that values the health and safety of its current and future residents.

The traffic issues currently without the development are intense and dangerous and this development would make this even more dangerous.

**1. Incomplete SB 35 Application:** The City should officially respond to the applicant in writing, deeming the fast-track application as non-conforming and incomplete.

- Why is the city even officially assessing an application that does not even satisfy the minimum SB 35 requirement — of “50% or more affordable units”? [The City has posted acknowledgment](#) of this nonconformity. The City of San Francisco has set a process that makes this situation stop the application until the applicant submits a new conforming application; and then the timeline starts over again.
- The elaborate table in the old/replaced application showed how the developer felt they fulfilled the specific objective standards they identified with their building design and relative specifics, as well as the SB 35 requirements. That old application had different unit counts, parameters/massing, setbacks, etc., so it cannot be used to measure the new application against any identified standards/requirements.

**2. Mass / Scale / Density:** This development would be 145 units on less than one acre, in zoning that is only supposed to allow up to 55 units per acre. It would also be 60 feet tall and take up almost the entire lot that is zoned for only 40 feet tall.

**3. Segregated Housing:** This development segregates affordable units from market rate unit in two separate buildings, promoting classism and racism; we cannot allow the development patterns in society to perpetuate this segregation. Two City Ordinances dictate that all inclusionary affordable units are to be “dispersed throughout the development.” This includes our Inclusionary Ordinance as well as our Density Bonus Ordinance. It is also a requirement for the affordable units found in SB 35’s regulations per the state’s Department of Housing and Community Development.

**4. Cyclists — Public Safety:** The only proposed entrance/exit for the underground parking garage poses an unusually unsafe situation for cyclists riding down the new protected bike lane on Water Street. If we want to build a more cyclist and pedestrian oriented City, dangerous proposals like this cannot be approved.

**5. Traffic — Public Health:** Traffic already backs up at the intersection of N. Branciforte Avenue and Water Street. Adding this much population density to such a small lot will dramatically increase this. And it’s not just

the density, the only entrance/exit is on Water Street where the center divide will force everyone entering and exiting the property to make U-turns to access the property, depending on which way motorists are heading. Traffic has been linked to dangerous air quality and many other negative health impacts.

**6. Historical / Archeological:** The Villa de Branciforte holds significant yet largely ignored historical and archeological significance for the City, the County (originally named Branciforte County) and the State. Potential buried structures/foundations and artifacts from that era must be protected and the presence of which should disqualify the development for SB 35 approval. The Villa had a completely different culture than the Santa Cruz Mission town. Native Americans and Mestizos were allowed to vote in the Villa and some even held office. This is in stark contrast to the secular and controlled society at the Mission, where huge numbers of Natives perished. For being such a small strip of town with huge historical significance for the entire State, the old Villa de Branciforte area needs to be treated with great archeological care during any deep excavation that would completely remove the [historical Bolcoff Hill](#) for a two level underground parking garage.

**7. Building Safety / Earthquakes — Public Safety:** This site is on a hill with a slope of more than 30 degrees and with very specific geography. The type of soil is loose and crumbly with chunks cracking and falling along the retaining wall on Water Street. Santa Cruz is in an area with six major faults surrounding us, and the Ben Lomond Fault going straight through our City.

As well it seems that the oversight of our City not yet having adequate data on the State Geologist's site should not be allowed to result in improperly constructed large developments throughout our City that don't get the proper EIR/CEQA process that could mitigate such dangers by requiring earthquake retrofitting in the design.

**8. Standing Water — Public Health:** This site is hydrologically challenged due to its geography. During wet-weather months, water is trapped above the substrata of mudstone and pools in the neighborhoods north of Water Street as it runs down from Delaveaga. Water Street gets its name because water constantly seeps through the retaining wall at this site. If the developer is allowed to put in a concrete two-level underground garage, it will create a "dam" along the entire north side of this long, narrow lot. That poses a considerable threat to homes, as well as a public health issue, coupled with the shading from these tall buildings. Standing water + total shade (see below) = toxic mold.

**9. Shade — Public Health:** The 60-foot height of this development would cast shade on many nearby homes; during the winter, many would see zero direct sun for the entire day. This is linked to depression (Seasonal Affective Disorder). It could also cause serious illness due to toxic mold when those properties would have neither the drying warmth, nor UV sterilization from the sun during the wet time of the year.

**10. Parking:** This site does not provide the required amount of parking for the density of housing proposed and only a couple parking places for their commercial retail. On top of that, the parking is the most expensive in the area and for the "affordable" housing residents and paid for separately (uncoupled) which poses an extra strain on new residents needing affordable housing. This will cause many residents and commercial patrons to park elsewhere, greatly impacting neighboring streets.

**11. Open Space / Privacy:** Green open space is part of our development standards and crucial to include in any development for physical health, mental health and well being of residents, as well as the air-scrubbing needed from plants to mitigate the huge increase in population density and associated traffic. Besides a couple of very small strips, the only open space proposed for this development is the rooftop, where people will be able to look down directly into the yards and homes of the neighboring community.

**12. Cumulative Impacts:** Large developments are already permitted all over the City and more are being proposed. The cumulative impacts on our community are not being discussed and the crucial infrastructure needed to support such density is not being adequately addressed. We are already over our carrying capacity for many necessities, such as water (with no end to our global warming-perpetuated drought in sight).

Victoria Vaughn



**Victoria Vaughn**

Project Coordinator, A6 Supply

831+438+0713 O | 831+239+3510 M | victoria@a6supply.com | A6  
Supply.com | 109 Vine Hill School Road, Scotts Valley, CA 95066



## Rosemary Balsley

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**From:** Storey LaMontagne <taznscout@gmail.com>  
**Sent:** Thursday, September 09, 2021 6:30 PM  
**To:** City Council  
**Subject:** 831 Water Street Application needs to be re-worked.

To the City Council Members of Santa Cruz,

Please deny this application in its initial form and have the developer come back with a more reasonable and sensible response for our city. My biggest concerns are:

**Mass / Scale / Density:** This development would be 145 units on less than one acre, in zoning that is only supposed to allow up to 55 units per acre. It would also be 60 feet tall and take up almost the entire lot that is zoned for only 40 feet tall and should include more open space for any new residents. Loopholes in the density bonus and new state laws are allowing developers to try to build much larger and denser than is healthy for our community.

**Segregated Housing:** This development segregates affordable units from market rate unit in two separate buildings, promoting classism and racism; we cannot allow the development patterns in society to perpetuate this segregation. Two City Ordinances dictate that all inclusionary affordable units are to be "dispersed throughout the development." This includes our Inclusionary Ordinance as well as our Density Bonus Ordinance. It is also a requirement for the affordable units found in SB 35's regulations per the state's Department of Housing and Community Development.

**Cyclists — Public Safety:** The only proposed entrance/exit for the underground parking garage poses an unusually unsafe situation for cyclists riding down the new protected bike lane on Water Street. If we want to build a more cyclist and pedestrian oriented City, dangerous proposals like this cannot be approved.

We need affordable, FAMILY oriented development at this site to encourage more young families to come to our town. Let's re-think this plan.

Thank you,

Storey La Montagne

Melrose Avenue resident

## Rosemary Balsley

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**From:** Jim Burns <jrburns8788@gmail.com>  
**Sent:** Thursday, September 09, 2021 9:35 PM  
**To:** City Council; Donna Meyers; Sonja Brunner; Sandy Brown; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Martine Watkins  
**Cc:** Lee Butler; Samantha Haschert; Sarah Neuse  
**Subject:** Letter of concern about 831 Water Street proposal  
**Attachments:** letter-to-city-council\_from-jim-nancy-burns.pdf

Dear Santa Cruz City Council,

Please find attached a letter from us expressing our concerns about the proposed project for 831 Water Street. If you could include this in your correspondence related to this item for your Tuesday, September 14, meeting, we would really appreciate that.

Thank you very much!

Jim and Nancy Burns  
Santa Cruz, CA

September 9, 2021

**Mayor Meyers and Other Members of the Santa Cruz City Council,**

First, a big THANK YOU to you and your planning staff for the untold number of hours you all have put into understanding SB-35 and reviewing the fast-track application submitted by Novin Development.

We are two of the almost 600 city residents — from neighborhoods throughout Santa Cruz — who have signed the "831 Responsible Development" petition opposing Mr. Novin's proposed project for 831 Water Street. At the time we lent our names to that petition, we were shocked that something of that scale and with so many health and safety impacts for your constituents would even be proposed — let alone seriously considered by the city.

While we have subsequently learned that SB-35 makes it more difficult for the public (and you all) to positively influence the direction of certain developments, we remain shocked by the recklessness of this particular proposal (once one digs just a smidge below the surface of its artists renderings).

While the process seems more onerous on your end (thank you, again), we implore you to "do the right thing" and return Mr. Novin's application to him as missing the mark (by a lot), even when stacked against the minimal standards spelled out by SB-35.

You have many legitimate and legally defensible reasons for returning his application to him for a serious redo. Here are just a few:

- The application is woefully incomplete and missing key information, and it doesn't even satisfy the requirement that 50 percent or more of the proposed units be affordable.
- The proposal would lead to segregated housing, which seems completely at odds with two existing city ordinances that require affordable units to be dispersed throughout new developments.
- We believe that the project, as proposed, has not been appropriately scrutinized with respect to the "emergency" (more than "fire") easement that was created for the "Belvedere Cottages" project. If recollection serves us correctly, as we live in that area of our city, that easement alone might make Mr. Novin's exit onto Water Street problematic. Not to mention the danger it creates for the city residents who were given that easement to safeguard their loved ones and their homes.
- Last but certainly not least, Mr. Novin's plan (lowercase "p") would create many other significant health and safety issues for nearby residents (shade, mold, drainage and too many others to list); and hazardous conditions for motorists, cyclists, and pedestrians who need or want to travel near the project site. Part of that is related to the fact that this is already a challenging intersection (rated "D" by the city) and part of that is his refusal (even after the city asked him to) to consider an access point other than the dangerous one he has proposed near the crumbling rock outcropping.

While our final comment may be less germane to the "oversight" role we salute you for accepting with respect to this proposed project, we can't help but add one other observation:

We realize that the world we live in seems to divide people in a way that leaves little room for compromise. But we strongly believe there is plenty of opportunity for the developer to compromise here — building a project that provides a reasonable profit for him, building a project that adds needed affordable housing, and building a project that addresses the legitimate concerns so many Santa Cruz residents have about the health and safety of his proposal.

We are just two Santa Cruz residents, but we want you to know that we are 100 percent for the building of affordable housing and believe it should be on this very site at 831 Water Street. But we also believe it should be done in a manner that respects — at a bare minimum — the scant requirements spelled out in SB-35. Sadly, this proposal doesn't even do that.

Thank you again for your time, consideration, and leadership.

Sincerely,

Nancy and Jim Burns  
Santa Cruz, CA

**From:** stevens.jono@gmail.com  
**Sent:** Friday, September 10, 2021 7:24 AM  
**To:** City Council  
**Subject:** Opposition to 831 Water St. Proposal

Dear City Council,

I am writing to voice my opposition to the proposed development at 831 Water Street. Here are a number of issues that should be addressed-

**1. Incomplete SB 35 Application:** The City should officially respond to the applicant in writing, deeming the fast-track application as non-conforming and incomplete.

- Why is the city even officially assessing an application that does not even satisfy the minimum SB 35 requirement — of “50% or more affordable units”? [The City has posted acknowledgment](#) of this nonconformity. The City of San Francisco has set a process that makes this situation stop the application until the applicant submits a new conforming application; and then the timeline starts over again.
- How can we adequately assess an application that is also obviously incomplete beyond the requisite affordability numbers?
- The elaborate table in the old/replaced application showed how the developer felt they fulfilled the specific objective standards they identified with their building design and relative specifics, as well as the SB 35 requirements. That old application had different unit counts, parameters/massing, setbacks, etc., so it cannot be used to measure the new application against any identified standards/requirements.
- The new application is missing this needed table or similar explanation of fulfillment of the standards/requirements. Without it, how can the City, the public, or any other reasonable person be able to assess it?

**2. Mass / Scale / Density:** This development would be 145 units on less than one acre, in zoning that is only supposed to allow up to 55 units per acre. It would also be 60 feet tall and take up almost the entire lot that is zoned for only 40 feet tall and should include more open space for any new residents. Loopholes in the density bonus and new state laws are allowing developers to try to build much larger and denser than is healthy for our community.

**3. Segregated Housing:** This development segregates affordable units from market rate unit in two separate buildings, promoting classism and racism; we cannot allow the development patterns in society to perpetuate this segregation. Two City Ordinances dictate that all inclusionary affordable units are to be “dispersed throughout the development.” This includes our Inclusionary Ordinance as well as our Density Bonus Ordinance. It is also a requirement for the affordable units found in SB 35’s regulations per the state’s Department of Housing and Community Development.

**4. Cyclists — Public Safety:** The only proposed entrance/exit for the underground parking garage poses an unusually unsafe situation for cyclists riding down the new protected bike lane on Water Street. If we want to build a more cyclist and pedestrian oriented City, dangerous proposals like this cannot be approved.

**5. Traffic — Public Health:** Traffic already backs up at the intersection of N. Branciforte Avenue and Water Street. Adding this much population density to such a small lot will dramatically increase this. And it’s not just the density, the only entrance/exit is on Water Street where the center divide will force everyone entering and



exiting the property to make U-turns to access the property, depending on which way motorists are heading. Traffic has been linked to dangerous air quality and many other negative health impacts.

**6. Historical / Archeological:** The Villa de Branciforte holds significant yet largely ignored historical and archeological significance for the City, the County (originally named Branciforte County) and the State. Potential buried structures/foundations and artifacts from that era must be protected and the presence of which should disqualify the development for SB 35 approval. The Villa had a completely different culture than the Santa Cruz Mission town. Native Americans and Mestizos were allowed to vote in the Villa and some even held office. This is in stark contrast to the secular and controlled society at the Mission, where huge numbers of Natives perished. For being such a small strip of town with huge historical significance for the entire State, the old Villa de Branciforte area needs to be treated with great archeological care during any deep excavation that would completely remove the [historical Bolcoff Hill](#) for a two level underground parking garage.

**7. Building Safety / Earthquakes — Public Safety:** This site is on a hill with a slope of more than 30 degrees and with very specific geography. The type of soil is loose and crumbly with chunks cracking and falling along the retaining wall on Water Street. Santa Cruz is in an area with six major faults surrounding us, and the Ben Lomond Fault going straight through our City.

- Unfortunately, SB 35 only restricts developments within areas in which the State Geologist has published official maps showing them as delineated earthquake fault zones. Unfortunately “no data” has been officially applied to the entire area of our City on the official maps, even though the fault activity map on the State’s [geological survey](#) shows a ton of faults. If you go to our City’s address on this map and zoom out, you will see many faults and we know first hand that our City is prone to plenty of damage due to earthquakes.
- The oversight of our City not yet having adequate data on the State Geologist’s site should not be allowed to result in improperly constructed large developments throughout our City that don’t get the proper EIR/CEQA process that could mitigate such dangers by requiring earthquake retrofitting in the design.

**8. Standing Water — Public Health:** This site is hydrologically challenged due to its geography. During wet-weather months, water is trapped above the substrata of mudstone and pools in the neighborhoods north of Water Street as it runs down from Delaveaga. Water Street gets its name because water constantly seeps through the retaining wall at this site. If the developer is allowed to put in a concrete two-level underground garage, it will create a “dam” along the entire north side of this long, narrow lot. That poses a considerable threat to homes, as well as a public health issue, coupled with the shading from these tall buildings. Standing water + total shade (see below) = toxic mold.

**9. Shade — Public Health:** The 60-foot height of this development would cast shade on many nearby homes; during the winter, many would see zero direct sun for the entire day. This is linked to depression (Seasonal Affective Disorder). It could also cause serious illness due to toxic mold when those properties would have neither the drying warmth, nor UV sterilization from the sun during the wet time of the year.

**10. Parking:** This site does not provide the required amount of parking for the density of housing proposed and only a couple parking places for their commercial retail. On top of that, the parking will be expensive for the residents and paid for separately (uncoupled) which poses an extra strain on new residents needing affordable housing. This will cause many residents and commercial patrons to park elsewhere, greatly impacting neighboring streets.

**11. Open Space / Privacy:** Green open space is part of our development standards and crucial to include in any development for physical health, mental health and well being of residents, as well as the air-scrubbing needed from plants to mitigate the huge increase in population density and associated traffic. Besides a couple of very

small strips, the only open space proposed for this development is the rooftop, where people will be able to look down directly into the yards and homes of the neighboring community.

**12. Cumulative Impacts:** Large developments are already permitted all over the City and more are being proposed. The cumulative impacts on our community are not being discussed and the crucial infrastructure needed to support such density is not being adequately addressed. We are already over our carrying capacity for many necessities, such as water (with no end to our global warming-perpetuated drought in sight).

Jono Stevens

[stevens.jono@gmail.com](mailto:stevens.jono@gmail.com)

831.332.0466

## Rosemary Balsley

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**From:** JERILYN MUNYON <jerilynmunyon@yahoo.com>  
**Sent:** Friday, September 10, 2021 7:42 AM  
**To:** City Council  
**Subject:** Your responsibility to our local community

Dear City Council,

As a 74 year old 'born and raised' local I am dumbfounded by the handling of the 831 Water St Proposal by all of you. This proposed development does not reflect any care for our community-either present, past, or future. As 'stewards' of our town, I expect so much more from you. I live less than two blocks from the Water Street location and already deal with the constant traffic issues we face, just to go to work or buy our groceries. The vision of a 60 foot tall monolith casting a shadow over our iconic neighborhood is frightening enough, but the many points below are even more concerning to me. How can such a 'bad idea' be so obvious to so many but not to you?

Please consider addressing all of these concerns, as they are my concerns, as well.

Sincerely,

Jerilyn Munyon

### **The Most Significant Identified Impacts of the 831 Water Proposal:**

**1. Incomplete SB 35 Application:** The City should officially respond to the applicant in writing, deeming the fast-track application as non-conforming and incomplete.

- Why is the city even officially assessing an application that does not even satisfy the minimum SB 35 requirement — of “50% or more affordable units”? [The City has posted acknowledgment](#) of this nonconformity. The City of San Francisco has set a process that makes this situation stop the application until the applicant submits a new conforming application; and then the timeline starts over again.
- How can we adequately assess an application that is also obviously incomplete beyond the requisite affordability numbers?
- The elaborate table in the old/replaced application showed how the developer felt they fulfilled the specific objective standards they identified with their building design and relative specifics, as well as the SB 35 requirements. That old application had different unit counts, parameters/massing, setbacks, etc., so it cannot be used to measure the new application against any identified standards/requirements.
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includes our Inclusionary Ordinance as well as our Density Bonus Ordinance. It is also a requirement for the affordable units found in SB 35's regulations per the state's Department of Housing and Community Development.

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for separately (uncoupled) which poses an extra strain on new residents needing affordable housing. This will cause many residents and commercial patrons to park elsewhere, greatly impacting neighboring streets.

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## **Rosemary Balsley**

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**From:** Roe <roe\_s@comcast.net>  
**Sent:** Friday, September 10, 2021 9:04 AM  
**To:** City Council  
**Subject:** 831 development

Hi,

I am a resident of Santa Cruz for more than 50 years. I support building and affordable housing. I DON'T support the 831 development because of safety issues and the mass scale of the project.

thank you,  
Roe Shapiro

## Rosemary Balsley

---

**From:** Gerda Endemann <healthyfat@gmail.com>  
**Sent:** Friday, September 10, 2021 10:20 AM  
**To:** City Council  
**Subject:** Proposed housing at 831 Water Street requires changes

To the Santa Cruz City Council,

I support affordable housing — and support it on the 831 Water Street site. But the size and scale of the current proposal is not at all acceptable.

Why is the city officially assessing an application that does not satisfy the minimum SB 35 requirement of “50% or more affordable units”? [The City has posted acknowledgment](#) of this nonconformity. Please follow the lead of the City of San Francisco and institute a process that stops the application until the applicant submits a new conforming application.

Sincerely,

Gerda Endemann  
139 Magnolia Street  
Santa Cruz, CA 95062

650-814-4914

## Rosemary Balsley

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**From:** Kathy Haber <dannynor@cruzio.com>  
**Sent:** Friday, September 10, 2021 10:23 AM  
**To:** City Council  
**Subject:** 831 Water Street - proposed development

Hello City Council members, I am a +50 year resident and I have watched Santa Cruz change. Some changes appear to benefit our community and others do not. Demand on streets and water supply are among the most onerous. The proposed development at 831 will be of benefit only to tit's developers. Even the students and out of town commuters who will occupy these tiny apartments will not benefit, since they will have to live with the traffic snarls and parking problems that result from this very dense building.

I do not know if students qualify for the low income housing. Certainly their incomes are pretty low and I haven't heard that situation addressed. In any case, there isn't a regular bus route that goes along Water and up to the U, so maybe that will keep them from applying to occupy these apartments.

Please do whatever it takes to reduce the density of this very poorly conceived proposal

Thank you for your service,

Kathy Haber

## Rosemary Balsley

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**From:** Abbey Wilson <abbeygwilson@gmail.com>  
**Sent:** Friday, September 10, 2021 12:39 PM  
**To:** City Council  
**Subject:** Question/Concern regarding 831 Water St. Project

Dear City Council,

I participated in last month's public meeting regarding 831 Water St. project. I would like to ask this question/raise a concern before the anticipated City Council meeting 9/14/21, so there is time to respond.

With the anticipated 145 units at the corner of North Branciforte and Water Streets, **how does the City of Santa Cruz plan to manage the traffic, safe bikeways, initiate a more robust transportation system to accommodate the influx of people who purportedly will not have cars, coupled with insufficient parking in that region of town, while waiting for 2040 AMBAG MTP/SCS plan to be implemented?**

After review of the 2040 Santa Cruz County Regional Transportation Plan, starting on page 8. The map provided highlights the "High Transit Corridors" and shows they are not connected throughout the county. **How can we improve this, so there is no disconnection with the high transit corridors and ensure this becomes a reality to help support the infrastructure with the increase in density?**

Thank you for your time. Your hard work is not overlooked. If my opinion counts for anything, I oppose the project in its current configuration and would like to see the City do everything in its power to encourage the developer to heed to the concerns of the citizens who will have to bear the consequences of the projects.

Sincerely,  
Abbey Wilson

## Rosemary Balsley

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**From:** Jennifer McNulty <jmcnulty49@gmail.com>  
**Sent:** Friday, September 10, 2021 1:24 PM  
**To:** City Council  
**Subject:** 831 project

Dear City Council,

I'm writing to express strong objections to the proposed "831 Project," which is problematic on many levels. My strongest concerns are:

--Too big, too dense for the site. This neighborhood can accommodate some infill, and this site certainly needs to be spiffed up, but the proposal is simply too much. It is too dense. It will overwhelm the neighborhood, tie up the intersection of Water and Branciforte, overwhelm residential streets with cars owned by people who don't want to pay for on-site parking, or can't get a space for a second or third vehicle. It's just too much.

--Inadequate access: the proposed access for vehicles on Water Street is nuts! Vehicles heading east will be forced to make a U-turn to get into the parking garage--insane! Anyone leaving the garage wanting to go east will have to make a U-turn below--also insane! This intersection is already a mess, and all this traffic, making crazy maneuvers--in a designated bike lane, no less!--is a recipe for disaster.

--Segregated housing: I was honestly incredulous that the residents would be separated by income level.

There are so many other problems, and the public has expressed so much concern, that I urge you to proceed with *\*great\** caution. Given the objections, I don't believe this should be the city's "test case" of SB35, and there are apparently inadequacies in the application that give you the option to reject the project as nonconforming to SB35 requirements. I urge you to do so. If this goes forward under SB35, please be mindful at every step of the process of the precedents you are setting for the future.

Santa Cruz has been, in my opinion, too reluctant to allow reasonable growth. I understand state lawmakers' frustration with local communities' resistance to growth. This project, however, doesn't represent a reasonable compromise. It does not represent a respectful, appropriate shift toward the future. It is a big grab. Too big a grab for the neighborhood and surrounding community. Sadly, rather than pointing the way toward the future, I fear it has confirmed what many locals think of developers.

It's up to you to find a compromise that responds to community needs, reassures residents that you respect longstanding values, and reflects a better way forward. I know you can do it.

--Jennifer McNulty



**Rosemary Balsley**

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**From:** Rachel Kinsolving <rbkinsolving@gmail.com>  
**Sent:** Friday, September 10, 2021 2:12 PM  
**To:** City Council  
**Subject:** Opposition to the 831 Water st development

Hi -

I am strongly opposed to the proposed development at 831 Water St for many reasons.

The most pressing is that the development doesn't satisfy the minimum SB 35 requirement of 50% of more affordable units. Additionally the development does not comply with current zoning requirements.

Rachel Kinsolving

## Rosemary Balsley

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**From:** Barbara Fargo <barbarafargo@comcast.net>  
**Sent:** Friday, September 10, 2021 2:29 PM  
**To:** City Council  
**Subject:** 831 Water Street Development

Dear Council Members:

We are long-time residents of Berkeley Way and vehemently oppose the current plan for the development at the corner of N. Branciforte Ave and Water Street. This development is far too large, out of character with the neighborhood, and does not provide the type of housing that is needed for Santa Cruz. Santa Cruz does need affordable housing for working people in Santa Cruz. It needs housing that is suitable for families, not 300-400 square foot studio apartments suitable only for a single person. Furthermore, the two buildings provide segregated smaller affordable units and “larger” market rate units. In 2021 Santa Cruz, will the council approve segregated housing for the less affluent?

Our neighborhood with older largely older one-story homes will be dwarfed by this project. The problems presented by parking, traffic, noise, and shadows will damage our neighborhood. Berkeley Way is only one street away from the project. It is unusually narrow and won't be able to accommodate the number of cars generated by the project. Our cozy neighborhood will become a parking lot for the tenants who won't be able to afford parking in their own building. When a car travels from Branciforte down Berkeley Way it can only exit out Reed Way to Water street. That will cause many cars to try to make a left turn across Water Street to go back towards the project to find a parking place. This is going to be a nightmare for traffic on Water Street, which already has issues the the rate of speed going down the hill. The only other option is to make a u-turn and go back up narrow Berkeley Way and turn onto Branciforte. Putting this much traffic into this neighborhood and onto these already over burdened arteries (Branciforte and Water) is dangerous and unfair to the residents of these small streets. This is in contravention to the City Council's stated mandate to preserve and protect existing neighborhoods when considering affordable housing opportunities.

Students walking or riding their bikes to school at Branciforte Small School campus located kitty-corner across the street from this project, and Branciforte Middle school located several blocks away are put in jeopardy by increasing traffic to the dangerous levels created by a development of this size. Furthermore, creating a housing project right across the street from a school which won't have units large enough to accommodate families with children seems counter-productive.

This project is wrong on many levels. Santa Cruz needs affordable housing, but not this 5 story project at this location.

Thanks for your consideration.

Sincerely,

Marty Williams and Barbara Fargo  
361 Berkeley Way  
Santa Cruz, CA 95062  
831-345-0250

## Rosemary Balsley

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**From:** Michele Philibosian <hsum4@yahoo.com>  
**Sent:** Friday, September 10, 2021 3:58 PM  
**To:** City Council  
**Subject:** Re: Project on Water Street Apartments

To: City Council Representative

The cliff on which these apartments will be built is not safe not only because of the nature of the cliff in which ground water constantly filters through and that which crumbles daily, but the fact that underground parking will be built under such an unsafe cliff. An earthquake would devastate the already crumbling shale cliff and cars and possibly tenants would be crushed underneath like that of areas down south such as San Diego where people were killed near reinforcements built for already unstable cliffs. Will the City or the developer be responsible for such deaths and property loss? Also people pulling out of this underground garage could be killed at this busy intersection where cars speed down the hill and nearly hit bicyclists and pedestrians now. I walk this hill many times per week and see the crumbling cliff as well as witness the speeders not paying attention to people coming from side streets as well as bicyclists and pedestrians trying to get needed exercise. A geological survey should be performed on this site just to see how unstable it really is for a project this large.

The height of this project should not be the anticipated height as other projects on this street do not reach the height of this one - way too tall. The building will shade the homes behind it and putting so many people in such a structure will copy the buildings that are essentially tenements where people can barely get around their apartment and have no room to breathe. Why so many rooms in such a tiny space of land???? It seems some poor planning is involved in this project.

Also the way tenants are separated as to lower income in one building and the higher cost apartments in another building. This is clearly racial profiling by separating the poor and the richer tenants. Is this right to do this in Santa Cruz where we are accepting of all races and income levels?? I think not, and if other neighborhoods knew we were doing this here on Water Street I think they would be very angry and outspoken. Also this is a historical neighborhood often ignored by the city and the residents have the integrity and respect to want to have a building(s) which reflect that aspect.

Where is the planning in this situation or is the developer just after money and acclaim for what he/she is doing??

Michele Philibosian  
Branciforte Neighborhood Resident

## Rosemary Balsley

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**From:** bob scowcroft <loneoaktoo@gmail.com>  
**Sent:** Friday, September 10, 2021 4:33 PM  
**To:** City Council  
**Subject:** 831 Water Street Housing Proposal

Dear Santa Cruz City Council Members:

We are 40-year city residents who live on the eastside of Santa Cruz, off Morrissey Blvd. Both of our children were raised here and remarkably still live within a mile of our home. We are walkers, who especially over the last two years, walk almost everywhere to conduct our business or visit the nearby parks and harbor. Due to the needs of our disabled adult son, we sometimes have to drive to doctor appointments and family visits. Traffic congestion is a constant concern.

We first heard of this development proposal many months ago. A little research led us to the 831 Responsible Development Group. We, too, support reasonable housing projects. We believe that any project must guarantee a number of low cost units in an economically sound and sustainable neighborly environment. We have reviewed the 12-point letter submitted by the 831 Responsible Development Ground and wish to state that we wholeheartedly support their position.

As "walkers", we want to shine a spotlight on two of their points. Cycling and public safety cannot be sacrificed as is designed by having just one entrance/exit for the 831 development. We have already observed numerous "close calls" for cyclists passing through the Branciforte green light and having to brake or swerve for cars exiting the current strip mall. And those accidents and near accidents are at the top of the property. We can only imagine what it will be like when a car (or three) wants to turn right into the property and has to wait for the gates to open. Bicyclists, passing cars, and busses (going the speed limit...) will all have to quickly transition to the outer lane. Future injuries (if not worse) will be on your hands if this particular component of their plan is approved.

We have also observed numerous "close-calls" with drivers attempting to engage in a U-turn a bit further down on Water Street in front of the rather new Water Street Apartments. Of course, once several hundred new residents exit the garage or the small businesses on site and need to travel south or east on Water, a large number of them will attempt to make the U-turn rather than driving further down to Ocean Street to take an alternative route or make the U-turn there. It's only "natural," and we've seen it happen way too many times already.

Nothing we've read or heard (we have dialed into two Zoom presentations already) has convinced us to allow this project, as is currently presented, to go forward. Let's work together to design a housing/business footprint that the neighborhood, city, and the developers can be proud of.

Sincerely,

Bob Scowcroft

Judy Fried

Hammond Ave

Santa Cruz



## Rosemary Balsley

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**From:** Bonnie Bush  
**Sent:** Friday, September 10, 2021 4:45 PM  
**To:** City Council  
**Subject:** Fwd: MBEP Comment Letter | Sept 14 City Council | Agenda Item 25  
**Attachments:** MBEP Comment Letter 9.14 Agenda Item 25.pdf

Bonnie Bush, CMC  
City Clerk  
831-420-5035

Begin forwarded message:

**From:** Ashley Gauer <agauer@mbep.biz>  
**Date:** September 10, 2021 at 4:38:40 PM PDT  
**To:** Bonnie Bush <bbush@cityofsantacruz.com>  
**Cc:** Bonnie Bush <bbush@cityofsantacruz.com>  
**Subject:** MBEP Comment Letter | Sept 14 City Council | Agenda Item 25

Hi Barbara,

Hope this finds you well. Now that the agenda is out for Tuesday, 9/14, we wanted to make sure we got our comment letter (attached) RE: Item 25 in before the weekend.

I didn't see a deadline for written public comment, so if you could confirm our letter will be included in the Council's packet, that'd be wonderful.

Thank you so much, have a nice weekend!

-----  
**Ashley Gauer**

808.927.1535

Program Manager, Special Projects

**Monterey Bay Economic Partnership**



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## Rosemary Balsley

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**From:** Marc D'Estout <madman@cruzio.com>  
**Sent:** Friday, September 10, 2021 5:36 PM  
**To:** City Council  
**Subject:** 831 Water St.Project  
**Attachments:** 831 water 9.10.21 render correct.jpj

Re the 831 Water St. Project:

In addition to the grossly inappropriate mass of this complex, that is proposed to sit atop a hill, thus making it seem even more imposing, HAS ANYONE NOTICED that all the architectural ELEVATION **renderings are completely out of scale?... making the building seem smaller** (shorter) than it actually would be. (Ask me how I know.)

This is typical shyster maneuvering.

Have the developer build affordable housing as a two story complex only. I've been on three separate teams of "developers" for public projects in the past. We succeeded with all three. I know all the tricks and presenting elevation renderings out of scale is only one of them.

Point Novin to a lot downtown if he needs a five story building.

I hope someone with influence reads this.

Marc D'Estout

1040 N. Branciforte Ave.

## Rosemary Balsley

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**From:** ed morse <eddymor@yahoo.com>  
**Sent:** Saturday, September 11, 2021 7:57 AM  
**To:** City Council  
**Subject:** Santa Cruz City Council: Stop High Density Zoning for Water St and Soquel Ave. in Santa Cruz, Calif."

Hey,

I just signed the petition "Santa Cruz City Council: Stop High Density Zoning for Water St and Soquel Ave. in Santa Cruz, Calif."" and wanted to see if you could help by adding your name.

Our goal is to reach 2,500 signatures and we need more support. You can read more and sign the petition here:

<https://chng.it/FZ4pgJ4RWs>

Thanks!  
melvin

## Rosemary Balsley

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**From:** ed morse <eddymor@yahoo.com>  
**Sent:** Saturday, September 11, 2021 8:02 AM  
**To:** City Council  
**Subject:** Re: Automated Reply - City Council of Santa Cruz

Just think it's wild that Water st. in that location can handle even one more car.

On Saturday, September 11, 2021, 07:57:26 AM PDT, City Council <citycouncil@cityofsantacruz.com> wrote:

\*\*\*\*\*

On behalf of the City Council, I want to thank you for contacting the City of Santa Cruz.

This e-mail account is for general comments. I, along with my fellow council members, have received your correspondence. We value citizen input and review all of the correspondence that is sent to us. However, depending on the nature of your e-mail, you may or may not receive an additional response. If your email requests additional follow-up or information, we will forward your request to the appropriate City department and they will respond more fully in the future. Whether or not your e-mail requires a response, please know that your input is very important and we appreciate your taking the time to let us know your thoughts.

If you have an immediate need, please follow the links below or call 831-420-5030 during normal business hours.

Again, thank you for your engagement with the City of Santa Cruz!

Best regards,

Donna Meyers

Mayor

City of Santa Cruz

Web links:

#### Department Contact Information

<http://www.cityofsantacruz.com/government/city-departments>

#### I Want to Report an Issue or Request Service

<https://cosc-crsp.mendixcloud.com/p/Home>

#### Contact Phone Numbers

City Clerk Division - 420-5030

Economic Development – 420-5150

Finance Department – 420-5050

Fire Department – 420-5280

Graffiti Hotline -- 420-5303

Human Resources – 420-5040

Library – 427-7706

Parks and Recreation Department – 420-5270

Planning and Community Development Department – 420-5100

Police Department – 420-5800

Police Auditor – (650) 565-8800

Public Works Department – 420-5160

Special Events – 420-5132

Utilities (Customer Service) – 420-5220

Water Department – 420-5200



## Rosemary Balsley

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**From:** Cynthia Hawthorne <kacima@cruzio.com>  
**Sent:** Saturday, September 11, 2021 10:55 AM  
**To:** Donna Meyers; City Council  
**Subject:** 831 Water Street

Dear Mayor Meyers and Councilmembers,

I write to you about 831 Water Street just having been stuck in Friday afternoon traffic.

It took 3 light cycles to make a left turn on Branciforte from Water to reach my home in the Villa Branciforte neighborhood. And this as I was hurrying home early to miss the evening commute traffic on Water Street!

Please do all you can to make the proposal adhere to current zoning laws. Planning to jam 145 units in this already congested and seismically precarious corner across from a busy school will negatively impact public safety and the integrity of the neighborhood forever.

Each of you as candidates had very clear priorities that any additional housing built in our City would be inclusive for residents in greatest need: low income seniors, disabled folks, those struggling to make ends meet, and the unhoused.

The spirit of SB 35 is in line with the Council decision to interpret SB 35 based on council objectives. The remedy for the actual housing crisis in the City of Santa Cruz is low cost housing. If the plan is truly about creating needed housing, and not profit, 50% of the new units would be dedicated to affordable and low-income housing. Please do your best to resist the 'It will not pencil out' argument from the Developer.

Remember SB 35 was signed in 2017 long before our terrible fires, the pandemic, and our Historic drought and water shortage. With City staff in flux and constituents unable to access public meetings we need Council leadership to pause and review ALL current citywide project approvals for a unified and collaborative vision for our future.

A thoughtful pause in building during water shortage crisis = climate leadership.

Thank you for your leadership,

Cynthia Hawthorne

124 Hammond Ave.

Santa Cruz, CA 95062

## Rosemary Balsley

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**From:** S & B Barisof <sbarisof@pacbell.net>  
**Sent:** Saturday, September 11, 2021 9:00 PM  
**To:** City Council  
**Cc:** Nathan Nguyen  
**Subject:** 831 Water Street Development Proposal

Dear City Council,

It is clear that it should and must be the City Council that determines whether the SB 35 Application for the 831 Water St. development ought to proceed. You were elected, not the City Staff, and the buck stops with you. At the very least, it will set a precedent for other proposed SB 35 developments in the future, and therefore it is critical that you get it right.

We need affordable housing with grants to help developers defray costs, not market-rate 340 to 420 square-foot units. The size of the units is more suited for students rather than families, there are not enough parking spaces for all of the units (or anyone visiting a resident), and the parking spaces are an additional expense over and above the rent. This will have a major negative impact on the surrounding neighborhood, as residents' cars fill nearby residential streets to avoid paying for parking. This project does not meet the city of Santa Cruz RHNA needs.

This development currently has the affordable units segregated from the market-rate units in a separate building! The state requirement for SB 35 developments is to have affordable units distributed throughout the development. The City of Santa Cruz requires the affordable units to be dispersed throughout the development (Inclusionary Ordinance & Density Bonus Ordinance).

The driveway entrance is located in a very dangerous location for bicyclists, pedestrians, and will lead to the backup of cars on an already busy street.

The Project calls for 140 units on less than an acre, yet it is zoned for 55 units per acre.

Moreover, there is the excessive height of the building, underground water issues, privacy issues (for immediate neighbors), and disruptive beeping of delivery trucks throughout the day making deliveries to the ground floor businesses.

Large developments are already permitted all over the City, and more are being proposed. The cumulative impacts on our community are not being discussed, and the crucial infrastructure needed to support such density is not being adequately addressed. We are already over our carrying capacity for many necessities, such as water (with no end to our global warming-perpetuated drought in sight).

With all of the red flags generated by this proposed project, it is critical that as representatives of "the people" you take the time to adequately address the concerns put forth by your community.

Sincerely,  
Steven Barisof  
(Eastside Resident since 1978)

**From:** shana ross <shanarossx@gmail.com>  
**Sent:** Sunday, September 12, 2021 8:51 AM  
**To:** City Council  
**Subject:** what, again?

## **Housing proposal at 831 Water St. could be denied, delayed**

seriously? when we need housing so so badly? this is ridiculous, to let wealthy NIMBY neighbors yet again poke a stick in the spokes of meaningful housing.

get off yr duffs and show some courage, council members!! let housing be built!!!

shana ross

**Rosemary Balsley**

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**From:** nancy kaneg <nkaneg@sbcglobal.net>  
**Sent:** Sunday, September 12, 2021 9:12 AM  
**To:** City Council  
**Subject:** 831 Water St. Development

Dear City Counsel,

Please listen to the people who you represent regarding the behemoth that is proposed for 831 Water St. The massive size of this project is insane for this neighborhood. I'm sure if you lived on the south side of Belvedere Terrace, that will be shaded,, you would find a way to reduce the size of this project. I'm also sure that you wouldn't be happy with all of those residents from the 831 property parking on your street, preventing you from parking near your home. The many issues such as the water below ground and more should also be a concern for all. It's also disappointing that it wasn't a priority for you to set up objective standards in a timely manner to shape future development in Santa Cruz.

Sincerely,  
Nancy Kaneg



## Rosemary Balsley

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**From:** Tyler Olson <tylero201@gmail.com>  
**Sent:** Sunday, September 12, 2021 9:37 AM  
**To:** City Council  
**Subject:** Approve 831 Water

SC City Council,

I am writing in support of the 831 Water St. development. We need more dense, transit-accessible workforce housing that is centrally located. This project offers all of these characteristics.

This project DOES meet objective standards and any subjective complaints about “neighborhood character”, “shadows”, or “aesthetics” should be ignored. Please do the right thing here. Don’t bow down to the demands of a minority of elite NIMBY homeowners who only want to see their property values increase.

Those of us that work in the city of Santa Cruz have few options for housing and this project is for us, not those who have the luxury of homeownership. I hope that you all pass this project and send a loud and clear message: Santa Cruz is for everyone.

Thank you and I hope you continue your support of housing development that this community desperately needs.

-Tyler Olson, teacher in SCCS

## Rosemary Balsley

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**From:** GAD <gad@mysccar.org>  
**Sent:** Sunday, September 12, 2021 9:38 AM  
**Subject:** 831 Water St. - Support

Honorable Mayor & City Council:

On behalf of the Santa Cruz County Association REALTORS, we would like to express to you our support for the 831 Water St project. We understand that the developer has revised their plans to correct the city's design standards issue, so we ask that you please continue the item or defer it to your next meeting date.

As you are all aware, we are dealing with a housing crisis like non other. This project will be a big step forward in helping us meet our local housing goals.

Please let me know if you have any questions.

Warm Regards,

**Victor Gomez**  
*Government Affairs Director*  
*Santa Cruz County Association of REALTORS®*  
*2525 South Main Street*  
*Soquel, California 95073*  
*Direct: (831) 245-6446*  
*[Email: gad@mysccar.org](mailto:gad@mysccar.org)*  
*[www.mysccar.org](http://www.mysccar.org) | [www.sccarhf.org](http://www.sccarhf.org)*

## Rosemary Balsley

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**From:** Tim Ledwith <tledwith@gmail.com>  
**Sent:** Sunday, September 12, 2021 9:49 AM  
**To:** City Council; Nathan Nguyen  
**Subject:** 831 Water St. proposed SB35 project

City Council members and Nathan Nguyen,

Please reject the current proposal for 831 Water St. The use of SB35 provisions to bypass local input and impact studies is nothing short of disastrous.

The problems with the proposal are many, and are well documented at <https://831responsibledevelopment.org/>. You need to address each of the points included in the letter sent to the city council, a copy of which is at <https://831responsibledevelopment.org/2021/07/20/our-citizens-group-gives-city-officials-a-number-of-key-reasons-to-reject-streamlining-sb35-application-for-831-water-street/>.

In particular, the traffic problems created by this project will do great harm to Santa Cruz. It's imperative that there be traffic studies done before any project gets built.

The current plan to use the westbound Water St bike lane as the sole ingress/egress is extraordinarily reckless, and could easily result in collisions that could kill bicyclists. Funneling all east bound traffic to the high-density through a U turn at the B-40/Water intersection is a terrible design.

Also, I don't see how you can allow a project that 1) is 3x the density for which the site is zoned, and 2) deprives adjacent housing of any direct sunlight through much of the year. How can this be healthy?

Please show leadership and take action to prevent this project being forced through via SB35 provisions.

Tim Ledwith  
246 Marnell Ave  
Santa Cruz CA 95062

**Rosemary Balsley**

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**From:** suzirulien <suzirulien@comcast.net>  
**Sent:** Sunday, September 12, 2021 10:07 AM  
**To:** City Council  
**Subject:** 831 Water Street proposal

I would like to urge you to decline approval of this project. Not just based on design issues, but also as a consideration to the people who have made their homes behind that property. It is not a popular perspective, being considerate of people who live in areas surrounding new construction, but there can be development, beautiful and ecologically designed, and blending in with neighborhoods. Think about it.

Not sure how these projects are being decided upon but I can be sure that it will benefit the developer more than citizens and occupants.

-Suzann Flanders

Sent from Samsung Galaxy smartphone.

**Rosemary Balsley**

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**From:** John Moir <john@jmoir.com>  
**Sent:** Sunday, September 12, 2021 11:03 AM  
**To:** City Council  
**Subject:** Please deny 831 Water St. proposal

Dear Santa Cruz City Council:

We are longtime Eastside residents and are strongly opposed to the 831 Water Street project. The scope and scale of this development is completely out of place in our neighborhood. Please vote to deny the proposal.

Thank you.

John and Ellen Moir  
307 Marnell Avenue  
Santa Cruz 95062



## Rosemary Balsley

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**From:** LORRI EVANS <lorri.evans@sbcglobal.net>  
**Sent:** Sunday, September 12, 2021 11:23 AM  
**To:** City Council  
**Subject:** 831Water Street

As someone who was born and raised in Santa Cruz and actually grew up living in a house on Belvedere Terrace and currently owns a home on Arbor Avenue I am respectfully asking that you do not allow the proposed development at 831 Water Street go through as it is currently being proposed. While I agree that there is a need for more affordable housing in Santa Cruz this project is just simply too big for that site. As been pointed out the SB 35 Application is incomplete so the city should not be officially reviewing an application that does not meet the minimum SB 35 requirements of 50% or more affordable housing. How can we make a decision on an application that is so blatantly incomplete beyond the requisite affordability numbers? It will change the integrity of the neighborhood and do nothing to help create sustainable housing for the future. There are currently four similar apartment sites in Santa Cruz with apartments available for rent : 555 Pacific Avenue, The Breakers 630 Water Street(located right down the hill from the 831 Water proposed project) ,1010 Pacific Apts and Cypress Point Apts 101 Felix Street We do not need more student housing but affordable homes for families. This project will cause more traffic in an all ready bad traffic area, cause further stress on our limited water supply, force the residents on Belvedere to live in the buildings immense shadow for most of the year. Choose wisely for the future of Santa Cruz housing please do not let Santa Cruz become the next San Jose.

Respectfully  
Lorri Evans  
228 Arbor Avenue  
Santa Cruz Ca 95062

## Rosemary Balsley

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**From:** DCohen <ao@ebold.com>  
**Sent:** Sunday, September 12, 2021 1:45 PM  
**To:** City Council  
**Subject:** Opposed to development of 831 Water St. as currently proposed

SC City Council - I am writing to express my opposition to the development at 831 Water St. as proposed. It is disruptively out of scale for the neighborhood. Also, assurances that the future water supply is guaranteed by current plans are smug and not reliable; these plans should be manifest before qualifying as justification for expanding the population of Santa Cruz.

Don Cohen  
1709 Seabright Ave.  
ao@ebold.com

## Rosemary Balsley

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**From:** Bonnie Barisof <bonniesb2020@gmail.com>  
**Sent:** Sunday, September 12, 2021 1:57 PM  
**To:** City Council  
**Cc:** Nathan Nguyen  
**Subject:** 831 Water Street development

Dear City Council,

I am grateful that the decision to determine whether an SB35 application is approved/denied rests with the City Council. As our elected representatives, you have the responsibility to listen to the concerns of your community and to protect the health/safety/quality of life in the City of Santa Cruz.

The 831 Water Street Development proposal is the first SB35 proposed project, and it is critical that the Council does its due diligence, as this will set the precedent for future development. We cannot afford to get this wrong.

There are many objective concerns/objections to the viability of this project:

1. This development would be 145 units on less than one acre, in zoning that is only supposed to allow up to 55 units per acre. It would also be 60 feet tall and take up almost the entire lot that is zoned for only 40 feet tall and should include more open space for any new residents. Loopholes in the density bonus and new state laws are allowing developers to try to build way larger and denser than is healthy for our community.
2. Currently the development has the affordable units segregated from the market-rate units in a separate building! The state requirement for SB 35 developments is to have affordable units distributed throughout the development. The City of Santa Cruz requires the affordable units to be dispersed throughout the development (Inclusionary Ordinance & Density Bonus Ordinance).
3. The only entrance/exit is on Water Street where the center divide will force everyone entering and exiting the property to make U-turns to access the property, depending on which way they are heading. It is imperative that a traffic study be conducted at the most impacted times of day.
4. This site is hydrologically challenged due to its geography. Water is trapped above the substrata of mudstone and pools in the neighborhoods north of Water Street as it runs down from Delaveaga. Water Street gets its name because water constantly seeps through the retaining wall at this site. If the developer is allowed to put in a concrete two-level underground garage, it will create a "dam" along the entire north side of this long, narrow lot. That poses a considerable threat to homes, as well as a public health issue, coupled with the shading from these tall buildings. Standing water + total shade = toxic mold.
5. This project does not meet the City of Santa Cruz Regional Housing Needs Allocation. There are not enough parking spaces for all of the units, and the parking spaces are an additional expense over and above the rent. This will have a major negative impact on the surrounding neighborhood, as residents' cars fill nearby residential streets to avoid paying for parking.

Thank you for taking the time to fully address these issues with this proposed project.

Sincerely,  
Bonnie Barisof

## Rosemary Balsley

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**From:** Milo Barisof <nussram@yahoo.com>  
**Sent:** Sunday, September 12, 2021 2:42 PM  
**To:** City Council  
**Cc:** Nathan Nguyen  
**Subject:** 831 Water Street development

Dear City Council,

I am glad that the decision to determine whether an SB35 application is approved/denied rests with the City Council. As our elected representatives, you have the responsibility to listen to the concerns of your community and to protect health, safety, and quality of life in the City of Santa Cruz.

The 831 Water Street Development proposal is the first SB35 proposed project, and it is critical that the Council does its due diligence, as this will set the precedent for future development. We cannot afford to get this wrong.

There are many objective concerns/objections to the viability of this project:

**1) Incomplete SB 35 Application:** The City should officially respond to the applicant in writing, deeming the application as non-conforming and incomplete.

Why is the city even officially assessing an application that does not even satisfy the minimum SB 35 requirement — of "50% or more affordable units"? The City has posted acknowledgment of this nonconformity. The City of San Francisco has set a process that makes this situation stop the application until the applicant submits a new conforming application; and then the timeline starts from the beginning again.

How can we adequately assess an application that is also obviously incomplete beyond the requisite affordability numbers?

The elaborate table in the old/replaced application, showed how the developer felt they fulfilled the specific objective standards they identified with their building design and relative specifics, as well as the SB 35 requirements. That old application had different unit counts, parameters/massing, setbacks, etc., so it cannot be used to measure the new application against any identified standards/requirements.

The new application is missing this needed table or similar explanation of fulfillment of the standards/requirements, so how can the City, the public, or any other reasonable person be able to assess it?

**Mass/Scale/Density:** This development would be 145 units on less than one acre, in zoning that is only supposed to allow up to 55 units per acre. It would also be 60 feet tall and take up almost the entire lot that is zoned for only 40 feet tall and should include more open space for any new residents. Loopholes in the density bonus and new state laws are allowing developers to try to build way larger and denser than is healthy for our community.

**Segregated Housing:** This development segregates affordable units from market rate unit in two separate buildings, promoting classism and racism; we cannot allow the development patterns in society to perpetuate this segregation. Two City Ordinances dictate that all inclusionary affordable units are to be "dispersed throughout the development." This includes our Inclusionary Ordinance as well as our Density Bonus Ordinance. It is also a requirement for the affordable units found in SB 35's regulations per the state's Department of Housing and Community Development.

**Public Safety — For Cyclists:** The only proposed entrance/exit for the underground parking garage poses an unusually unsafe situation for cyclists riding down the new protected bike lane on Water Street. If we want to build a more cyclist and pedestrian oriented City, dangerous proposals like this cannot be approved.

**2) Traffic — Public Health:** Traffic already backs up on the corner of N. Branciforte Avenue and Water Street. Adding this much population density to such a small lot will dramatically increase this. And it's not just the density, the only entrance/exit is on Water Street where the center divide will force everyone entering and exiting the property to make U-turns to access the property, depending on which way they are heading. Traffic has not just been linked to dangerous air quality, but also anxiety disorders, and many other negative health impacts.

**3) Historical/Archeological:** The Villa de Branciforte holds significant yet largely ignored historical and archeological significance for the City, the County (originally named Branciforte County) and the State. Potential buried structures/foundations and artifacts from that era must be protected and the presence of which should disqualify the development for SB 35 approval. The Villa had a completely different culture than the Santa Cruz Mission town. Native Americans and Mestizos were allowed to vote in the Villa and some even held office. This is in stark contrast to the secular and controlled society at the Mission, where huge numbers of Natives perished. For being such a small strip of town with huge historical significance for the entire State, the old Villa de Branciforte area needs to be treated with great archeological care during any deep excavation that would completely remove the historical Bolcoff Hill for a two level underground parking garage.

**4) Public Safety — Building Safety/Earthquakes:** This site is on a hill that is more than 30 degrees with very specific geography. The type of soil is loose and crumbly with chunks cracking and falling along the retaining wall on Water St. Santa Cruz is in an area with six major faults surrounding us, and the Ben Lomond Fault going straight through our City. Unfortunately, SB 35 only restricts developments within areas in which the State Geologist has published official maps showing them as delineated earthquake fault zones. Unfortunately "no data" has been officially applied to the entire area of our City on the official maps, even though the fault activity map on the State's "geological survey" shows a ton of faults. If you go to our City's address on this map and zoom out, you will see many faults and we know first hand that our City is prone to plenty of damage due to earthquakes.

The oversight of our City not yet having adequate data on the State Geologist's site should not be allowed to result in improperly constructed large developments throughout our City that don't get the proper EIR/CEQA process that could mitigate such dangers by requiring earthquake retrofitting in the design.

**5) Standing Water — Public Health:** This site is hydrologically challenged due to its geography.



Water is trapped above the substrata of mudstone and pools in the neighborhoods north of Water Street as it runs down from Delaveaga. Water Street gets its name because water constantly seeps through the retaining wall at this site. If the developer is allowed to put in a concrete two-level underground garage, it will create a "dam" along the entire north side of this long, narrow lot. That poses a considerable threat to homes, as well as a public health issue, coupled with the shading from these tall buildings. Standing water + total shade = toxic mold.

**6) Shade — Public Health:** The 60-foot height of this development would cast shade on the Belvedere Terrace homes so that during the winter, many would see zero direct sun for the entire day. This is linked to depression (Seasonal Affective Disorder). It could also cause serious illness due to toxic mold when those properties would have neither the drying warmth, nor UV sterilization from the sun during the wet time of the year.

**Parking:** This site does not provide the amount of parking for the density of housing proposed and only a couple parking places for their commercial retail. On top of that, the parking will be expensive for the residents and paid for separately (uncoupled) which poses an extra strain on new residents needing affordable housing. This will cause many residents and commercial patrons to park elsewhere, greatly impacting neighboring streets.

**7) Open Space/Privacy:** Green open space is part of our development standards and crucial to include in any development for physical health, mental health and well being of residents, as well as the air-scrubbing needed from plants to mitigate the huge increase in population density and associated traffic. Besides a couple of very small strips, the only open space proposed for this development is the rooftop, where people will be able to look down directly into the yards and homes of the neighboring community.

**8) Cumulative Impacts:** Large developments are already permitted all over the City and more are being proposed. The cumulative impacts on our community are not being discussed and the crucial infrastructure needed to support such density is not being adequately addressed. We are already over our carrying capacity for many necessities, such as water (with no end to our global warming-perpetuated drought in sight).

Thank you for taking the time to fully address these issues with this proposed project.

Sincerely,  
Milo Barisof

## Rosemary Balsley

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**From:** Lisa Burdick <lisaroseburdick@gmail.com>  
**Sent:** Sunday, September 12, 2021 4:07 PM  
**To:** City Council  
**Subject:** 831 Water St. - Opposition letter

Hello City Council,

I have been following this project since the beginning and have been firmly against it for several reasons. I am a lifelong resident and currently live in this neighborhood. I do support some sort of renovation or smaller scale housing for this particular property. I truly don't think this proposed project solves any of the issues it claims to be helping.

I am concerned with the sheer size of the physical property proposed being wedged into an existing neighborhood much like a sardine in a can. There is little to no outdoor access for proposed residents and the structures tower over neighboring homes. This project does not make sense geographically, as 150 units is a lot of people in this cramped less than 1 acre size. The studios are proposed at the smallest possible size they can be legally, again like sardines in a can.

The parking proposed has issues including not enough proposed parking spots for the number of units- leading people to park in the surrounding neighborhoods where parking is already an issue with many multi family homes. The parking for tenants is going to cost \$300/month in addition to the rent, this seems to exceed low-income affordability (which is what this property claims to be).

Why does "affordable" have to mean the bare minimum? Why can't the parking spaces be built into the low-income housing cost? As a low-income individual, I would not want to live in this building. It is too crowded and does not offer parking or enough outdoor space. I believe affordable housing is helping low-income individuals and families increase their financial status through investment, this type of housing does not do that. The only people who benefit from the investment are the developers and their investors. How do we get the people of Santa Cruz to benefit?

It appears this housing is indirectly targeting UCSC students as potential tenants. This is another issue or barrier to working low income individuals and families getting housing. When you have students stacked in dorm-like apartments because there is not enough housing available on campus, this puts more strain on the issue of families finding affordable, realistic homes.

I fear this project is the beginning of the end of local input into projects, the state seems to be overpowering democracy with laws like SB-35, leaving little choice for the people of the community. How can we make changes to benefit the local community? The state doesn't seem to have a part in how their oligarchic laws are playing out at the community level.

Thank you for your time, and please vote to downsize this project and fix many of the issues involved.

Sincerely,

Lisa Burdick

## Rosemary Balsley

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**From:** Lira Filippini <lirafilippini@gmail.com>  
**Sent:** Sunday, September 12, 2021 4:59 PM  
**To:** City Council; Donna Meyers; Sonja Brunner; Justin Cummings; Shebreh Kalantari-Johnson; Sandy Brown; Renee Golder; Martine Watkins; Tony Condotti; Lee Butler; Samantha Haschert; Ryan Bane  
**Subject:** Agenda Item 25 - 831 Water St Public Oversight Meeting

Dear Mayor, Council Members and Planning,

I write to put on record - my support for the agenda recommendations for Agenda Item 25 (9/14/21); 831 Water St public oversight meeting.

I especially support this posted agenda item detail for accuracy to my current understanding of SB 35 regulations in relation to the details in the official application (submitted on 7/27/21):

"In order to proceed with the development, the applicants would need to correct any deficiencies and resubmit the application. Resubmittal of the application would restart the City's review timeline."

I also support and am grateful to Planning and Community Development Staff for noting in the agenda report (on page 7, bolding added by me for emphasis):

"The most recent plan submittal on July 27, 2021 provided a revised site and building design but did not include a revised narrative with a density bonus request, **nor did the submittal include base density plans that appropriately reflect a fully conforming project.** Therefore staff could not conduct an analysis as to the permitted density bonus nor the requested incentives/concessions or waivers."

I would also like to add this part of San Francisco's policy - as support of our planning Staff's posted recommendations (bolding added by me for emphasis).

- [San Francisco's SB 35 Application Process:](#)

- "SB-35 includes timelines for streamlined review. Planning staff must determine if a project is eligible for streamlining within 60 days of application submittal for projects of 150 or fewer units... **If the Department provides written comments to a Project Sponsor detailing how a project is not SB-35 eligible as proposed, or requests additional information to make such a determination, then the 60 or 90 day timeline will restart upon submittal of a revised development application in response to that written notice.**"

Novin Development has since submitted what the applicant is calling "additional information". This additional information includes a completely different allocation for both base number of units proposed as well as total number of units proposed. Among many other changes to the application, this is not a minor change to an existing application and should not be identified as such. This is either a "new application" or additional and incongruent information to the old official application that is found by the City Staff to be non-conforming.

Thank you for respectfully denying the current official application for development for 831 Water St, fulfilling the required SB 35 timeline. And thank you for respectfully submitting in writing to the applicant that the official application is in non-conformity and that the applicant is welcome to submit a new application for review with the onset of a new timeline for such review.

Thank you,  
Lira Filippini  
130 Belvedere Terrace

Santa Cruz, CA 95062

**From:** [Valerie Bengal](#)  
**To:** [City Council](#)  
**Subject:** 831 Water Street  
**Date:** Sunday, September 12, 2021 6:41:08 PM

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Dear City Council Members,

I am writing to register my contribution to the meeting on September 14, which I cannot attend because I am working.

I have participated in the public response and discussion about the development in my neighborhood. Now that you have heard all the arguments to modify the project I will take the approach of how this would be addressed with a constructive and positive mindset in a more rational parallel universe. I have traveled the world and lived in large cities with population densities of up to 11,000 per square mile (Chicago, Paris, Vienna, which is famous for "social housing developments", Berkeley) as well as in smaller cities. I have seen that the best design is that which has a "sense of place," in the fullest sense.

Here is the profile and the instructions to the engineers and architects:

A lot (less than one acre) is available in a mixed commercial and residential neighborhood at the corner of a busy and awkward intersection for redevelopment as mixed residential and commercial. It is zoned for 40 feet tall and less than 55 units. The SB 35 requirement is for 50% affordable units distributed throughout the building. Parking must be adequate for the number of commercial and residential units since there is basically no available street parking nearby. The front of the property includes a lane reserved for use by the Fire Department and other emergency vehicles who must exit Belvedere Terrace cul-de-sac (to the west and north of the property) because they cannot turn around. It would not be practical to route the emergency vehicles around the back of the building.

The neighborhood, Villa De Branciforte, is almost 250 years old and has numerous areas of archaeological significance. The surrounding homes are primarily Victorian, Craftsman, and mid-(20th) century. The commercial area has architectural diversity and is largely less than two stories high. Whatever is built at this corner could set a precedent for good or for bad design. It overlooks the surrounding area and could be a big eyesore.

It sits above an unusual geologic mudstone formation, where water flows from the hills to the north and is trapped at Water Street and the existing retaining wall. There is frequently standing water in the homes "upstream" from this underground current. There is a high risk of toxic mold in the neighborhood and threats to the structural integrity of the buildings.

The slope is more than 30 degrees and consists of friable and unstable soil and subsoil. The City does not have updated information about seismic risk.

The lot abuts residential areas on two sides. The only possible exits from the lot are both near the corner of Branciforte Avenue and Water Street, and must account for heavy auto, bus, truck, pedestrian and bicycle traffic.



Because the lot is next to residential areas there is no "buffer" zone of streets to help with ingress and egress of traffic.

Another problem is that a tall building so close to the neighborhood may shade the residences to the west and north, causing significant harm to the residents of the homes. The lack of sun would eliminate the use of solar panels and encourage mold and other damaging consequences of standing water. Even during our long drought there is plenty of mold in Santa Cruz.

The overall plan for new construction in the narrow commercial corridor of Water Street suggests that very tall or bulky buildings would not fit the carrying capacity of the neighborhood. There is limited infrastructure, space, water, and services.

So, if I were a so-called "developer":

I would hire the best archaeologist, engineers and architects and instruct them to design for the setting and the limitations, not make a generic design out of thin air and hope to ram it through the Planning Department. I would hire a green builder.

I would look at the entire neighborhood and ensure that my "development" is in harmony with the surrounding natural and built area. I would think long-term about how my building addresses equity in housing, environmental sustainability, the circular economy, mitigation of the climate crisis, and risks such as earthquake, fire, and drought. Perhaps SB 35 guidelines must be followed, but the system should not be "gamed."

I would first address the seismic, water, and traffic constraints. I would probably build 30 units, 40 feet tall, with no more than 60% lot coverage, to accommodate the fire lane on the west end and a buffer zone between the north and west side between the property and the neighboring residents. The top of the building would have a downward slope or "stair steps" from the front to the back of the building, calculated from the azimuth of the sun in winter. The north side of the building would be used for corridors, stairs and utilities to respect the privacy of the neighbors. There would be open space all around. Parking would be on the ground floor. We have plenty of vacant real estate in town, no need for retail, although "live-work" may fit. There should be a green roof with solar panels and rainwater collection cisterns for landscaping, as well as charging stations for electric cars. Zip cars or other shared transportation would be a great idea. The style of the building should fit the history and culture of the city, as well as the unique natural setting. This would be the fun part of the design.

I urge the City Council to represent the good judgement and experience of the people who live in this neighborhood and this city and know it far better than a company whose desire for profit and expediency will override a thoughtful, professional, and socially responsible approach to building.

Please note that, as a physician, if I approached the practice of medicine as mindlessly and indiscriminately as this developer, without regard for standards of care, evidence-based medicine, and the needs and vulnerabilities of the individual, my patients would be maimed or dead and I would be in prison.

Thank you for hearing my suggestions.

Valerie Bengal MD FAAFP  
424 Poplar Avenue  
Santa Cruz 95062

## Rosemary Balsley

---

**From:** Anne Murphy <amurphy@vanguardrealtors.com>  
**Sent:** Sunday, September 12, 2021 7:08 PM  
**To:** City Council  
**Subject:** I oppose 831 development

Hello,

Writing to let you know that due to the enormous scale & density of this project, its segregated housing design, the low number of "affordable" units proposed, the disregard of the impact to traffic & the overarching architectural design I oppose this project for the N. Branciforte area of Santa Cruz.

Who does this project serve? What segment of our housing issue does this address?

Think about the needs of Santa Cruz residents before voting to proceed.

Thank you,

Anne Murphy

Anne M. Murphy

eXp Realty of Ca., Inc.

DRE # 00644055

Cell 831.247.0670

[amurphy@vanguardrealtors.com](mailto:amurphy@vanguardrealtors.com)

[www.AnneMMurphy.com](http://www.AnneMMurphy.com)



Virus-free. [www.avg.com](http://www.avg.com)

## **Rosemary Balsley**

---

**From:** Cecil Childress <c.c.childress@sbcglobal.net>  
**Sent:** Sunday, September 12, 2021 8:07 PM  
**To:** City Council  
**Subject:** 831 Water St.

Dear City Council Members,

I have lived in Santa Cruz for forty-five years.

Santa Cruz has always been a very special place with a unique small town atmosphere. I can see the need for affordable housing here, but the proposal to put 145 units at 831 Water Street is unacceptable; the zoning only allows for 55 units per acre and the 831 site is less than an acre.

Senate Bill 35 should not be used to encourage this irresponsible development that will put a strain on an already burdened city infrastructure. Everyone I know is against this development. Only the developers will benefit from its completion.

This community has always resisted multi-storied buildings. Santa Cruz has always had a small town atmosphere that both its citizens and visitors enjoy. Multi-storied buildings will make Santa Cruz feel like just another over populated city. Santa Cruz will lose its identification and some of what makes it a wonderful place to live.

Please deny Novin Development a building permit for this unacceptable structure.

Cecil Childress

## Rosemary Balsley

---

**From:** Brian Bagley <briankt@comcast.net>  
**Sent:** Sunday, September 12, 2021 8:43 PM  
**To:** City Council  
**Subject:** 831 Water Street Proposal

To the Members of Santa Cruz City Council, I write this letter in opposition to the proposed development on Water St. and Branciforte Ave. , a historical site of our Villa Branciforte. You have heard the strong opposition to this overly dense project and the many reasons why it should not be approved . I live in a neighboring community, but I am very familiar with the neighborhood of Belvedere Terrace and Berkeley Way. These are historic neighborhoods and should not be drastically altered by a high rise apartment. By approving the proposed project you will be destroying those neighborhoods with shadows, lack of privacy, noise pollution, traffic congestion, and parking issues. Putting approximately 300 people and at a minimum 150 cars, on a one acre lot is insane. Being for such a project should put an end to your tenure on the city council, in my opinion. Please reject the current proposal of Mr. Norvin and consider a smaller, neighborhood friendly and community wise project. It would benefit everyone in our community.

Katherine Bagley  
145 Lucinda St., Scott's Valley, CA 95066  
(831) 439-9909



## **Rosemary Balsley**

---

**From:** Patricia McVeigh <pmcveigh@baymoon.com>  
**Sent:** Sunday, September 12, 2021 10:03 PM  
**To:** City Council  
**Subject:** 831 Water St.

It's inconceivable how more housing units can be approved in this time of Limited water Supplies. Please consider halting construction for a period of at least a year.

Have a Happy Day,

Pat

## Rosemary Balsley

---

**From:** Woutje Swets <woutje.swets@gmail.com>  
**Sent:** Sunday, September 12, 2021 10:54 PM  
**To:** City Council  
**Cc:** Ryan Bane; Lee Butler  
**Subject:** 831 Water Street project

Dear Honorable Mayor and City Council:

I am urging you to take into account my comments regarding Mr. Novin's application for the 831 Water Street Development:

1 - Mr. Novin is requesting a Concession regarding his proposal to have a separate building for the required affordable units. He claims that he needs an exception because otherwise his financing scheme would not work. However, Section 65008 of SB35 "prohibits discrimination against affordable housing".

Separating the affordable housing units from the market rate units is a clear example of redlining and segregation, and it is of course forbidden by law.

2 - SB35 does not require parking if there is public transportation within half a mile of the project. There is indeed a bus stop for busses #66 and #71.

However, the SB35 requirement is too vague as it does not address when busses actually run.

Bus #66 only runs once per hour. On weekdays the last bus is at 10 PM. On weekends the last run is at 9 PM.

Bus #71 doesn't even run after 4 PM, and its weekend schedule is only 1 x per hour.

Especially people who rely on public transportation certainly need busses to run more often than 1 x per hour, and certainly need busses to run later than 9 or 10 PM.

3 - Regarding the proposed garage exit onto Water Street: The developer states that there is "adequate sight" for cars exiting from his development onto Water Street. However, that does not take into account the steep hill at that garage exit where the speed limit is 30 miles per hour. "Adequate sight" requires a much longer line of sight than the developer is proposing when cars and bikes travel there at 30 miles per hour down a steep hill.

The Public Works Department did an Engineering & Traffic Survey, published in October of 2018:

Of the 101 vehicles observed at the Water Street section between N. Branciforte Avenue and Ocean Street there were a whopping 43 collisions between 2010 to 2015. Close to 46%! Of those collisions, 26 resulted in injuries.

Between 2003-2006 the Reed Way Cottages at the corner of 719 Water Street and Reed Way were built. There is a driveway in that development that exits onto Water Street. However, that driveway exit has a locked gate because the City of Santa Cruz deemed it too dangerous to be used as an exit. The gate is only accessible by the Fire Department for emergencies.

I urge you to deny the application of the Water Street Development.

Sincerely,  
Woutje Swets  
831-278-2447

## Rosemary Balsley

---

**From:** Ann Hubble <hubbletalk@gmail.com>  
**Sent:** Monday, September 13, 2021 4:38 AM  
**To:** City Council  
**Subject:** Too Many Problems to Approve 831 Water Street

Dear City Council,

I urge you to oppose the 831 Water Street Proposal. We need to build more affordable family housing in Santa Cruz, but let's be smart about what projects are approved so we maintain a healthy, livable city.

- The size of the 831 Water Street project is unacceptable. The proposed 145 units on less than an acre for an area that is zoned for 55 units per acre is excessive.
- The project doesn't meet the minimum SB 35 requirement of 50% or more affordable units. We need more affordable, family development to encourage more families to live in our town.
- The proposed underground garage has an entrance/exit that poses a danger to those of us who regularly use the new bicycle protected bike lane on Water Street. Let's build safer situations for cyclists.

Thank you,

Ann Hubble  
118 Melrose Avenue

## Rosemary Balsley

---

**From:** Bonnie Bush  
**Sent:** Monday, September 13, 2021 6:43 AM  
**To:** City Council  
**Subject:** FW: MBEP Comment Letter | Sept 14 City Council | Agenda Item 25  
**Attachments:** MBEP Comment Letter 9.14 Agenda Item 25.pdf

*Bonnie Bush, CMC*

City Clerk  
City of Santa Cruz  
831-420-5035

Public Records Requests may be submitted online via the Public Records Request form, by email, or by hard copy form available at the City Clerk's Office located at 809 Center Street, Room 9, Santa Cruz, CA 95060.

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**From:** Ashley Gauer [mailto:agauer@mbep.biz]  
**Sent:** Friday, September 10, 2021 4:38 PM  
**To:** Bonnie Bush <bbush@cityofsantacruz.com>  
**Cc:** Bonnie Bush <bbush@cityofsantacruz.com>  
**Subject:** MBEP Comment Letter | Sept 14 City Council | Agenda Item 25

Hi Barbara,

Hope this finds you well. Now that the agenda is out for Tuesday, 9/14, we wanted to make sure we got our comment letter (attached) RE: Item 25 in before the weekend.

I didn't see a deadline for written public comment, so if you could confirm our letter will be included in the Council's packet, that'd be wonderful.

Thank you so much, have a nice weekend!

-----  
**Ashley Gauer**

808.927.1535

Program Manager, Special Projects

**Monterey Bay Economic Partnership**



Lead. Impact. Thrive.



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Santa Cruz County  
Superintendent of Schools

**Susan True**  
CEO, Community Foundation  
Santa Cruz County

**Staff: Kate Roberts, President & CEO**

September 10, 2021

Santa Cruz City Council  
809 Center Street  
Santa Cruz, CA 95060

**Subject:** Support for 831 Water Street Mixed Use Project, Agenda Item 25

Dear Mayor Meyer and Santa Cruz City Councilmembers,

The Monterey Bay Economic Partnership (MBEP) supports the proposed affordable housing development at 831 Water Street *once it complies* with staff's objective standards criteria and accompanying density bonus request pursuant to Senate Bill 35 (SB-35) on Affordable Housing Streamlined Approval Process.

The proposed mixed-use project answers a critical need for affordable and workforce housing in our community. Of the total 140 residential units included in the proposal, **71 tax-credit affordable units would be designated to lower income households making 30-60% of the Area Median Income (AMI), and 69 units of middle-income workforce housing** will target critical employees like nurses, teachers, firefighters, and young families. The developer is currently **working with Santa Cruz City Schools to determine a set-aside of these units at 80-120% AMI**.

In addition to providing affordable housing units to the community, the proposed development would also provide **underground automated parking** stackers, ample **bicycle parking**, local **artist units**, 2,727 square feet of **ground-floor commercial space to support local entrepreneurs and students**, ample **green open space**, and **environmentally friendly amenities** including a rooftop garden, rainwater recycling, and 100% electric utilities with renewable energy. The **urban infill location** of the project makes a prime opportunity for **reducing greenhouse gas emissions** by being within walking or biking distance to amenities, restaurants, Downtown Santa Cruz, UC Santa Cruz, jobs and public transportation. As the **project is within 1/2 mile of a bus stop** at Ocean and Water, it meets headway frequency and is **situated on a high quality transit corridor** qualifying the site as a **"Sustainable Communities Opportunity Area" for transit-oriented development** per AMBAG's Metropolitan Transportation Plan. All of this contributes to mitigating the effects of climate change, and opportunities for sustainable growth.

As the City's first affordable housing developer to propose a project under SB-35 in the City of Santa Cruz, **we commend the cooperation of the city and the developer to better understand SB-35 and its process**. The developer has worked diligently to address community concerns, which include, **reducing the height** on one building from 5 stories to 4, **adding an additional 20 foot property set-back** along Water Street and **building-step back** for improved emergency vehicle access, **reducing the overall building area** by over 20%, **eliminating the rooftop bar**, and **limiting the**

3180 Imjin Road, Suite 102  
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**parking garage use to residents only** in order to reduce in-and-out traffic along Water Street. **Additional changes to the project's application include:**

1. More EVSE electric vehicle charger spaces
2. Increased secure bike parking in garage
3. Design improvements to enhance safety at the garage entrance on Water Street
4. Addition of bio-treatment for rainwater runoff
5. Increased commercial parking spaces
6. Addition of 5 artists or live/work lofts
7. Addition of streetscape improvements (trees, bus shelter, etc.) along Water Street
8. Selection of high quality building materials for enhanced architectural design

The proposed project **will continue to** do its part to honor and comply with the objective standards established by the City, and will be an architectural benefit and important step forward in the future of housing in Santa Cruz. **MBEP's Housing Initiative supports the construction of housing in our region at all types and income levels in appropriate locations near existing jobs, transit and services. MBEP's Climate Change Initiative advocates for the construction of transit-oriented housing developments and climate-resilient infrastructure.** With its use of SB-35 and Density Bonus Law to maximize land use in an appropriate site proximate to jobs and transportation, 831 Water Street is in alignment with our housing production and climate change resiliency goals. Also, in accordance with SB-35 requirements this project **will pay prevailing wages for construction which will maximize local hiring and livable pay rates.**

For all these reasons and more, **we encourage the Council to expeditiously approve the project *once it complies with the City's objective standards criteria and accompanying density bonus request pursuant to SB-35.*** If the current submittal does not meet objective standards and is therefore not eligible for SB-35 at this time, we support staff's recommendation to direct the Planning and Community Development Department to prepare a written documentation letter that would be provided to the applicant that references the Council's denial and identifies what objective criteria are not being met and why so that the applicant can make necessary corrections and resubmit.

Thank you for your leadership and time.

Sincerely

Kate Roberts  
President & CEO

---

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Watch our [video](#) to learn more

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Santa Cruz County

**Staff: Kate Roberts, President & CEO**

September 10, 2021

Santa Cruz City Council  
809 Center Street  
Santa Cruz, CA 95060

**Subject:** Support for 831 Water Street Mixed Use Project, Agenda Item 25

Dear Mayor Meyer and Santa Cruz City Councilmembers,

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Sincerely

Kate Roberts  
President & CEO

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## Rosemary Balsley

---

**From:** Bonnie Bush  
**Sent:** Monday, September 13, 2021 6:41 AM  
**To:** Rosemary Balsley  
**Subject:** FW: Item 25: 831 Water Street affordable -- Support  
**Attachments:** 831 Water Street -City of Santa Cruz support letter 9-14-2021.pdf

Hi Rose,

Casey also sent this email to each Councilmember, so you don't need to send to them again.

*Bonnie Bush, CMC*

City Clerk  
City of Santa Cruz  
831-420-5035

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**From:** Casey Beyer [mailto:casey.beyer@santacruzchamber.org]  
**Sent:** Sunday, September 12, 2021 12:33 PM  
**To:** City Council <citycouncil@cityofsantacruz.com>; rbalsley@cityofsantacruz.com  
**Cc:** Bonnie Bush <bbush@cityofsantacruz.com>  
**Subject:** Item 25: 831 Water Street affordable -- Support

Santa Cruz City Council  
807 Center Street  
Santa Cruz, CA 95060

RE: Support 831 Water Street Affordable Housing Project subject to State Law — SB 35

Dear Mayor Meyers, Vice Brunner and Councilmembers Brown, Cummings, Golder, Kalantari-Johnson and Watkins

On behalf of the Santa Cruz County Chamber of Commerce, I submit the following letter of support for the 831 Water Street affordable housing project subject to state law — SB 35.

Casey

Casey Beyer  
Chief Executive Officer  
Santa Cruz County  
Chamber of Commerce  
(831) 457-3713





# Santa Cruz County

## CHAMBER OF COMMERCE

Creating a vibrant community since 1889

September 12, 2021

Santa Cruz City Council  
809 Center Street  
Santa Cruz, CA 95060

RE: Item 25 — 831 Water Street Project, SB 35 application

Dear Mayor Meyers, Vice Mayor Brunner, Councilmembers Brown, Cummings, Golder, Kalantari-Johnson and Watkins:

**I am writing on behalf of the Santa Cruz County Chamber of Commerce in support of the proposed affordable housing project at 831 Water Street subject to the state legislative guidelines set forth in SB 35.** The Chamber has held a decade's long policy priority to produce more housing in all income levels to address the housing shortage in our region.

Our community is suffering from the cumulative impact of thirty plus years of neglecting our housing needs. The Board of Directors of the Santa Cruz County Chamber of Commerce recognizes the solution to this problem will require sustained commitment and action over a long period of time. The Chamber supports increasing the number of housing units in Santa Cruz County and specifically in the City of Santa Cruz with a focus on serving moderate to low and very low income individuals and families through increased-density and mixed-use developments. This proposed project meets those needs.

"The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern, and not a municipal affair. Therefore, the changes made by this act are applicable to a charter city." It was created to address the problem of cities that have not meet their housing requirements. The State law sets the standards for approving an affordable housing project and a city can exercise a review of the projects

Of course, neighborhood opposition can push the City Council to delay or deny any housing project based on subjective opinions from neighborhood opposition. That is exactly the course this affordable housing project received after a 5 hour City Council "SB 35 study session" on September 7 — starting at 7:30 pm and running well past midnight. I listened to nearly four hours of this study session. What I heard was an orchestrated neighborhood opposition citing various subjective reasons (all very well intended and articulated points) why this project does not meet the objective standards in state law. State law noted in the City staff reports states:

*"When determining consistency with objective zoning, subdivision, or design review standards, the local government shall only use those standards that meet the definition referenced in Section 102(q). For example, design review standards that require subjective decision-making, such as consistency with "neighborhood character," shall not be applied as an objective standard unless "neighborhood character" is defined in such a manner that is non-discretionary."*

During the months leading up to the developer's first application submittal in early July and again after holding community meetings the project developer resubmitted the application making substantial changes to the project. Nonetheless, the changes were never going to be acceptable to the neighborhood. The community continued to cite these reasons why the project is not acceptable.

- Neighborhood compatibility — such as height, size, and general architecture;
- The design does not reflect the historic design of the Villa de Branciforte area;
- Solar impacts on adjacent residences;
- Excessive traffic on already congested surrounding intersections;
- Excavation may disturb or uncover historic artifacts;
- The project should be LEED certified;
- General support of an affordable housing development but at a reduced scale;
- Concerns with separate buildings for low income and market rate or “workforce” tenants;  
and
- Concerns with high groundwater at this location that may be overlooked if measured during a drought year.

These reasons are subjective opinions why to not move a project forward. Many of these issues can be addressed in the design review process where the Council can include these issues in formal motion to approve the project. However, the staff report now recommends denying the project and asking the City Council to:

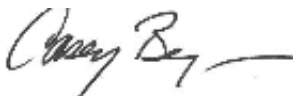
*“Review the objective standards table, deny the application based on the fact that the project does not meet the city’s objective standards and is therefore not eligible for SB 35, and direct the Planning and Community Development Department to prepare a written documentation letter that would be provided to the applicant that references the Council’s denial and identifies what objective criteria are not being met and why. In order to proceed with the development, the applicants would need to correct any deficiencies and resubmit the application. Resubmit the application that would restart the City’s review timeline.”*

The questions to the City Council at Tuesday’s City Council meeting is to consider what actions will follow if the Council approves the staff’s recommendation.

- Will the delay create additional planning time to re-submit an application meeting the city staff requests?
- Will the project developer miss the funding schedule to move a project forward in the near or foreseeable future?
- Will the project developer decide to not move the project forward where the city falls further behind in meeting their RHNA requirements?
- Will the local neighborhood’s opposition continue to even if the applicant meets the city staff recommendations?

At a critical time for the City of Santa Cruz to meet our affordable housing needs further delays create more uncertainties. Regardless, the Santa Cruz County Chamber recommends that the City Council take a more positive direction in supporting the application and offering recommendations to the applicant that are reasoned requirements to meet state law.

Respectfully submitted



Casey Beyer  
Chief Executive Officer  
Santa Cruz County  
Chamber of Commerce

## Rosemary Balsley

---

**From:** Erin Hay <hayerinfrances@gmail.com>  
**Sent:** Monday, September 13, 2021 8:06 AM  
**To:** City Council  
**Subject:** 831 proposal concerns

Dear Santa Cruz Council members,

To begin with, it has become abundantly clear that the SC City Council must determine (not city planners!) whether the SB 35 Application for the 831 Water St. development ought to proceed. You were elected, not the City Staff, and our faith in your due diligence remains critical. In the very least, it will set a precedent for other proposed SB 35 developments in the future, and therefore it is also critical that you get it right.

Clearly, our community needs affordable housing with grants to help developers defray costs, not market-rate 340 to 420 square-foot units. The size of the units is more suited for students rather than families, there are not enough parking spaces for all of the units (or anyone visiting a resident), and the parking spaces are an additional expense over and above the rent. This will have a major negative impact on the surrounding neighborhood, as residents' cars fill nearby residential streets to avoid paying for parking. This project does not meet the city of Santa Cruz RHNA needs.

This development currently has the affordable units SEGREGATED from the market-rate units in a separate building! The state requirement for SB 35 developments is to have affordable units distributed throughout the development. The City of Santa Cruz requires the affordable units to be dispersed throughout the development (Inclusionary Ordinance & Density Bonus Ordinance).

Given the powder keg that our country is in regarding race and class- Novin is tone deaf beyond reason with this flagrantly segregated plan.

His faux progressive focus on bike travel is ridiculous and doesn't address the inherent dangers for peds, drivers and cyclists based in his water street design.

The Project calls for 140 units on less than an acre, yet it is zoned for 55 units per acre.

Moreover, there is the excessive height of the building shading Belvedere neighbors

( w solar power) to the sun

Six months of the year.

Mold, depression, underground water issues, privacy issues (for immediate neighbors), and disruptive beeping of delivery trucks throughout the day making deliveries to the ground floor businesses. All of this leads to friction, and illness. It is a bad, bad plan.

Large developments are already permitted all over the City, and more are being proposed. The cumulative impacts on our community are not being discussed, and the crucial infrastructure needed to support such density is not being adequately addressed. We are already over our carrying capacity for many necessities, such as water (with no end to our global warming-perpetuated drought in sight).

With all of the red flags generated by this proposed project, it is critical that as representatives of the citizens of Santa Cruz, you take the time to adequately and decisively address the concerns put forth by your community.

Thank you for your service,

Erin Hay

147 Belvedere Terrace

Sent from Erin Hay iPhone

## Rosemary Balsley

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**From:** Robert Orrizzi <orrizzi@cruzio.com>  
**Sent:** Monday, September 13, 2021 8:28 AM  
**To:** Donna Meyers; City Council  
**Cc:** Ryan Bane; Samantha Haschert  
**Subject:** 831 Water: Site visit this past Friday

Mayor Meyers & Council Members,

Please be aware that Matt Huerta of Monterey Bay Economic Partnership (MBEP) arranged a meeting w/ Iman Novin of Novin Development and our group this past Friday evening. Iman arrived 20 minutes late, but but a dozen neighbors waited patiently and greeted him upon his arrival at DJs parking lot. After months of unanswered requests to meet, Iman finally decided this was the time to see us - 4 days before Council's public oversight meeting on 831 Water! Man did listen to our concerns about his proposed development, but in the end did not budge on any key issues - scale, size, segregation, traffic, noise, etc. We all felt this was more of a PR stunt for Mr. Novin. We noticed that Matt was taking photos without asking our permission, no doubt to show Iman working w/ neighbors! Let it be known that our group has felt completely ignored by Iman during the whole planning process of his development. Our meeting(s) should have been granted months before.

Sincerely,  
Robert Orrizzi, on behalf of 831 for Responsible Development



## Rosemary Balsley

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**From:** Robert Corrigan <corriganr@gmail.com>  
**Sent:** Monday, September 13, 2021 8:37 AM  
**To:** City Council  
**Subject:** 831 Water Street

Dear Mayor Meyers and Councilmembers,

I would like to add my voice to that of those opposing the 831 Water Street project as it is currently proposed. While a five story residential building may be appropriate in the central downtown area, it is absolutely not appropriate where it would abut residential properties. Additionally, the location of the entrance to parking for the two buildings is absolutely unacceptable. Cars slowing down to enter the parking level and cars exiting it would both create a hazard for vehicles and bicycles going downhill on Water Street and would slow traffic trying to get through the intersection of Water Street and N. Branciforte Avenue, which is already an impacted intersection. Also, vehicles exiting 831 Water Street that want to head south will invariably make an illegal U-turn where the median that divides Water Street ends at the bottom of the hill.

Another area of concern is the manner in which the developer has piecemealed the submission of proposal documents to the city. This has made it extremely difficult for the planning department to conduct an orderly evaluation of the proposal within the time limits of SB35. For this reason the current proposal should be rejected and the developer should be required to resubmit in order to reset the clock.

Finally, as I understand it, the density of this project (140 units on less than an acre) far exceeds the current zoning of 55 units per acre.

:Please reject the 531 Water Street proposal, as submitted.

Robert Corrigan  
Santa Cruz

## Rosemary Balsley

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**From:** stevens.jono@gmail.com  
**Sent:** Monday, September 13, 2021 8:51 AM  
**To:** City Council  
**Cc:** 'Nikaela Mandel'  
**Subject:** 831 Water St.- Opposition

Dear City Council,

It is clear that it should and must be the City Council that determines whether the SB 35 Application for the 831 Water St. development ought to proceed. You were elected, not the City Staff, and the buck stops with you. At the very least, it will set a precedent for other proposed SB 35 developments in the future, and therefore it is critical that you get it right.

We need affordable housing with grants to help developers defray costs, not market-rate 340 to 420 square-foot units. The size of the units is more suited for students rather than families, there are not enough parking spaces for all of the units (or anyone visiting a resident), and the parking spaces are an additional expense over and above the rent. This will have a major negative impact on the surrounding neighborhood, as residents' cars fill nearby residential streets to avoid paying for parking. This project does not meet the city of Santa Cruz RHNA needs.

This development currently has the affordable units segregated from the market-rate units in a separate building! The state requirement for SB 35 developments is to have affordable units distributed throughout the development. The City of Santa Cruz requires the affordable units to be dispersed throughout the development (Inclusionary Ordinance & Density Bonus Ordinance).

The driveway entrance is located in a very dangerous location for bicyclists, pedestrians, and will lead to the backup of cars on an already busy street.

The Project calls for 140 units on less than an acre, yet it is zoned for 55 units per acre.

Moreover, there is the excessive height of the building, underground water issues, privacy issues (for immediate neighbors), and disruptive beeping of delivery trucks throughout the day making deliveries to the ground floor businesses.

Large developments are already permitted all over the City, and more are being proposed. The cumulative impacts on our community are not being discussed, and the crucial infrastructure needed to support such density is not being adequately addressed. We are already over our carrying capacity for many necessities, such as water (with no end to our global warming-perpetuated drought in sight).

With all of the red flags generated by this proposed project, it is critical that as representatives of "the people" you take the time to adequately address the concerns put forth by your community.

Sincerely,

Jono Stevens  
235 Linden St.  
SC 95062

Jono Stevens

[stevens.jono@gmail.com](mailto:stevens.jono@gmail.com)

831.332.0466

## Rosemary Balsley

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**From:** Brooke Matteson <bmatteson@me.com>  
**Sent:** Monday, September 13, 2021 8:59 AM  
**To:** City Council  
**Subject:** 831 proposal

Hello City Council

I am extremely concerned about this proposed development for several reasons.

Mr. Novan's proposal is incomplete and also attempts to play both sides of the fence with respect to density bonus. It's like someone running a private, for-profit business but demanding tax exempt status!

I think it's grossly classist (and disqualifying) for him to segregate low-income tenants in one building with less amenities than the market rate building, even IF the buildings are "connected". That would be an embarrassing condition for city council to approve and I think we are better than that.

It's hard to fathom that the density of his project almost TRIPLES what is currently allowed per acre. Or that he's asking for a huge variance in height restrictions. Or that existing slope safety standards don't apply to his development. Or that parking requirements based on occupancy can be ignored. Seems to me he's asking for lots of wavers, special variances and concessions from the city without any flexibility on his part.

Then there is the public safety "grab bag" of problems (many of which should be disqualifying). The plan requires delivery trucks, waste trucks etc. to BACK UP onto Branciforte Street over a residential side walk and bike lane. Seriously??? Very dangerous. There will be endless noise pollution (beep beep beep), air pollution from idling engines as the trucks wait and wait for a break in traffic to slowly back out. This will also cause epic traffic congestion on an already busy street. Also, it's another public safety problem when said congestion inhibits emergency vehicles.

The parking entrance on Water Street is even more of a public safety nightmare for all the reasons stated above. Add to that the significant danger of sight line issues on a very steep slope. Don't forget his planned exit/entrance would cross a new, highly-trafficked bike lane, on a steep hill... very dangerous. Not to mention all the u-turns on Water and Branciforte that his plan requires (more traffic snarls & public safety problems.)

Lastly, the height of his development is appalling. It's like he's proposing parking an aircraft carrier in the upper harbor.

I can find no other building that is 5 stories tall on Water Street anywhere but downtown. It's just gross to think of that huge building right up against an old single family neighborhood. The shading and lack of reasonable privacy would be absolutely heartbreaking. I am 100% in favor of more housing, especially low income housing. I'm also very in favor development on that parcel. Two to three stories seems way more reasonable (even with the ugly, blocky style he's presented). It would be a softer transition into the neighborhood.

Back to the housing issue, how is a development consisting mostly of TINY studios and one bedroom apartments possibly addressing the needs of working families? This sounds like housing for students or "I have

a beach pad vacation” kind of potential. The construction WORKER or landscaper would be hard pressed to park his truck in “stacked” parking, ESPECIALLY because in Novin’s plan he’d have to PAY for it! Doesn’t sound very “affordable” to me.

That triple density he’s asking for exacerbates already packed street parking problems on neighboring streets. Obviously, there would be less of an impact with a smaller development.

I’m really counting on the City to deny this development (as proposed) based on the Objective Standards that Staff so diligently created.

Thank you for all your hard work.

Sincerely,  
Brooke Matteson

Sent from my iPhone

Sent from my iPhone



## Rosemary Balsley

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**From:** Ken Miller <keninsantacruz@gmail.com>  
**Sent:** Monday, September 13, 2021 9:54 AM  
**To:** City Council  
**Subject:** 831 Water St. Development

Dear Council:

While I support creation of new housing in Santa Cruz, I am very concerned about many aspects of the proposed development:

- 1) Cyclist Safety / Traffic Impacts: I am an avid cyclist and I routinely use the new and improved bike paths on Water Street. I am very familiar with all of the potential dangers of the Water St. / N. Branciforte intersection and believe that the proposed traffic flows for the new development will significantly increase dangers to pedestrians, bikes and cars. The planned ingress/egress on the Water St. hill will have limited visibility to bikes and will require occupants/visitors to the development to make many u-turns on Water St. This is already a very busy area and this added dynamic seems to significantly increase the probability of accidents.
- 2) Scale inconsistent with neighborhood: The proposed development is much larger/taller than any other structures in the area and seems very out of place at 831 Water St. I am very concerned that it will degrade the quality of life for the immediate neighborhood, adjoining areas, and the Water St. corridor. I am also extremely concerned that it will set a bad precedent and will increase the likelihood of other similar projects on Water St. in the future.

I ask that reject the current proposal and ask that the developer submit a new proposal that addresses the significant concerns of local citizens.

Sincerely-  
Ken Miller

## Rosemary Balsley

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**From:** I. Bloom <ibukunbloom@gmail.com>  
**Sent:** Monday, September 13, 2021 10:32 AM  
**To:** City Council  
**Subject:** 831 Water St. project

Dear City Council,

In advance of the next meeting where the 831 Water St. project may be discussed, I want to register my disapproval of the project as it currently stands. I would like to encourage the council to vote against approving the 831 Water Street building project, and to instead support the opportunity for smaller-scale development on that lot.

There are many reasons that have been put forth to demonstrate that Novin Development's proposed project at the intersection of Water and N. Branciforte is not well thought-out, however, I would like to highlight the immediate points that have struck me, as a resident on N. Branciforte:

- Traffic at the intersection of North Branciforte and Water Street: This intersection is highly impacted on work and school days already, particularly during rush hour times. There are particularly issues with running the lights, not stopping at the lights, or stopping in the intersection during rush hour times.
- Safety for pedestrians and bicycles: This corner is not very safe for pedestrians, for the same reasons cited above; additionally, it is also the corner on routes to school. As noted in other concerns, the projected project will undo any protections that the bike path has, if there is an underground parking garage and increased number of cars turning out of the property.
- Not a viable housing solution: Even with the recent changes Novin Development has proposed, it is clear that monetization of the spot is key, not providing opportunities for families to live in Santa Cruz. The design feels like it is intended to provide commuter rentals to the town, distinctly out-of-character with the neighborhood and the general feel of Santa Cruz. It is hard to see how low-income families will benefit from this development, and particularly if they continue to be segregated from the higher-paying units.

Thank you for your consideration,  
Ibukun Bloom  
Santa Cruz, CA, 95062

## Rosemary Balsley

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**From:** Doug Engfer <doug@engfer.org>  
**Sent:** Monday, September 13, 2021 11:53 AM  
**To:** Donna Meyers; Sonja Brunner; Sandy Brown; Shebreh Kalantari-Johnson; Justin Cummings; Martine Watkins; Renee Golder  
**Cc:** City Council; Bonnie Bush; Robin Engfer  
**Subject:** 831 Water St, agenda item 25

Mayor Meyers and Members of Council –

We write today regarding the 831 Water St. item on your agenda for Tuesday, 14 September.

We must start by recognizing and applauding City Staff for its tireless work on behalf of our community in evaluating Novin Development's many and varied submissions. To have both developed a comprehensive and exhaustive list of objective standards based on existing City code, coordinating contributions from several City departments; to have applied those standards to Novin's seemingly ever-changing project plans; and to have done so under such tight timelines is nothing short of amazing. Kudos to Staff for a job well done under exceedingly trying circumstances!

We, along with many Santa Cruz residents, have worked tirelessly since late 2020 to convince Novin to work sincerely with the town, and to moderate the development into something that we can all celebrate. **We want housing on that site!** However, the proposed design has so many flaws that we simply cannot support it. Others have written about the many threats to public health and safety raised by Novin's proposed design. We share all of those concerns and include them here by reference.

There are three concerns on which we would like to offer our perspective:

- **Segregated housing** – Novin's plans require that all of the lower-income, affordable units be grouped in a separate (and therefore inherently unequal) building, for what Novin characterizes as "financing reasons". This crassly self-serving justification is simply inappropriate when proposing an arrangement that flies in the face of the law, good public policy, and common decency. Given that Novin refuses to share sufficiently-detailed financials, it's impossible to determine what, if any, real costs the developers incur here.
- **Archaeological preservation** - (SB35 criterion #8), we remain of the opinion that, since we know that there are historical building structures on the immediately-adjacent parcel (the "Belvedere Cottages" site), since this is an archaeologically-sensitive area (per the City), since the area is on the State Registry of historical sites, and since Novin's designed subterranean parking (and associated excavation) would necessarily affect any such structures that extend into the to-be-developed parcels, any archaeological survey **must be a pre-condition of SB35-eligibility determination**, and must use appropriate available technologies (such as ground penetrating radar [GPR]) to determine definitively what historical structures may exist on the site.
  - We would note that, even with the type of archaeological survey required by the City at the Cottages as a condition of approval (COA), the historical structures were not identified until excavation. Fortunately, the developer was able to accommodate and preserve those structures without a substantial re-design of the project. That would seem unlikely to be possible with Novin's design, hence our line of reasoning that this question must be resolved before the proposal can be deemed compliant.

- Parcel access – Staff has correctly pointed out many deficiencies, non-compliance items, and threats to public safety relating to project ingress and egress. These remain unaddressed even in Novin’s new application of September 9, 2021. In particular,
  - The limited, below objective standard sight lines at the Water St. entry to and exit from the proposed underground parking create a huge and continuous hazard to the safe and efficient flow of traffic along Water St., with particular risks to cyclists heading down the steep Water St. hill.
  - This situation is exacerbated by the proposal’s failure to accommodate the required bus bay for the stop on Water St, in clear violation of well-documented objective standards. It’s likely even with that bus bay, sight lines “up the hill” from the parking exit will be severely attenuated any time there is a bus at the stop (though we suppose that that is somewhat mitigated by the relatively minimal existing service at that bus stop).
  - The lack of effective turnaround space at the “north alley” service and emergency access would force delivery and emergency vehicles to back out onto N. Branciforte Avenue, in violation of clear objective standards and plain common sense.

To us, the common theme through all of the concerns voiced by our town’s residents is Novin’s continual, blatant, and selfish disregard for and disrespect of local sensibilities, concerns, and processes, pursuing what they “can” do, rather than what they “should” do at every step of the way. In contrast to Novin’s investments of time and resources to curry favor from various local organizations, they have not even paid lip-service to the valid and well-considered concerns voiced by those who will be forced to live with the consequences of this project.

This discussion need not, should not, and cannot be framed as generational in nature – there are plenty of young families – both renters and owners – who will be directly and negatively affected by this 60’ tall complex of predominantly studio and one-bedroom efficiency units. This is about privatizing what should be a public policy land use discussion – socializing costs for (undisclosed!) privatized gains.

If Novin can’t make a more-moderate development of, say, 50-70 units in a 3-story building “pencil”, then perhaps they need to partner with or even sell to a more-experienced, more-successful local developer who can realize that vision with a fair return. There are plenty of local developers with proven track records of community collaboration who we think would fit the bill.

As always, and especially in this trying situation, we recognize and thank you for your tireless service on behalf of our community.

Robin and Doug Engfer  
Santa Cruz

## Rosemary Balsley

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**From:** molamola@cruzio.com  
**Sent:** Monday, September 13, 2021 11:54 AM  
**To:** City Council  
**Subject:** 831 Water Street Development-- Right Idea, Wrong Project!

September 13, 2021

Dear Mayor Meyers and Councilmembers:

According to Iman Novin, Novin Development Corp. is creating much needed multi-family housing projects across California. Not so with the 831 Water Street Housing Project. Of the 140 units currently proposed for his "twin towers", only 15 are two bedroom units, and only 3 are three bedroom units, including a manager's unit. This is hardly multi-family housing. The rest are studio and one bedroom units, more appropriate for UCSC student domiciles or weekend "getaways" for well-to-do out-of-towners. Not only that, there is absolutely no guarantee that any of the "workforce" units will go to local workers, in spite of statements made by the developer during the first community meeting for the project on 1/27/21.

Ironically, Novin Development has qualified for the State Density Bonus by using an exception under Santa Cruz General Plan Policy LU3.8 to add more studio and one bedroom units to his development plan. Again, this is hardly multi-family housing! It is difficult to house Santa Cruz City families in studio and one bedroom units, which are hardly large enough for "households".

Parking spaces for 831 Water St. residents are not guaranteed. Spaces are "unbundled", which means that they must be paid for to the tune of \$300 or more per month. Add that to the cost of monthly rent, and few low income individuals or students will be able to afford them.

Additionally, there will not be nearly enough parking spaces for residents who do pay. Novin recently stated that he does not have to provide any parking for this development, whether it is residential parking, guest parking or commercial parking. (See p 11 of Novin Development's Expanded Application, submitted September 9, 2021.) Apparently, he is comfortable with his renters parking in surrounding neighborhoods.

Students thinking of taking the bus to school will have to wait at a small, non-hub transit stop in front of 831 Water St. for a bus to the Transit Center, hope for a bus there that is not full, and then take a second bus to UCSC. There are no direct routes to the university.

Most residents of the North Branciforte/Water Street area are not NIMBYS; rather, we are concerned citizens who want to see a responsible, safe and reasonably-sized project in our neighborhood: one building with three stories, Spanish-style architecture consistent with Villa de Branciforte history, and plenty of onsite surface parking. Please do your best to house low income residents, and preserve the character of our neighborhoods. Thanks for your hard work!

David Lavorando

108 Belvedere Terrace



Santa Cruz, CA 95062

## Rosemary Balsley

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**From:** Santa Cruz YIMBY <santacruzylimby@gmail.com>  
**Sent:** Monday, September 13, 2021 12:19 PM  
**To:** City Council; Bonnie Bush  
**Subject:** Petition of Support for 831 Water Street Project - Agenda Item #25 on 9/14/21  
**Attachments:** Santa Cruz YIMBY - 831 Water St Petition- Santa Cruz City Council.pdf

Santa Cruz City Councilmembers,

On behalf of Santa Cruz YIMBY and 49 members of our community, please see our attached Petition of Support for 831 Water Street project.

Thank you,  
Santa Cruz YIMBY



## Petition: Support Affordable Housing at 831 Water Street

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**To: Santa Cruz City Council**

**I support the 831 Water Street mixed-use development that would create 145 housing units, 50% of which are affordable.** The project will allow new workers and families to join the Santa Cruz community and make the city more economically and culturally vibrant.

This project conforms to the general plan. 831 Water St is exactly the type of project our general plan encourages: it's centrally located, on a major thoroughfare with bus access, and provides community benefits such as ground floor retail and a roof top community space.

This is the affordable housing that everyone says they want for Santa Cruz. This is workforce housing for the many people employed in the City of Santa Cruz who cannot find an affordable home in Santa Cruz and commute from the South County.

831 Water Street will help address our staggering housing shortage. It would welcome more neighbors into an opportunity-rich neighborhood that offers access to job centers, shopping centers, and public transportation.

This project eases our transportation burdens and is good for the environment. It is possible to live here without a car, great for our underdeveloped public transit system and for the planet. The project is bikeable and walkable to neighborhood retail and downtown and on the bus transit corridor from Santa Cruz downtown to Watsonville.

Thank you.

1. Joel Steinberg, Santa Cruz, 95060, 09/09/2021
2. Benji Levine, Lafayette, 94549, **Lets go housing**, 09/07/2021
3. Tyler Olson, Santa Cruz, 95060, 09/05/2021
4. John McKelvey, Santa Cruz, 95062, **I live close to the proposed development, and though the architecture isn't great, I fully support the concept, and hope that public amenities like the rooftop bar will be included.**, 09/05/2021
5. Erik Bracken, Boulder Creek, 95006, 08/16/2021
6. Benjamin Levine, Santa Cruz, 95060, 08/15/2021



## Petition: Support Affordable Housing at 831 Water Street

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7. Henry Hooker, Santa Cruz, 95062, 08/13/2021
8. Pron Rutherford, Lafayette, 94549, **We need more housing**, 08/11/2021
9. Benjamin Breen, Santa Cruz, 95064, 08/08/2021
10. Jana Meares, Capitola, 95010, **Low income housing is a necessity in this town. Remove single family homes and build high rises for low income workers the rich employ!!!**, 08/07/2021
11. Miles Pearson, Antelope, 95843, **As a future UC Santa Cruz student, I was disappointed when I learned the state of Santa Cruz's housing market. I wholeheartedly support the construction of affordable housing in the area.**, 08/07/2021
12. Cathy Godwin, Santa Cruz, 95060, 08/07/2021
13. Ryan Porter, Boulder Creek, 95006, 06/17/2021
14. Drew Thompson, Bellevue, 98005, 05/21/2021
15. Dory VanKlootwyk-Forde, Ben Lomond, 95005, **Just build more! Affordable units? Great! But I don't even care about them. Any new housing is good. Bring on the yuppie fishtanks!**, 05/20/2021
16. Nathan Adams, Santa Cruz, 95062, 05/19/2021
17. Katayun Salehi, Santa Cruz, 95062, 04/23/2021
18. Austin Park, Davis, 95616, 04/10/2021
19. Zackary Hall, Santa Cruz, 95065, 03/31/2021
20. Renee Bayard, Soquel, 95073, 03/31/2021
21. Stacey Croft, Ben Lomond, 95005, **We need to have housing in our city and villages. Build up, not out. It's ridiculous that staff of our University and grocery stores live like students in shared housing. Density, not crowding.**, 03/29/2021
22. Sibley Simon, Santa Cruz, 95065, **We need more large housing projects near downtown in Santa Cruz. It is not surprising that people object - we've suppressed change in our built environment for decades in exchange for displacing people economically. We need to reverse that priority, and that will be hard. This project is an example of one part of what needs to happen to do so.**, 03/29/2021
23. Felix Vayssieres, Felton, 95018, 03/29/2021



## Petition: Support Affordable Housing at 831 Water Street

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24. Kristina Gutzman, Arroyo Grande, 93420, 03/28/2021
25. Dan GARCIA, APTOS, 95003, ***It's time to support affordable housing. Housing close to transportation and shopping also helps us reduce carbon emissions. I urge the city to support this amazing project. Downsizing projects like this discourage similar housing proposals and make the price of housing unreachable for many people,*** 03/28/2021
26. Philip Wiese, Watsonville, 95076, 03/28/2021
27. Erin Young, Ben Lomond, 95005, 03/28/2021
28. Karen Ottemann, Santa Cruz, 95060, 03/28/2021
29. Jazmin grant, Santa Cruz, 95060, 03/28/2021
30. david van brink, Santa Cruz, 95060, ***Density in our city center is necessary and appropriate and contributes to a thriving community.***, 03/28/2021
31. Kevin Meehan, Santa Cruz, 95065, 03/28/2021
32. Zennon Ulyate-Crow, Topanga, 90290, ***I'd like to attend UCSC in the fall and this type of housing is desperately needed if I'm going to be able to afford to attend the university.***, 03/17/2021
33. Rafa Sonnenfeld, Santa Cruz, 95060, ***This project is exactly the kind of project our community needs: large percentage of affordable, below-market rate units, on a major transportation corridor that will help make our city more walkable, decoupled parking from rents to make it cheaper to live without a car, ground level retail and a public rooftop space are also significant public benefits.***, 03/14/2021
34. Ajay Shenoy, Santa Cruz, 95060, ***Santa Cruz needs this project, and Santa Cruz needs elected officials who support projects like this. I hope all of our elected leaders and our planning commission approves this project. I'll certainly be voting for those who do.***, 03/11/2021
35. Sharman Murphy, Santa Cruz, 95062, 03/06/2021
36. Giovanni Emblen, Santa Cruz, 95060, 03/05/2021
37. Nellie Thorngate, Santa Cruz, 95062, 03/04/2021
38. Etta Tyler, Santa Cruz, 95060, 03/04/2021
39. Greg Brandt, San Francisco, 94103, 03/03/2021





## Petition: Support Affordable Housing at 831 Water Street

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40. McKenna Maness, Soquel, 95073, 03/02/2021
41. Bennett Williamson, Santa Cruz, 95060, ***This is the right scale project for this location. If we really value diversity in this city and want to welcome BIPOC and underrepresented and working class people to live here, we need to build projects like this. We have to create more affordable housing, and more market rate housing if we ever want to really address the homelessness afflicting so many in our community. This is on one of the major streets in our city and right on transit in a great walking neighborhood. Density is critical to developing thriving communities. As Council members and commissioners I am hoping you will do the right thing and approve this project for the benefit of the 300+ future taxpayers and voters it will house.***, 03/02/2021
42. Amelia Conlen, SANTA CRUZ, 95062, ***This project and others like it are critical to ensuring that Santa Cruz remains livable for new and younger residents.***, 03/01/2021
43. Skai Mendoza, Santa Cruz, 95064, 03/01/2021
44. Kyle Kelley, Santa Cruz, 95060, ***Let's keep building more affordable housing!!!***, 03/01/2021
45. Faina Segal, Santa Cruz, 95062, ***Yes to high density housing along our cooridors!***, 03/01/2021
46. Patrick Cady, Capitola, 95010, 03/01/2021
47. Janine Roeth, Santa Cruz, 95062, 02/26/2021
48. Elizabeth Conlan, Santa Cruz, 95062, ***Santa Cruz desperately needs the level of affordability that this project will bring. I'd love to see more projects like this along bus routes and near stores and shops.***, 02/26/2021
49. Evan Siroky, Scotts Valley, 95066, 02/25/2021

## Rosemary Balsley

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**From:** DENNIS HANSON <portageeswede@sbcglobal.net>  
**Sent:** Monday, September 13, 2021 12:38 PM  
**To:** City Council  
**Subject:** Water Street Build

Santa Cruz cannot support this large building or the plan to build it. We are in a water shortage now and the traffic in that area is horrendous now. A building of that style does not fit with Santa Cruz current buildings with. It is too large and looks out of place.

Why are you fast tracking builds like this and holding on to permits for the individual. Roads and water are a large concern and need to be addressed. If these problems cannot be resolved then building all these multiple units should not be built.

Dennis and Ida Hanson  
Life long residents of Santa Cruz

Sent from my iPad

## Rosemary Balsley

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**From:** Erik Gillberg <erik@nowcitylabs.com>  
**Sent:** Monday, September 13, 2021 12:46 PM  
**To:** City Council  
**Subject:** I support the 831 Water St. Project

Hello! I am writing because I support the 831 Water St. Project. It helps alleviate our staggering housing shortage, and creates a more walkable, diverse, thriving Santa Cruz. This is the affordable housing that everyone says they want for Santa Cruz. This project eases our transportation burdens and is good for the environment. 831 Water St is exactly the type of project our general plan encourages: It is centrally located, on a major thoroughfare with bus access, and provides community benefits.

Thank you!

Erik

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Erik Gillberg | CEO  
Now City  
<https://nowcity.co/>  
MOBILE [818.312.0491](tel:818.312.0491)  
SKYPE: erikgillberg  
TWITTER: @erikgillberg  
LinkedIn: <http://www.linkedin.com/in/erikgillberg>

Schedule time with me here: <https://calendly.com/erikgillberg/>

## Rosemary Balsley

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**From:** Roo Ra <roora1138@gmail.com>  
**Sent:** Monday, September 13, 2021 12:49 PM  
**To:** City Council; Sandy Brown; Justin Cummings; Martine Watkins; Shebreh Kalantari-Johnson; Sonja Brunner; Renee Golder; Donna Meyers  
**Subject:** Re: 9/14/21 Agenda Item 25 831 Water Street

With time deference to the impacted neighborhood community which has been literally cast (and metaphorically relegated) into this development's shadow by moneyed interests... and the (largely) unpublicized transformation of RHNA "goals" to "mandates" midway through the 5th cycle (AMBAG 2014–2023) via the SB35 "Housing Accountability and Affordability Act" (effective 1/1/18) and by use of a multi-factored, algorithmic methodology that projects 10 years into the future.

A *Brief* Real-Life Cautionary Tale on the Segregation of Affordable from Luxury Housing into Adjoining "Separate-but-Equal" Tenements That Potentialize Tenant Debates on Which Incomes Have Access to the Communal "Amenities"

Quoting just one of the participants during just one of HCD's 2021 CA Statewide Housing Plan listening sessions, "Imagine telling your kids, 'No. You live in affordable housing. You can't use that [swimming] pool.'"

----- Forwarded message -----

**From:** Roo Ra <[roora1138@gmail.com](mailto:roora1138@gmail.com)>  
**Date:** Fri, Sep 10, 2021 at 1:17 PM  
**Subject:** 9/14/21 Agenda Item 25 831 Water Street  
**To:** <[citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)>, <[sbrown@cityofsantacruz.com](mailto:sbrown@cityofsantacruz.com)>, <[jcummings@cityofsantacruz.com](mailto:jcumings@cityofsantacruz.com)>, <[mwatkins@cityofsantacruz.com](mailto:mwatkins@cityofsantacruz.com)>, <[skalantari-johnson@cityofsantacruz.com](mailto:skalantari-johnson@cityofsantacruz.com)>, <[sbrunner@cityofsantacruz.com](mailto:sbrunner@cityofsantacruz.com)>, <[rgolder@cityofsantacruz.com](mailto:rgolder@cityofsantacruz.com)>, <[dmeyers@cityofsantacruz.com](mailto:dmeyers@cityofsantacruz.com)>

Well, for starters... another controversial development on the City Council agenda without

- set time for 1) item onset and 2) public comment
- in-person masked access
- 72-hour advance upload of staff/consultant presentation

...given the unreliable and often incomprehensible audio, low-resolution fonts during streaming of presentations, and restricted/negated-by-technology public comment.

The City Council of Santa Cruz has denied in-person masked access to public meetings since COVID-19 pandemic restrictions began over 18 months ago, despite the frequency of controversial agenda items that impacted socioeconomic classes without virtual access... and the successful county ADULT population vaccination rate (at least 80% of the over-29-year-old demographic, per dashboard "Vaccine Demographics" tab, 9/6/21 data).

<https://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/CommunicableDiseaseControl/CoronavirusHome/Vaccine.aspx>

Respect the Brown Act.

Return to in-person masked meetings that allow public access to elected council members... at least, for controversial agenda items.

Feel free to exclusively Zoom your mayoral proclamations, information-only reports and consent items regarding the purchase of landscaping equipment.

BTW

When was Lee Butler promoted to Deputy City Manager (and Director of Planning and Community Development), per his introduction of himself at the 9/7/21 special meeting?

"Oral Communications" missing set time? (attached)



**Rosemary Balsley**

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**From:** Casey Coneway <caseyconeway@gmail.com>  
**Sent:** Monday, September 13, 2021 1:00 PM  
**To:** City Council  
**Subject:** I support the 831 Water St. Project

I support the 831 Water St. Project. It helps alleviate our staggering housing shortage, and creates a more walkable, diverse, thriving Santa Cruz. This is the affordable housing that everyone says they want for Santa Cruz. This project eases our transportation burdens and is good for the environment. 831 Water St is exactly the type of project our general plan encourages: It is centrally located, on a major thoroughfare with bus access, and provides community benefits.

## Rosemary Balsley

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**From:** jfbergs <jfbergs@sbcglobal.net>  
**Sent:** Monday, September 13, 2021 1:02 PM  
**To:** City Council  
**Subject:** I support the 831 Water St. Project

I support the 831 Water St. Project. It helps alleviate our staggering housing shortage, and creates a more walkable, diverse, thriving Santa Cruz. This is the affordable housing that everyone says they want for Santa Cruz. This project eases our transportation burdens and is good for the environment. 831 Water St is exactly the type of project our general plan encourages: It is centrally located, on a major thoroughfare with bus access, and provides community benefits.

Sincerely  
Joel Steinberg

Sent via the Samsung Galaxy S21 5G, an AT&T 5G smartphone

## Rosemary Balsley

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**From:** Cara <ratbert@cruzio.com>  
**Sent:** Monday, September 13, 2021 1:03 PM  
**To:** City Council  
**Subject:** I support the 831 Water St. Project

I support the 831 Water St. Project. 831 Water St is exactly the type of project we need: It's on a major bus line, and an easy walk to downtown.

Mardy Wormhoudt once said, when we approached her about affordable housing, that everyone says they're in favor, and everyone has a good reason why it shouldn't be in their neighborhood. In fact, this looks like an ideal place. If the businesses currently in the strip mall serve the neighborhood, any except the car wash can probably be relocated to the new structure. And there's already multi family housing right down the street.

The people opposing this project will always be the loudest, but in the city at large, we very much support the project. And I hope you will too.

Thank you.

Caroline Lamb

## Rosemary Balsley

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**From:** Andrew Barber <andrew.b.barber@gmail.com>  
**Sent:** Monday, September 13, 2021 1:04 PM  
**To:** City Council  
**Subject:** I support the 831 Water St. Project

My name is Andrew Barber. I am a PhD student and I live with my wife 3 blocks away from this proposed development. As a young couple who is looking to put down roots, you need to understand that we are slowly being priced out of this lovely town. It seems like a primary responsibility of the city council should be to do whatever is possible to create conditions for affordable housing for those who currently live and work here.

It has been said that the council is opposed to this particular development. I am left wondering which, if any, developments will ever get green lit. The city is well behind the number of units needed for local workers, students, and children of Santa Cruz, so every project would make a world of difference at this point.

I support the 831 Water St. Project. It helps alleviate our staggering housing shortage, and creates a more walkable, diverse, thriving Santa Cruz. This is the affordable housing that everyone says they want for Santa Cruz. This project eases our transportation burdens and is good for the environment. 831 Water St is exactly the type of project our general plan encourages: It is centrally located, on a major thoroughfare with bus access, and provides community benefits.

**Rosemary Balsley**

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**From:** Dusty <hndmiller@hotmail.com>  
**Sent:** Monday, September 13, 2021 1:04 PM  
**To:** City Council  
**Subject:** SUPPORT the 831 Water St. Project

I support the 831 Water St. Project. It helps alleviate our housing shortage crisis, and it's location is a good one for encouraging walking and public transportation.

Sincerely,  
Dusty Miller



## Rosemary Balsley

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**From:** Robin McDuff <ramcduff@gmail.com>  
**Sent:** Monday, September 13, 2021 1:05 PM  
**To:** City Council  
**Subject:** I support the 831 Water St. Project

I support the 831 Water St. Project. It helps alleviate our staggering housing shortage, and creates a more walkable, diverse, thriving Santa Cruz. This is the affordable housing that everyone says they want for Santa Cruz. This project eases our transportation burdens and is good for the environment. 831 Water St is exactly the type of project our general plan encourages: It is centrally located, on a major thoroughfare with bus access, and provides community benefits. (Yes, YIMBY gave this language to which I concur.)

I am a friend of Robert Orrizi, who is in opposition to the development for being too high, and other smaller problems. I must part company with my dear friend on this. The units are desperately needed, and this is a great place for it. If not here, there is no hope we will EVER begin to solve our housing shortage problem

Robin McDuff  
210 Miramar Drive,

## **Rosemary Balsley**

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**From:** Mike Pisano <mpisanoful@gmail.com>  
**Sent:** Monday, September 13, 2021 1:31 PM  
**To:** City Council  
**Subject:** SUPPORT for Affordable Housing and 831 Water Street

Hi Santa Cruz City Council,

I SUPPORT Affordable Housing and 831 Water Street.

Thank You  
Michael Pisano - Soquel

## Rosemary Balsley

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**From:** Sarah Sturdy <sarahsturdy@gmail.com>  
**Sent:** Monday, September 13, 2021 1:48 PM  
**To:** City Council; Emily McKissock  
**Subject:** 831 Water Street

Mayor Meyers and Other Members of the Santa Cruz City Council,

First, a big THANK YOU to you and your planning staff for the untold number of hours you all have put into understanding SB-35 and reviewing the fast-track application submitted by Novin Development.

We are two of the almost 600 city residents — from neighborhoods throughout Santa Cruz — who have signed the "831 Responsible Development" petition opposing Mr. Novin's proposed project for 831 Water Street. At the time we lent our names to that petition, we were shocked that something of that scale and with so many health and safety impacts for your constituents would even be proposed — let alone seriously considered by the city.

While we have subsequently learned that SB-35 makes it more difficult for the public (and you all) to positively influence the direction of certain developments, we remain shocked by the recklessness of this particular proposal (once one digs just a smidge below the surface of its artists renderings).

While the process seems more onerous on your end (thank you, again), we implore you to "do the right thing" and return Mr. Novin's application to him as missing the mark (by a lot), even when stacked against the minimal standards spelled out by SB-35. You have many legitimate and legally defensible reasons for returning his application to him for a serious redo.

Here are just a few:

- The application is woefully incomplete and missing key information, and it doesn't even satisfy the requirement that 50 percent or more of the proposed units be affordable.
- The proposal would lead to segregated housing, which seems completely at odds with two existing city ordinances that require affordable units to be dispersed throughout new developments.
- We believe that the project, as proposed, has not been appropriately scrutinized with respect to the "emergency" (more than "fire") easement that was created for the "Belvedere Cottages" project. If recollection serves us correctly, as we live in that area of our city, that easement alone might make Mr. Novin's exit onto Water Street problematic. Not to mention the danger it creates for the city residents who were given that easement to safeguard their loved ones and their homes.
- Last but certainly not least, Mr. Novin's plan (lowercase "p") would create many other significant health and safety issues for nearby residents (shade, mold, drainage and too many others to list); and hazardous conditions for motorists, cyclists, and pedestrians who need or want to travel near the project site. Part of that is related to the fact that this is already a challenging intersection (rated "D" by the city) and part of that is his refusal (even after the city asked him to) to consider an access point other than the dangerous one he has proposed near the crumbling rock outcropping.

While our final comment may be less germane to the "oversight" role we salute you for accepting with respect to this proposed project, we can't help but add one other observation:

We realize that the world we live in seems to divide people in a way that leaves little room for compromise. But we strongly believe there is plenty of opportunity for the developer to compromise here — building a project that provides a reasonable profit for him, building a project that adds needed affordable housing, and building a project that addresses the legitimate concerns so many Santa Cruz residents have about the health and safety of his proposal.

We are just two Santa Cruz residents, but we want you to know that we are 100 percent for the building of affordable housing and believe it should be on this very site at 831 Water Street. But we also believe it should be done in a manner that respects — at a bare minimum — the scant requirements spelled out in SB-35. Sadly, this proposal doesn't even do that. Thank you again for your time, consideration, and leadership.

Sincerely,  
Sarah Sturdy and Emily McKissock  
Santa Cruz, CA

## Rosemary Balsley

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**From:** Zoe Kosovic <zkosovicster@gmail.com>  
**Sent:** Monday, September 13, 2021 2:23 PM  
**To:** City Council  
**Subject:** I support the 831 Water St. Project

I support the 831 Water St. Project. It helps alleviate our staggering housing shortage, and creates a more walkable, diverse, thriving Santa Cruz. This is the affordable housing that everyone says they want for Santa Cruz. This project eases our transportation burdens and is good for the environment. 831 Water St is exactly the type of project our general plan encourages: It is centrally located, on a major thoroughfare with bus access, and provides community benefits.

Sent from my iPhone



## Rosemary Balsley

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**From:** Thomas Zabonik <tzabonik@abodeservices.org>  
**Sent:** Monday, September 13, 2021 2:37 PM  
**To:** City Council  
**Subject:** I work for Abode services and I support the 831 Water St. Project

Hello,

I am emailing to let you all know that I support the 831 Water St. Project. It helps alleviate our staggering housing shortage, and creates a more walkable, diverse, thriving Santa Cruz. This is the affordable housing that everyone says they want for Santa Cruz. This project eases our transportation burdens and is good for the environment. 831 Water St is exactly the type of project our general plan encourages: It is centrally located, on a major thoroughfare with bus access, and provides community benefits.

Thanks!

**Tommy Zabonik**  
Housing Navigator  
Abode Services  
312 Lincoln St. Santa Cruz CA, 95060  
(510) 593-4731



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## Rosemary Balsley

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**From:** Andrea Rosenfeld <andrea.rosenfeld88@gmail.com>  
**Sent:** Monday, September 13, 2021 2:38 PM  
**To:** City Council; Nathan Nguyen  
**Subject:** 831 Water st. proposal - Objections!!

Dear Santa Cruz City Council and Nathan Nguyen,

Your help is needed to deny the proposed project at 831 Water St. in Santa Cruz.

The project does not meet the required objective standards, satisfy the requirements for health and safety, nor the requirement for a density bonus.

I am a native Santa Cruzan and Native Californian, and though I am concerned about our homelessness crisis, I happen to be very opposed to the state-mandated SB 35 requirements being imposed on communities throughout California. With that being said, **IF** SB 35 is to be utilized by developers in a community, **THE MINIMUM REQUIREMENTS OF THEIR APPLICATION SHOULD BE MET** before the city gives a green light to any of these proposed projects. It is my understanding that the application for the 831 Water street development has NOT met these minimum requirements, and therefore, should not be considered for approval until the developers have done so, and after community input has been considered.

I strongly object to any development of this size being built at 831 Water St. Being that I attended Branciforte Elementary school and bought candy at the 7-11 that existed prior to DJ 's Market, I know I have a nostalgic interest in keeping things as they were, but as much as I acknowledge that change is inevitable, this neighborhood should not be subject to a development proposal of this size. Belvedere Terrace and Berkeley way are very desirable residential streets; free street parking abounds on Branciforte for residents and visitors. Shadows from this project will tower over Belvedere Terr neighbors destroying the sunlight and serenity of their street; the intersection will be congested with traffic; because parking will cost tenants of the proposal \$300 monthly, the street parking will quickly be filled by tenants of this building. Lower income tenants (on the lower side of the hill, of course) will look longingly at their "more affluent" neighbors in the taller tower next to them, knowing that their units are larger, reserved for the "chosen ones."

Novin Development designed a cookie cutter building whose style has no consideration for the historic location, nor the aesthetic of Santa Cruz—this building could easily fit into many nearby metropolises, which, by the way, do not rely on the character of their towns to enhance their major industries such as tourism –and could easily be housing a medical office, business, or a Silicon Valley chip manufacturer—exhibiting barely any unique character as a residence. It is aesthetically incongruous with our coastal city and, if you care about tourism, would part of a slippery slope of design disasters that would eventually be bad for business.

But, none of this matters, because supposedly SB 35 mandates that these type of proposals must go through. And yet...my understanding is that:

The SB 35 application is incomplete as it does not satisfy the minimum 50% requirement for affordable units. The City of San Francisco has set a process that makes this situation stop the application until the applicant submits a new conforming application; and then the timeline starts over again. **WHY NOT IN SANTA CRUZ?**

An elaborate table in the old/replaced application showed how the developer felt they fulfilled the specific objective standards they identified with their building design and relative specifics, as well as the SB 35 requirements but that old application had different unit counts, parameters/massing, setbacks, etc., so **WHY is it being used to measure the new application against any identified standards/requirements??**

**The Mass / Scale / Density of this project goes contrary to the desires of this community:** With 145 units on less than one acre, in zoning that is only supposed to allow up to 55 units per acre; at 60 feet tall taking up almost the entire lot that is zoned for only 40 feet tall that should include more open space for any new residents, SB 35 and other new laws are allowing for loopholes enabling developers to try to build much larger and denser than is healthy—or desirable as per the historic preferences—for our community. **Our community should NOT be beholden to the whims of any developer nor the state of California for telling us what should and should not be built here!!**

**Segregated Housing:** This development segregates affordable units from market rate unit in two separate buildings, promoting classism and racism; we cannot allow the development patterns in society to perpetuate this segregation. **Two City Ordinances dictate that all inclusionary affordable units are to be “dispersed throughout the development.”** This includes our Inclusionary Ordinance as well as our Density Bonus Ordinance. **It is also a requirement for the affordable units found in SB 35’s regulations per the state’s Department of Housing and Community Development.**

**Traffic — Public Health:** Traffic already backs up at the intersection of N. Branciforte Avenue and Water Street. Adding this much population density to such a small lot will dramatically increase this. And it’s not just the density, the only entrance/exit is on Water Street where the center divide will force everyone entering and exiting the property to make U-turns to access the property, depending on which way motorists are heading.

**Historical / Archeological:** The Villa de Branciforte holds significant yet largely ignored historical and archeological significance for the City, the County (originally named Branciforte County) and the State. Potential buried structures/foundations and artifacts from that era must be protected and the presence of which should disqualify the development for SB 35 approval. The Villa had a completely different culture than the Santa Cruz Mission town. Native Americans and Mestizos were allowed to vote in the Villa and some even held office. This is in stark contrast to the secular and controlled society at the Mission, where huge numbers of Natives perished. For being such a small strip of town with huge historical significance for the entire State, the old Villa de Branciforte area needs to be treated with great archeological care during any deep excavation that would completely remove the [historical Bolcoff Hill](#) for a two level underground parking garage.

**Building Safety / Earthquakes — Public Safety:** This site is on a hill with a slope of more than 30 degrees and with very specific geography. The type of soil is loose and crumbly with chunks cracking and falling along the retaining wall on Water Street. Santa Cruz is in an area with six major faults surrounding us, and the Ben Lomond Fault going straight through our City.

Unfortunately, I learned that SB 35 only restricts developments within areas in which the State Geologist has published official maps showing them as delineated earthquake fault zones. **Unfortunately “no data” has been officially applied to the entire area of our City on the official maps, even though the fault activity map on the State’s [geological survey](#) shows a ton of faults.** If you go to our City’s address on this map and zoom out, you will see many faults and we know first hand that our City is prone to plenty of damage due to earthquakes. **The oversight of our City not yet having adequate data on the State Geologist’s site should not be allowed to result in improperly constructed large developments throughout our City that don’t get the proper EIR/CEQA process that could mitigate such dangers by requiring earthquake retrofitting in the design.**

**Standing Water — Public Health:** This site is hydrologically challenged due to its geography. During wet-weather months, water is trapped above the substrata of mudstone and pools in the neighborhoods north of Water Street as it runs down from Delaveaga. Water Street gets its name because water constantly seeps through the retaining wall at this site. If the developer is allowed to put in a concrete two-level underground garage, it will create a “dam” along the entire north side of this long, narrow lot. That poses a considerable threat to homes, as well as a public health issue, coupled with the shading from these tall buildings. Standing water + total shade (see below) = toxic mold.

**Open Space / Privacy:** Green open space is part of our development standards and crucial to include in any development for physical health, mental health and well being of residents, as well as the air-scrubbing needed from plants to mitigate the huge increase in population density and associated traffic. Besides a couple of very small strips, the only open space proposed for this development is the rooftop, where people will be able to look down directly into the yards and homes of the neighboring community.

**Cumulative Impacts:** Large developments are already permitted all over the City and more are being proposed. The cumulative impacts on our community are not being discussed and the crucial infrastructure needed to support such density is not being adequately addressed. **We are already over our carrying capacity for many necessities, such as water (with no end to our global warming-perpetuated drought in sight).**

**It is irresponsible for the city of Santa Cruz to not be openly planning for and discussing these type of impacts. I also do not believe that city planners are considering these impacts in a way that they should, as they continue to approve large development after large development. For this reason, the city council should NOT defer to city planners to make a decision on this or other proposals of this nature. At minimum, we should have our elected representatives making these types of decisions so that someone can be held accountable.**

Truly affordable housing is necessary and I am in support of it, but not at the expense of the health and safety of the community, nor at the expense of severely diminishing the historic, archeological integrity or characteristic charm that has made Santa Cruz a popular tourist destination and a beautiful place to live.

I will also not accept the city’s acquiescence to the demands of SB 35 without doing it’s due diligence and demanding that minimum requirements for the SB 35 exclusions be met.

Thank you for your consideration.

Sincerely,

Andrea Rosenfeld  
[andrea.rosenfeld88@gmail.com](mailto:andrea.rosenfeld88@gmail.com)  
415.370.2154

## Rosemary Balsley

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**From:** Santa Cruz YIMBY <santacruzylimby@gmail.com>  
**Sent:** Monday, September 13, 2021 2:40 PM  
**To:** City Council; Bonnie Bush  
**Subject:** Agenda Item #25 - 831 Water Street - Support for Project and Delay Assessment of Compliance with Objective Standards  
**Attachments:** 831 Water St - SC YIMBY Support Letter\_AgendaItem25\_9-14-21.pdf

Dear Mayor Meyers, Vice Mayor Brunner, and Councilmembers:

Please find the attached letter regarding 831 Water Street (Agenda Item 25). Santa Cruz YIMBY supports the 831 Water Street housing project and the staff recommendation to delay assessing compliance with objective standards.

Thank you,  
Santa Cruz YIMBY





September 12, 2021

**To:** Santa Cruz City Council

**From:** Santa Cruz YIMBY

**Re:** Agenda Item #25: 831 Water Street

Dear Mayor Meyers, Vice Mayor Brunner, and City Councilmembers:

We are writing in support of the proposed residential and mixed-use housing project at 831 Water Street on your September 14, 2021, agenda.

Santa Cruz YIMBY seeks to build a community where our neighbors of all ages, cultures, and incomes, can make Santa Cruz County their home. The City of Santa Cruz desperately needs more affordable housing. This is underscored by our meager progress in permitting homes affordable to those in the Very Low Income category; thus far in our 5th Regional Housing Needs Allocation (RHNA) cycle, the City has permitted only 57 of the 180 homes required to meet our RHNA floor.

The project at 831 Water Street includes 145 new homes, including 71 deed-restricted affordable apartments and 74 homes for middle class individuals and families. Of the affordable homes, 54 of these will have project-based vouchers, providing additional support for those in our community in need, including individuals with disabilities and the unhoused. In addition to providing much needed housing in our community, we like environmentally friendly infill projects like this one, with efficient water use, within walking distance of amenities, and along transit routes.

The SB 35 application process used by staff and Council is new and evolving. We support the staff recommendation to delay an assessment of compliance with criteria and objective standards until all the applicant's materials have been reviewed. It is not fair to review a project based on analysis of materials submitted as of September 2<sup>nd</sup>, when the city has received additional plans and submissions since that date which have not been included in the agenda packet. The agenda packet is incomplete and over a week out of date.

For these reasons **Santa Cruz YIMBY supports the 831 Water Street housing project and the staff recommendation to delay assessing compliance with objective standards.**

Sincerely,

**Santa Cruz YIMBY**

## Rosemary Balsley

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**From:** Julian Meyer <julianmeyer2000@gmail.com>  
**Sent:** Monday, September 13, 2021 2:53 PM  
**To:** City Council  
**Subject:** I support the 831 Water St. Project

I support the 831 Water St. Project. It helps alleviate our staggering housing shortage, and creates a more walkable, diverse, thriving Santa Cruz. This is the affordable housing that everyone says they want for Santa Cruz. This project eases our transportation burdens and is good for the environment. 831 Water St is exactly the type of project our general plan encourages: It is centrally located, on a major thoroughfare with bus access, and provides community benefits.

## Rosemary Balsley

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**From:** Elizabeth Conlan <elizabethconlan@protonmail.com>  
**Sent:** Monday, September 13, 2021 2:59 PM  
**To:** City Council  
**Subject:** Support for 831 Water Street - Agenda Item 25

Dear Mayor Meyers and Councilmembers:

I am a supporter of the proposed housing project at 831 Water Street and urge you to follow the recommendation by staff to delay the assessment of the project's compliance with objective standards until all of the applicant's materials have received final review.

As a renter, I had faced difficulties finding apartments to rent in the area; the process is fiercely competitive and the options are slim. Following local housing groups like Facebook Housing are an eye-opening look into how UCSC students, young professionals, and single parents are struggling to find any housing options, let alone something in their price range. I'm worried about how our housing issues are deepening inequality and stunting opportunity for people of color, young people, and low wage workers. We need more homes, of different sizes, in all of our neighborhoods, if we are going to be able to begin to control housing prices and give everyone access to an affordable, welcoming place to call home. As land prices are high and we want to protect our greenbelt and limit sprawl elsewhere, we must build up.

As the SB 35 process is brand new, and Council only firmed up the process last week, I think we should give staff enough time to review documentation, particularly as it relates to the Density Bonus and building height since that is one of the most controversial aspects of the project in the community.

Thank you and I welcome your support for more affordable housing and housing affordability in Santa Cruz.

Sincerely,  
Elizabeth Conlan



1111 Broadway, 24<sup>th</sup> Floor  
Oakland, CA 94607-4036

T: 510.834.6600  
F: 510.834.1928

www.wendel.com  
amorrison@wendel.com

July 27, 2021

**Via Email**

Mr. Lee Butler  
Community Development Director  
City of Santa Cruz  
809 Center Street  
Room 107 and 101  
Santa Cruz, CA 95060

[lbutler@cityofsantacruz.com](mailto:lbutler@cityofsantacruz.com)

**Re: 831 Water Street – Mixed-Use Development (PLFYI 053)  
Revised Site Plan**

Dear Mr. Butler:

Wendel Rosen, LLP represents Novin Development Corporation ("Applicant") in connection with a proposed mixed-use development project located at the northwest corner of Water Street and N. Branciforte Avenue in the City of Santa Cruz. The project, as proposed, includes the construction of two, five-story, mixed-use buildings totaling 90,285 square feet and proposes 145 apartments (50% of which will be affordable) with shared underground parking, ground-floor commercial and residential amenity space (the "Project"). As you are aware, the Applicant submitted an application to the City of Santa Cruz ("City") for processing the Project's land use entitlements pursuant to Government Code section 65913.4 ("SB 35") on July 1, 2021.

The purpose of this correspondence is to transmit a revised plan set to the City for review and processing pursuant to SB 35 and to authorize an extension of time to the City for its review and processing of the Project application. SB 35 imposes strict timeframes within which a local agency is required to determine a project's eligibility for processing under the statute; for a project of this size, the City is required to determine eligibility within 60 days of application submittal.

During a call between staff and the Applicant on Friday, July 16<sup>th</sup>, staff made the Applicant aware of a potential conflict in the Project design and objective zoning standards related to slope and fire access. Pursuant to Government Code section 65913.4, the Applicant is submitting a revised site plan which addresses this potential conflict. The revised plans include the changes that are addressed in the memo attached hereto from Lowney Architecture and dated July 27, 2021.

In an effort to allow the City time to adequately evaluate the revised site plan/design for compliance with objective zoning standards, the Applicant is willing to extend the time for the City's review by an additional 21 days. Rather than the City's 60-day review period terminating

Mr. Lee Butler  
July 27, 2021  
Page 2

WENDEL ROSEN LLP

on August 30<sup>th</sup>, the Applicant is voluntarily willing to extend the review period to September 27<sup>st</sup>.

We understand the City intends to host an informational community meeting within this period of time. The Applicant is amenable to participating in the community meeting and to having the revised plan set shared with the community.

Thank you and please do not hesitate to contact either me or my partner, Patricia Curtin (pcurtin@wendel.com) should you have any questions.

Very truly yours,

WENDEL ROSEN LLP



Amara Morrison

ALM/cab

cc: Client  
Darcy Pruitt, Assistant City Attorney  
Samantha Haschert, Principal Planner  
Mark Rhoades, Rhoades Planning Group  
Mark Donahue, Lowney Architecture



# MEMORANDUM

|                 |                                    |                     |                                                                            |
|-----------------|------------------------------------|---------------------|----------------------------------------------------------------------------|
| <b>Date:</b>    | July 27, 2021                      | <b>Project Name</b> | 831 Water Street                                                           |
| <b>To:</b>      | Amara Morrison<br>Wendel Rosen LLP | <b>Project No:</b>  | 18-218                                                                     |
|                 |                                    | <b>From:</b>        | Mark Donahue                                                               |
| <b>Subject:</b> | SB35 Package comparison            | <b>CC:</b>          | Iman Novin<br>Sam Woodburn<br>Mark Rhoades<br>Mia Perkins<br>Alex Marqusee |

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The following list describes the major differences between the package submitted to the City of Santa Cruz on July 1, 2021, and the revised package issued on July 27, 2021.

- The unit count and program has been revised as follows:
  - The unit count has been reduced from 149 units to 145 units
  - The unit mix has been revised:
    - Studios have changed from a total of 96 units to 64 units
    - 1BR units have changed from 52 units to 63 units
    - 2BR units have changed from 1 unit to 15 units
    - 3BR units have changed from 0 units to 3 units
  - Retail square footage has been reduced from 8,947 sf to 3,057 sf
  - Rooftop bar has been eliminated from the revised submittal
  - The Community Room in the Affordable building has been reduced from 3,281 sf to 1,736 sf
  - The open space has been reduced from 28,087 sf overall to 20,905 sf overall
  - The number of at grade parking spaces has been reduced from 7 stalls to 3 stalls
  - Commercial parking has been removed from basement garage. The stair leading from the retail to the parking garage has been removed.
  - The office function has been consolidated in the Affordable building (Building B).
- The building configuration has been revised in the following ways:
  - The courtyard has been eliminated from Building A, and the U-shaped configuration has been eliminated from Building B, replaced with generally linear bars.
  - Fire Access from the adjoining property on Belvedere Court has been added across the Water Street frontage. The buildings are now sited a minimum of 20 feet from the Water Street property line.
  - The buildings have been moved out of the 20-foot setback zone from the frontage along Water Street in the zone that exceeds a 30% slope.
  - The basement parking garage footprint has been reduced from 32,522 sf to 26,231 sf and has been pulled back from the adjoining properties.
  - 24 residential units have been added to the ground floor with stoops proposed for the 11 units that face Water Street.

- The residential ground floor has been raised 2'-0" from the adjacent site grade to provide separation between the units and the exterior walkways.
- The courtyard between the building has been reduced from 26' to an average of 13'-6".
- The two buildings are now joined by pedestrian bridges to accommodate more efficient exiting.
- Bike storage has been moved out of each building and placed in storage sheds along the interior side yard wall.
- The number of balconies has been increased from 11 each per typical floor to 18 per typical floor. All balconies have been moved to the Water Street frontage.
- The number of elevators has been reduced to two (2) from the previous count of three (3).
- The exterior mail kiosk has been removed and mail operations moved to the interiors of the buildings.



831 WATER ST.

SANTA CRUZ, CA

7/27/21





# 831 WATER STREET DEVELOPMENT

SANTA CRUZ, CA 95060

## ABBREVIATIONS

|                              |                                             |                             |
|------------------------------|---------------------------------------------|-----------------------------|
| (D) DEMOLISH                 | GA GAUGE                                    | RAD RADIUS                  |
| (E) EXISTING                 | GALV "GALVANIZED, GALVANIZING"              | RECP RECEPTACLE             |
| (N) NEW                      | GL "GLASS, GLAZING"                         | REF REFERENCE               |
|                              | GLAM GLUE LAMINATED BEAM                    | REIN REINFORCEMENT          |
| ADI ADJUSTABLE/ADJACENT      | GSM GALVANIZED SHEET METAL                  | REQREQUIRED                 |
| AFF ABOVE FINISHED FLOOR     | GYPGYPSUM BOARD                             | REVREVISION                 |
| AL ALUMINUM                  |                                             | RH RIGHT HAND               |
| ALT ALTERNATE                | H HEIGHT                                    | RHRRIGHT HAND REVERSE       |
| ARCH ARCHITECTURAL           | HD HOLD DOWN                                | RM ROOM                     |
| AUTO AUTOMATIC               | HORIZ HORIZONTAL                            | RO ROUGH OPENING            |
|                              | HSRHIGH STRENGTH BOLTS                      |                             |
| BLDG BUILDING                | HVAC HEATING VENTILATION & AIR CONDITIONING | SS SANITARY SEWER           |
| BO BOTTOM OF                 |                                             | SCHED SCHEDULE              |
|                              |                                             | SECT SECTION                |
| CBC CALIFORNIA BUILDING CODE | INFO INFORMATION                            | SJ SEISMIC JOINT            |
| CL CENTER LINE               | INT INTERIOR                                | SHT SHEET                   |
| CLR CLEAR                    |                                             | SM SHEET METAL              |
| CJ CONSTRUCTION JOINT        |                                             | SIM SIMILAR                 |
| CMU CONCRETE MASONRY UNIT    | L "LONG, LENGTH"                            | SI SEISMIC JOINT            |
| COL COLUMN                   | LAM LAMINATE                                | SPEC SPECIFICATION          |
| CONC CONCRETE                | LB POUND                                    | SF SQUARE FOOT/FEET         |
| CONT CONTINUOUS              | LH LEFT HAND                                | SST STAINLESS STEEL         |
| CTR CENTER                   | LHR LEFT HAND REVERSE                       | STL STEEL                   |
|                              | LT LIGHT                                    | STOR STORAGE                |
| DEPT DEPARTMENT              | LTW LIGHT WEIGHT                            | STRUCT STRUCTURAL           |
| DET DETAIL                   |                                             | SYM SYMMETRICAL             |
| DIA DIAMETER                 | MFR MANUFACTURER                            | SYS SYSTEM                  |
| DN DOWN                      | MAINT MAINTENANCE                           | SQ SQUARE                   |
| DR DOOR                      | MAX MAXIMUM                                 |                             |
| DRWR DRAWER                  | MECH MECHANICAL                             | TEMP TEMPORARY              |
| DWG DRAWING                  | MEZZ MEZZANINE                              | T&G TONGUE AND GROOVE       |
|                              | MIN MINIMUM                                 | TO TOP OF                   |
| EA EACH                      | MISC MISCELLANEOUS                          | TO TOP OF FINISH            |
| EL ELEVATION                 |                                             | TOSTOP OF STEEL/STRUCTURE   |
| ELEC ELECTRICAL              |                                             | TOW TOP OF WALL             |
| ELEV ELEVATOR                |                                             | TYP TYPICAL                 |
| ENG ENGINEER                 |                                             |                             |
| EQ EQUAL                     | NIC NOT IN CONTRACT                         |                             |
| EQUIP EQUIPMENT              | NO NUMBER                                   | TO TOP OF PLATE             |
| EXHX EXHAUST                 | NTS NOT TO SCALE                            |                             |
| EXT EXTERIOR                 |                                             |                             |
|                              | OC ON CENTER                                | UL UNDER WRITERS LABORATORY |
| FA FIRE ALARM                | OD OUTSIDE DIAMETER                         | UON UNLESS OTHERWISE NOTED  |
| FAB FABRICATE                | OP OPENING                                  | UTIL "UTILITY, UTILITIES"   |
| FE FIRE EXTINGUISHER         | OPPOSITE                                    |                             |
| FF FINISHED FLOOR            |                                             | VER VERIFY                  |
| FIN FINISH                   |                                             | VERT VERTICAL               |
| FLR FLOOR                    | PL PROPERTY LINE                            | VEST VESTIBULE              |
| FO FACE OF                   | PLAM PLASTIC LAMINATE                       | VIF VERIFY IN FIELD         |
| FOF FACE OF FINISH           | PLY PLYWOOD                                 |                             |
| FOFACE OF STUD               | PT PRESSURE TREATED                         |                             |
| FOW FACE OF WALL             |                                             | W/ WITH                     |
| FP FIRE PROTECTION           |                                             | W/O WITHOUT                 |
| FRT FIRE RETARDANT TREATED   |                                             | WC WATER CLOSET             |
|                              |                                             | WD WOOD                     |
|                              |                                             | WH WATER HEATER             |

## PARCEL MAP



## GRAPHIC SYMBOLS

|                                       |                |  |             |
|---------------------------------------|----------------|--|-------------|
| DETAIL REFERENCE                      | DRAWING NUMBER |  | #           |
|                                       | SHEET NUMBER   |  | #           |
| DETAIL SECTION REFERENCE              | DRAWING NUMBER |  | #           |
|                                       | SHEET NUMBER   |  | #           |
| BUILDING SECTION REFERENCE            | DRAWING NUMBER |  | #           |
|                                       | SHEET NUMBER   |  | #           |
| EXTERIOR/INTERIOR ELEVATION REFERENCE | DRAWING NUMBER |  | #           |
|                                       | SHEET NUMBER   |  | #           |
| REVISION REFERENCE                    |                |  | 1           |
| DOOR REFERENCE                        |                |  | 101         |
| WINDOW REFERENCE                      |                |  | X           |
| ELEVATION DATUM                       |                |  | Room name   |
| ROOM NUMBER                           |                |  | 101         |
| PARTITION TYPE                        |                |  | XX-XX       |
| FINISH CEILING HEIGHT                 |                |  | 1'-0" ACT-1 |
| CENTER LINE                           |                |  | CL          |

## PROJECT DIRECTORY

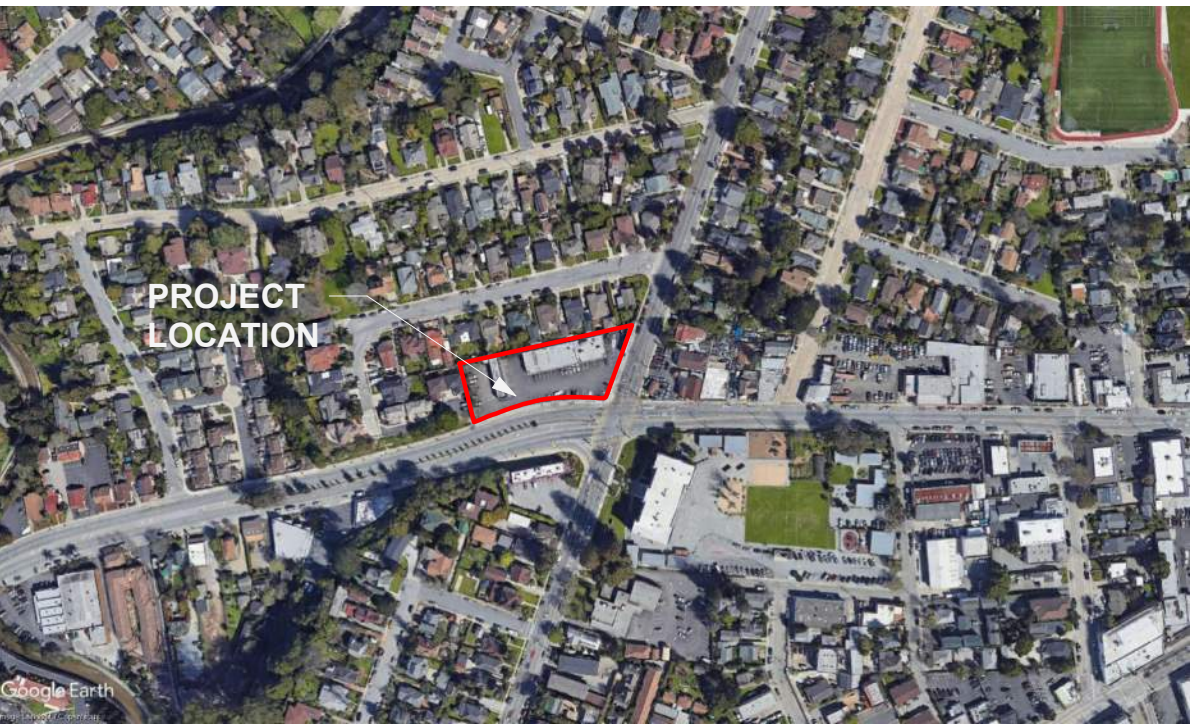
**OWNER:**  
NOVIN DEVELOPMENT CORP.  
1990 N CALIFORNIA BLVD STE 800  
WALNUT CREEK, CA 94596  
ATTN: IMAN NOVIN  
inovin@novindevelopment.com  
(925) 344-6244

**ARCHITECT:**  
LOWNEY ARCHITECTURE  
360 17TH STREET, STE 100  
OAKLAND, CA 94612  
ATTN: MARK DONAHUE  
mark@lowneyarch.com  
(510)269-1123

**LANDSCAPE ARCHITECT:**  
HMH  
1570 OAKLAND ROAD  
SAN JOSE, CA 95131  
ATTN: BRIAN GLICK  
bglick@HMHca.com  
(408)487-2200

**CIVIL ENGINEER:**  
IFLAND ENGINEERS  
5300 SOQUEL AVE. STE 101  
SANTA CRUZ, CA 95062  
ATTN: JON IFLAND  
jonifland@iflandengineers.com  
(831)426-5313

## VICINITY MAP



## PROJECT DESCRIPTION

THIS PROJECT IS A MIXED USE RESIDENTIAL AND RETAIL PROJECT, WITH 74 UNITS OF MARKET RATE UNITS AND 2,727 SF GROUND RETAIL SPACE, AND 71 UNITS OF AFFORDABLE UNITS WITH 1,400 SF RESIDENT AMENITY SPACE.

THE TWO BUILDINGS ARE 5 LEVELS TYPE IIIA WOOD FRAME CONSTRUCTION OVER ONE LEVEL OF TYPE IA CONCRETE BASEMENT. CONCRETE MAT SLAB FOUNDATION PER STRUCTURAL ENGINEER'S DESIGN.

PROJECT IS TO BE BUILT IN ACCORDANCE WITH THE MINIMUM REQUIREMENTS OF THE GREEN POINT RATED PROGRAM.

15 UNITS TO MEET ADA MOBILITY FEATURES DEFINED IN CBC 11B 809.2 THROUGH 11B 809.4 AND 8 UNITS TO HAVE COMMUNICATIONS FEATURES DEFINED IN CBC 11B 809.5.

## PROJECT DATA

### PROJECT INFORMATION

**Site Location:**  
831 Water St  
Santa Cruz, CA 95060

**ZONING DISTRICT:**  
C-C COMMUNITY COMMERCIAL

**GENERAL PLAN LAND USE:**  
MXHD MIXED USE HIGH DENSITY

**APN:**  
00921230; 00921231; 00921238

**LOT AREA:**  
Total Area: 39,607 sf

**FAR:**  
Max Far: 2.75  
Allowable sf:  
2.75 x 39,607 = 108,919 sf

Provided FAR: 2.28

**SETBACKS:**  
Front yard: 0 ft  
Rear yard: 20 ft\*  
Side yard: 0 ft

\* Site abuts an R-District - setbacks should not be less than the minimum yard required for the adjacent yard in the said R-District

### RETAIL

**BUILDING A:**  
Retail Ground Level: 2,727 sf

### SERVICES

**BUILDING B:**  
Resident Amenity Space: 1,400 sf

### PARKING

Below grade: 26,231 sf

### GROSS SF CALCULATION

**BUILDING A:**  
Ground level: 9,998 sf  
Level 2-4: 10,532 sf  
Level 5: 9,510 sf  
**Total: 51,104 sf**

**BUILDING B:**  
Ground level: 9,613 sf  
Level 2-4: 9,856 sf  
**Total: 39,181 sf**

**Total gross sf: 90,285 sf**

### UNIT COUNT

**BUILDING A:**  
**Ground Level:**  
1-Bedroom: 11  
**Level 2-4:**  
Studio: 3  
1-Bedroom: 45  
2-Bedroom: 6  
**Level 5:**  
Studio: 1  
2-Bedroom: 5  
3-Bedroom: 3  
**TOTAL: 74**

**BUILDING B:**  
**Ground Level:**  
Studio: 12  
1-Bedroom: 1  
2-Bedroom: 1  
**Level 2-4:**  
Studio: 48  
1-Bedroom: 6  
2-Bedroom: 3  
**TOTAL: 71**

**TOTAL UNITS: 145**

## SHEET LIST

**GENERAL**  
BG0.1 PROJECT INFORMATION  
BG2.0 DENSITY BONUS CALCULATIONS - BASE  
BG3.0 SITE CONTEXT

**ARCHITECTURAL**  
B0.0 COVER SHEET  
B0.1 SITE PLAN  
B0.2 PARKING & BIKE CALCULATIONS  
B0.3 DEMO PLAN  
B1.0 BASEMENT FLOOR PLAN  
B1.1 GROUND FLOOR PLAN  
B1.2 LEVEL 2 PLAN  
B1.3 LEVEL 3 PLAN  
B1.4 LEVEL 4 PLAN  
B1.5 LEVEL 5 PLAN  
B1.6 ROOF PLAN  
B3.1 BUILDING A SECTION  
B3.2 BUILDING A SECTION  
B3.3 BUILDING B SECTION  
B3.4 BUILDING B SECTION  
B3.5 SITE SECTION  
B6.1 ENLARGED UNIT PLANS





BASE PROJECT Ground Floor Program



PROPOSED PROJECT Ground Floor Program



BASE PROJECT Residential Program



PROPOSED PROJECT Residential Program

C-C Community Commercial (Part 8 - 24.10.700)

| Standard   | Reference     | Requirement                                                |         |             |
|------------|---------------|------------------------------------------------------------|---------|-------------|
| Height     | 24.10.750.1.a | 3                                                          | stories |             |
| Setbacks   | 24.10.750.1.c | 40                                                         | feet    |             |
|            |               | 0                                                          | feet    |             |
|            |               | 20                                                         | feet*   |             |
|            |               | 0                                                          | feet    |             |
|            |               | *20 feet required where C-C abuts any residential district |         |             |
| Open Space | 24.10.750.1.d | Private                                                    | 100     | sf per unit |
|            |               | Common                                                     | 150     | sf per unit |

MXHD Mixed-Use High Density (2030 General Plan Chapter 4)

| Standard | Reference | Requirement |         |  |
|----------|-----------|-------------|---------|--|
| Height   |           | 5           | stories |  |
|          |           | 65          | feet    |  |

| BASE SCHEME                      |     | 2.75 FAR MAX    |            |          |           |  | TOTAL UNITS |  |
|----------------------------------|-----|-----------------|------------|----------|-----------|--|-------------|--|
| Market Rate                      | %   | Units per floor | Plate size |          |           |  |             |  |
| Studio                           | 5%  | 27 units        | 13,900 sf  | 2 levels | 27,800 sf |  | 55 units    |  |
| 1BR                              | 76% |                 |            |          |           |  |             |  |
| 2BR                              | 15% |                 |            |          |           |  |             |  |
| 3BR                              | 4%  |                 |            |          |           |  |             |  |
| Avg. unit size                   |     | 514 sf          |            |          |           |  |             |  |
| Total Residential square footage |     |                 |            |          | 27,800    |  |             |  |
| Other program                    |     |                 |            |          |           |  |             |  |
| Retail                           |     |                 |            |          | 8,900 sf  |  |             |  |
| Residential support              |     |                 |            |          | 8,800 sf  |  |             |  |
| TOTAL SQUARE FOOTAGE             |     |                 |            |          | 45,500 sf |  |             |  |
| TOTAL FAR SQUARE FOOTAGE         |     |                 |            |          | 45,500 sf |  |             |  |
| Affordable                       |     |                 |            |          |           |  |             |  |
| Studio                           | 85% | 25 units        | 10,250 sf  | 2 levels | 20,500 sf |  | 50 units    |  |
| 1BR                              | 10% |                 |            |          |           |  |             |  |
| 2BR                              | 6%  |                 |            |          |           |  |             |  |
| Avg. unit size                   |     | 411 sf          |            |          |           |  |             |  |
| Total Residential square footage |     |                 |            |          | 20,500 sf |  |             |  |
| Other program                    |     |                 |            |          |           |  |             |  |
| Community Room                   |     |                 |            |          | 3,330 sf  |  |             |  |
| Residential support              |     |                 |            |          | 8,950 sf  |  |             |  |
| TOTAL SQUARE FOOTAGE             |     |                 |            |          | 32,780 sf |  |             |  |
| PARKING STRUCTURE SQUARE FOOTAGE |     |                 |            |          | 17,728 SF |  |             |  |
| TOTAL FAR SQUARE FOOTAGE         |     |                 |            |          | 50,508 sf |  |             |  |

|                 |            |
|-----------------|------------|
| BASE UNIT COUNT | 105 units  |
| Lot size        | 0.91 acres |
| DU/acre         | 15 units   |
| TOTAL FAR SF    | 96,008 sf  |
| BASE FAR        | 2.42       |

| PROPOSED SCHEME                  |          | 2.49 FAR |         |          |           | Unit sizes |     | Avg. size |  |
|----------------------------------|----------|----------|---------|----------|-----------|------------|-----|-----------|--|
| Market Rate (Building A)         |          |          |         |          |           |            |     |           |  |
| Studio                           | 1 units  | 4 levels | 399 sf  | 4 units  | 1,596 sf  | 4          | 5%  |           |  |
|                                  | 11 units | 1 levels | 450 sf  | 11 units | 4,950 sf  | 56         | 76% |           |  |
|                                  | 13 units | 3 levels | 450 sf  | 39 units | 17,550 sf |            |     |           |  |
|                                  | 1 units  | 3 levels | 408 sf  | 3 units  | 1,224 sf  |            |     |           |  |
|                                  | 1 units  | 3 levels | 497 sf  | 3 units  | 1,491 sf  |            |     |           |  |
| 2BR                              | 1 units  | 4 levels | 647 sf  | 4 units  | 2,588 sf  | 11         | 15% |           |  |
|                                  | 1 units  | 4 levels | 650 sf  | 4 units  | 2,600 sf  |            |     |           |  |
|                                  | 2 units  | 1 levels | 776 sf  | 2 units  | 1,552 sf  |            |     |           |  |
|                                  | 1 units  | 1 levels | 929 sf  | 1 units  | 929 sf    |            |     |           |  |
|                                  | 3 units  | 1 levels | 1175 sf | 3 units  | 3,525 sf  | 3          | 4%  |           |  |
| 3BR                              |          | 35 units |         | 74 units | 38,005 sf | 514 sf     |     |           |  |
| OTHER PROGRAM                    |          |          |         |          |           |            |     |           |  |
| Retail                           |          |          |         |          | 2,727 sf  |            |     |           |  |
| Residential Support              |          |          |         |          | 672 sf    |            |     |           |  |
| TOTAL SQUARE FOOTAGE             |          |          |         |          | 41,404 sf |            |     |           |  |
| TOTAL FAR SQUARE FOOTAGE         |          |          |         |          | 41,404 sf |            |     |           |  |
| Affordable                       |          |          |         |          |           |            |     |           |  |
| Studio                           | 10 units | 1 levels | 371 sf  | 10 units | 3,710 sf  | 60         | 85% |           |  |
|                                  | 8 units  | 3 levels | 371 sf  | 24 units | 8,904 sf  |            |     |           |  |
|                                  | 1 units  | 1 levels | 388 sf  | 1 units  | 388 sf    |            |     |           |  |
|                                  | 1 units  | 1 levels | 415 sf  | 1 units  | 415 sf    |            |     |           |  |
|                                  | 2 units  | 3 levels | 415 sf  | 6 units  | 2,490 sf  |            |     |           |  |
| 1BR                              | 6 units  | 3 levels | 404 sf  | 18 units | 7,272 sf  |            |     |           |  |
|                                  | 1 units  | 4 levels | 452 sf  | 4 units  | 1,808 sf  | 7          | 10% |           |  |
|                                  | 1 units  | 3 levels | 450 sf  | 3 units  | 1,350 sf  |            |     |           |  |
|                                  | 1 units  | 4 levels | 713 sf  | 4 unit   | 2,852 sf  | 4          | 6%  |           |  |
|                                  |          |          |         | 71 units | 29,189 sf | 411 sf     |     |           |  |
| OTHER PROGRAM                    |          |          |         |          |           |            |     |           |  |
| Residential Support              |          |          |         |          | 618 sf    |            |     |           |  |
| Community Room                   |          |          |         |          | 1,400 sf  |            |     |           |  |
| TOTAL SQUARE FOOTAGE             |          |          |         |          | 31,207 sf |            |     |           |  |
| PARKING STRUCTURE SQUARE FOOTAGE |          |          |         |          | 26,231 SF |            |     |           |  |
| TOTAL FAR SQUARE FOOTAGE         |          |          |         |          | 57,438 sf |            |     |           |  |

|                                                |           |
|------------------------------------------------|-----------|
| DENSITY BONUS CALCULATION                      |           |
| Affordable units                               | 50%       |
| Density bonus per SB35 (50% x BASE unit count) | 53 units  |
| Base Unit Count                                | 105 units |
| TOTAL ALLOWABLE UNITS                          | 158 units |

|                     |            |
|---------------------|------------|
| PROPOSED UNIT COUNT | 145 units  |
| Lot size            | 0.91 acres |
| DU/acre             | 20 DU/acre |
| TOTAL FAR SF        | 98,842 sf  |
| PROPOSED BASE FAR   | 2.49       |







**Required Auto Parking:**

24.12.240:

**BASE PARKING CALCULATION**

|                                 |                   |
|---------------------------------|-------------------|
| 1 space/Studio x 64 studios     | 64 spaces         |
| 1 space/1BR x 63 1BRs           | 63 spaces         |
| 2 spaces/2BR x 15 2BRs          | 30 spaces         |
| <u>2 spaces/3BR x 3 3BRs</u>    | <u>6 spaces</u>   |
| <b>TOTAL BASE PARKING REQ'D</b> | <b>163 spaces</b> |

|                                 |                   |
|---------------------------------|-------------------|
| <u>Guest = 10% x 163 spaces</u> | <u>17 spaces</u>  |
| <b>TOTAL w/GUEST PARKING</b>    | <b>180 spaces</b> |

**DENSITY BONUS PARKING CALCULATION**

|                                |                  |
|--------------------------------|------------------|
| 0.5 spaces/Studio x 64 studios | 32 spaces        |
| 0.5 spaces/1BR x 63 1BRs       | 32 spaces        |
| 1 space/2BR x 15 2BRs          | 15 spaces        |
| <u>1 space/3BR x 3 3BRs</u>    | <u>3 spaces</u>  |
| <b>TOTAL w/DB</b>              | <b>82 spaces</b> |

|                                 |                  |
|---------------------------------|------------------|
| <u>Guest = 10% x 82 spaces</u>  | <u>9 spaces</u>  |
| <b>DB TOTAL w/GUEST PARKING</b> | <b>91 spaces</b> |

**COMMERCIAL PARKING CALCULATION**

Required: 1 space/250 gsf

|                    |           |
|--------------------|-----------|
| 2,727 gsf / 250 sf | 11 spaces |
|--------------------|-----------|

**Provided Auto Parking:**

|                                    |                   |
|------------------------------------|-------------------|
| Residential (2 level stacker)      | 120 spaces        |
| Residential ADA:                   | 6 spaces          |
| <u>Residential EV:</u>             | <u>12 spaces</u>  |
| <b>Total auto spaces provided:</b> | <b>138 spaces</b> |

|                                    |                   |
|------------------------------------|-------------------|
| Commercial Ground lvl.:            | 2 spaces          |
| <u>Commercial ADA:</u>             | <u>1 space</u>    |
| <b>Total auto spaces provided:</b> | <b>3 spaces</b>   |
| <b>TOTAL PARKING PROVIDED:</b>     | <b>141 spaces</b> |

**Required Bicycle Parking:**

24.12.250:

Residential: 1 space/ units

Commercial: 2 + 15% of auto parking required

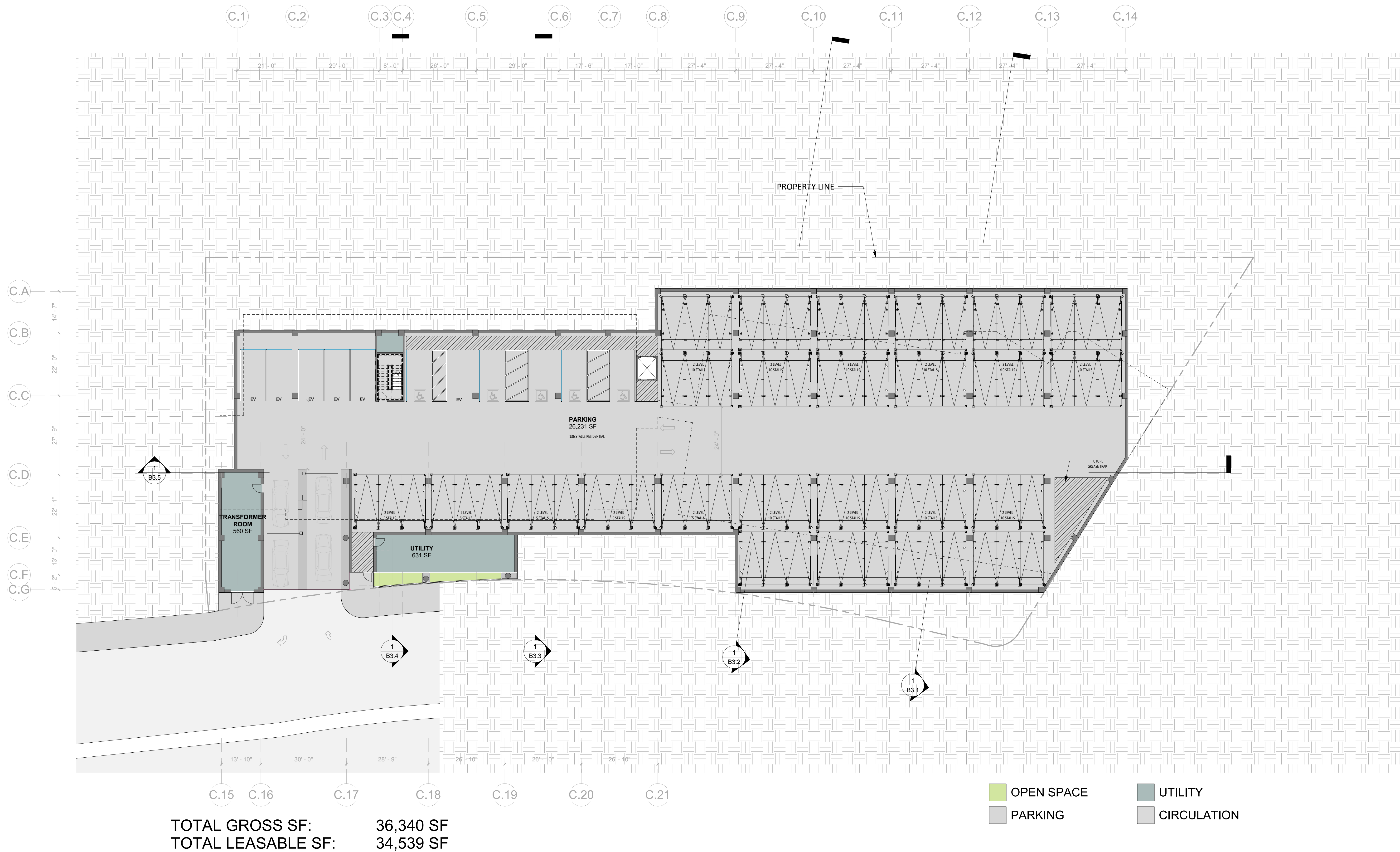
|                                       |                   |
|---------------------------------------|-------------------|
| <b>Total bicycle spaces provided:</b> | <b>110 spaces</b> |
|---------------------------------------|-------------------|



**LEGEND**

- EXISTING WALL TO BE DEMOLISHED
- EXISTING ITEM TO BE DEMOLISHED, REFER TO KEY NOTES ABOVE
- EXISTING WALL TO REMAIN
- AREA NOT IN CONTRACT









TOTAL GROSS SF: 9,998 SF  
 TOTAL LEASABLE SF: 8,349 SF

BUILDING A  
 9,998 SF  
 BUILDING B  
 9,613 SF  
 7,281 SF

- STUDIO
- 1 BEDROOM
- 2 BEDROOM
- RESIDENTIAL LOBBY
- AMENITY
- COMMUNITY
- OFFICE
- RETAIL
- OPEN SPACE
- UTILITY
- CIRCULATION



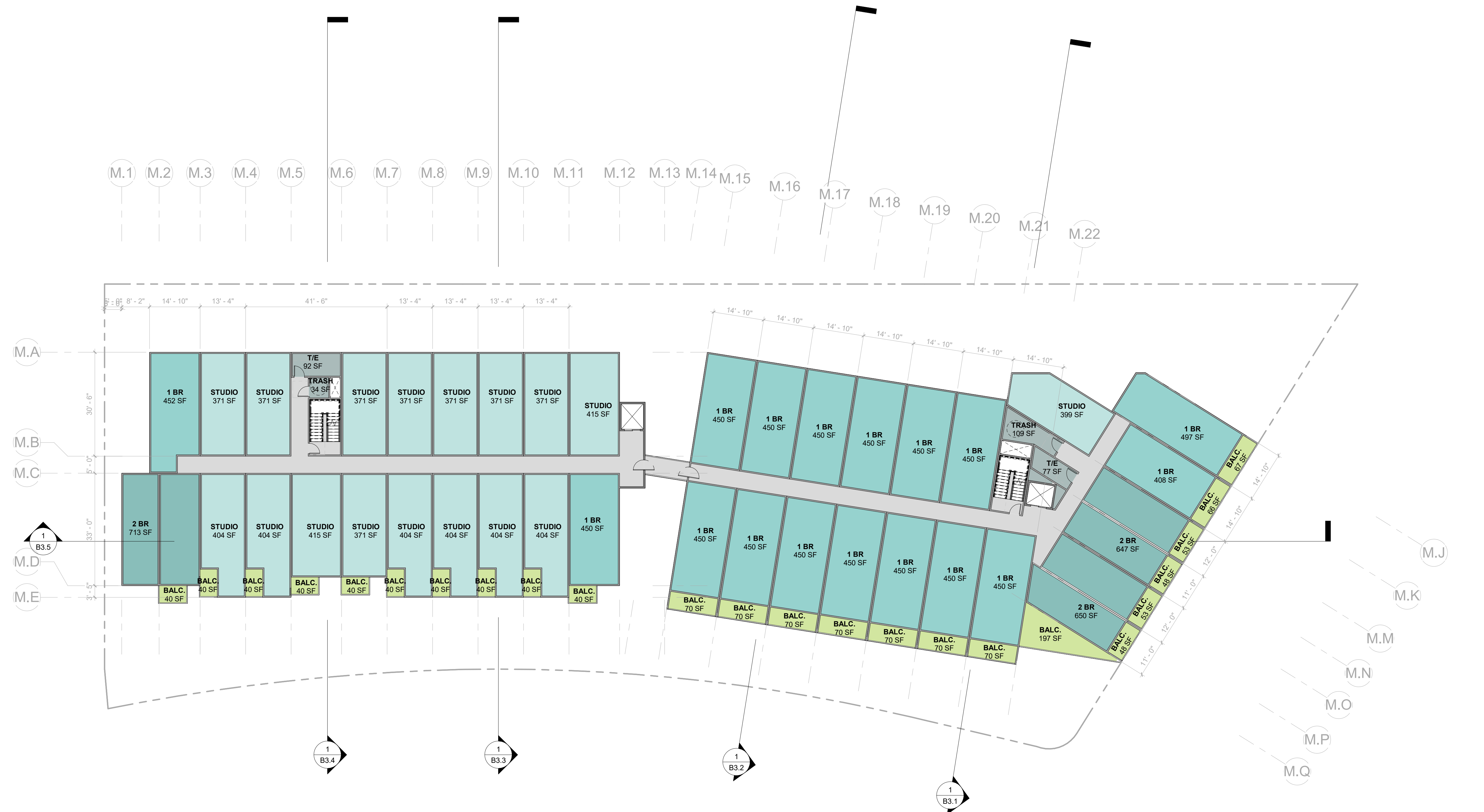


BUILDING B  
9,856 SF  
7,873 SF



BUILDING B  
9,856 SF  
7,873 SF



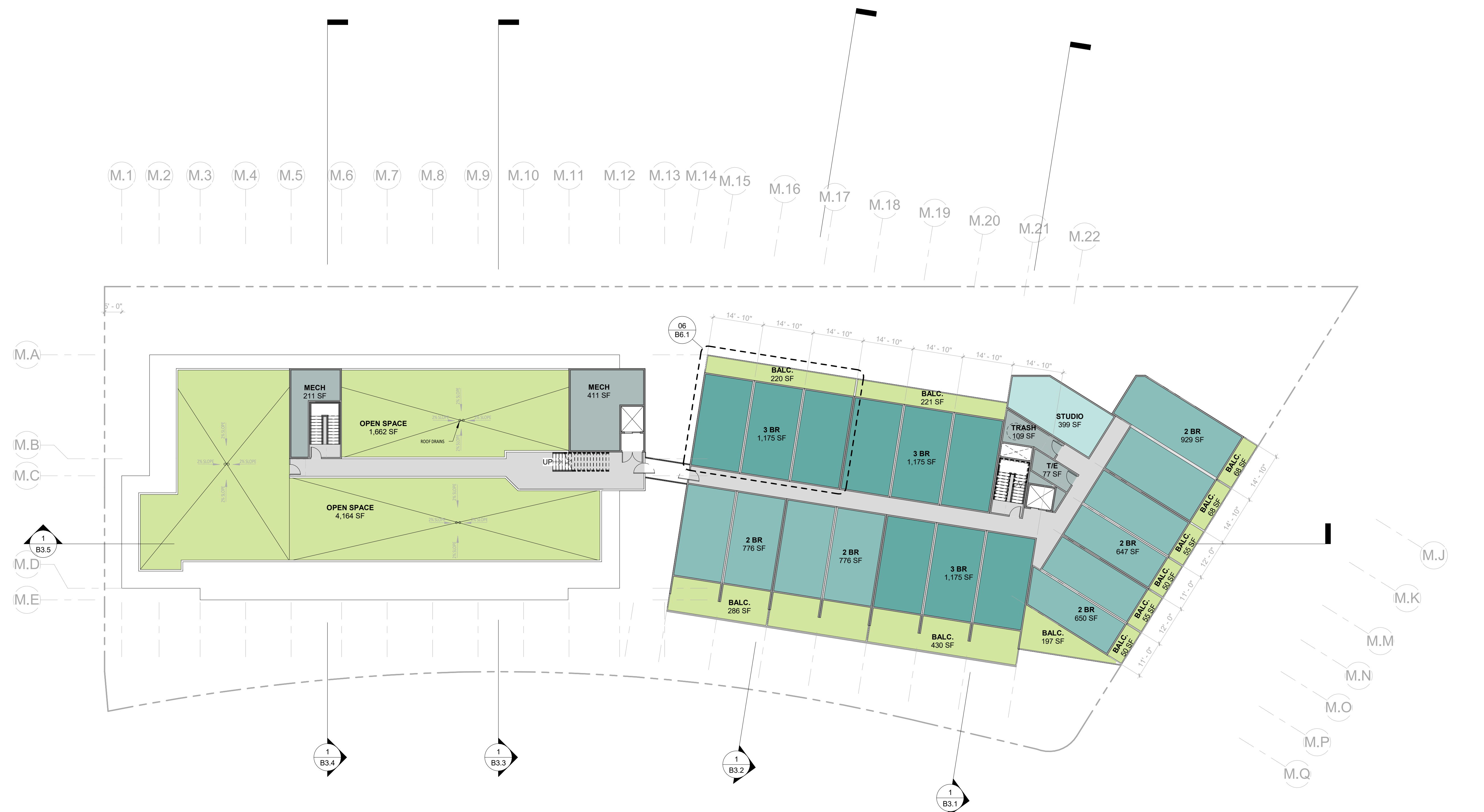


TOTAL GROSS SF: 10,532 SF  
 TOTAL LEASABLE SF: 8,187 SF

BUILDING A  
 10,532 SF  
 8,187 SF

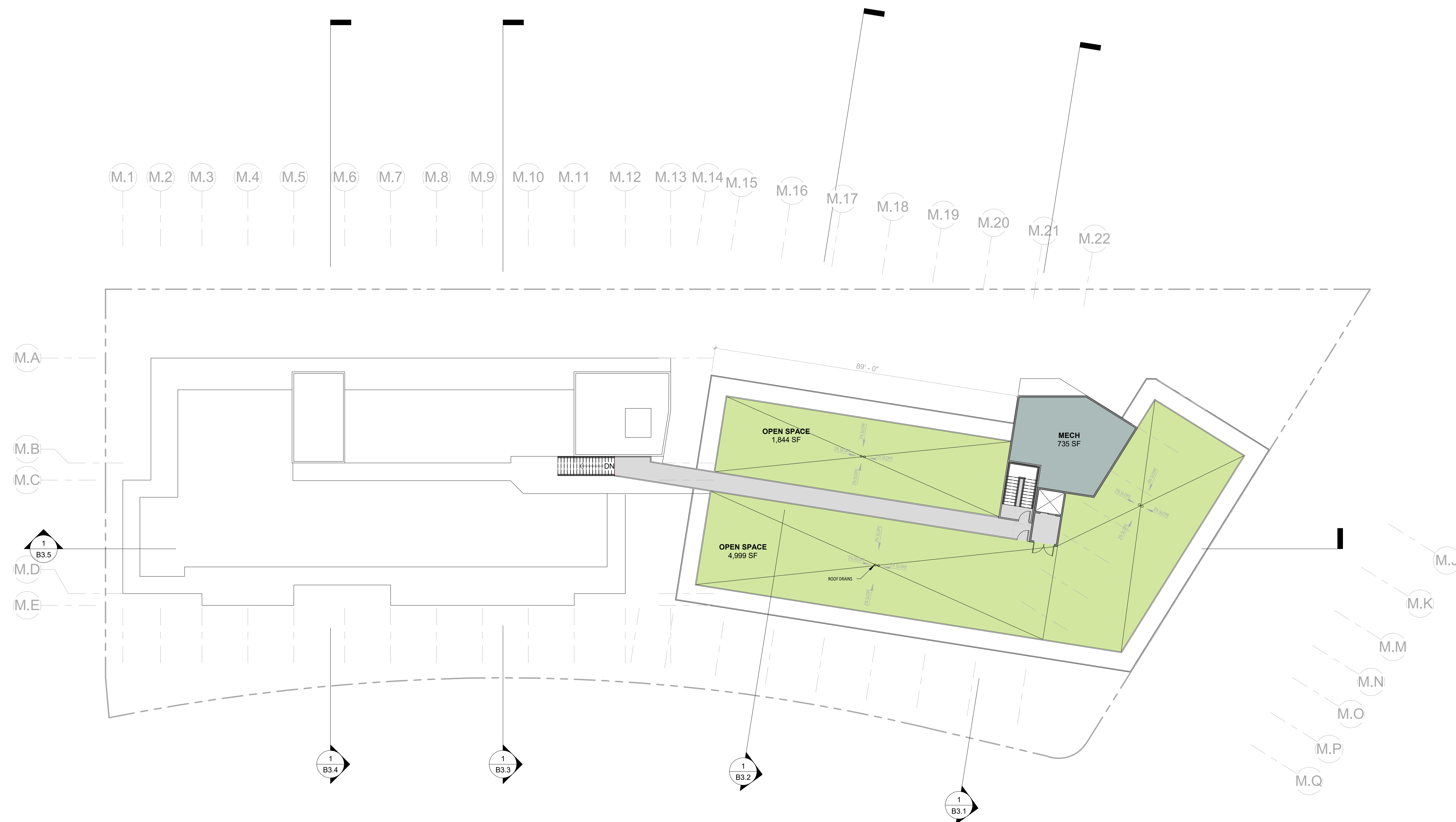
BUILDING B  
 9,856 SF  
 7,873 SF

- STUDIO
- 1 BEDROOM
- 2 BEDROOM
- OPEN SPACE
- UTILITY
- CIRCULATION

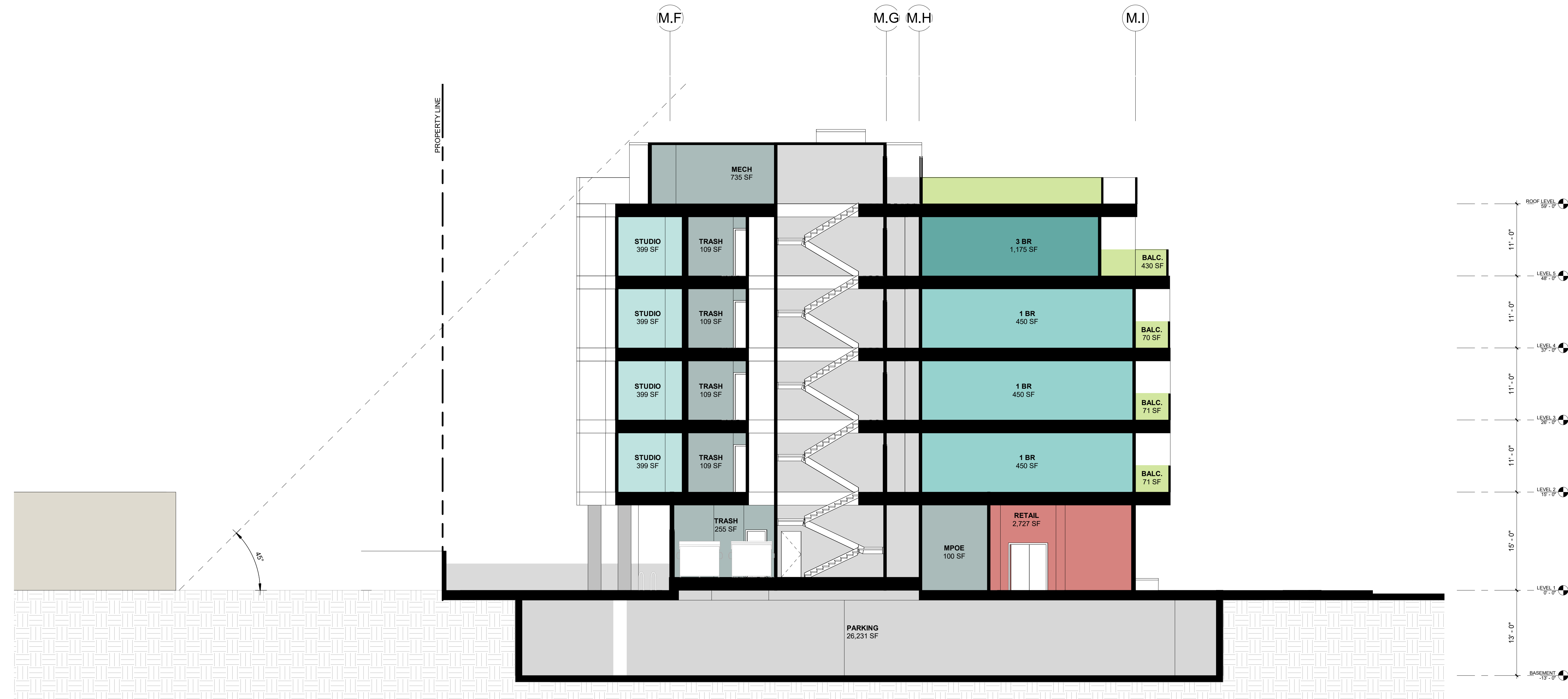


TOTAL GROSS SF: 9,510 SF  
 TOTAL LEASABLE SF: 7,887 SF

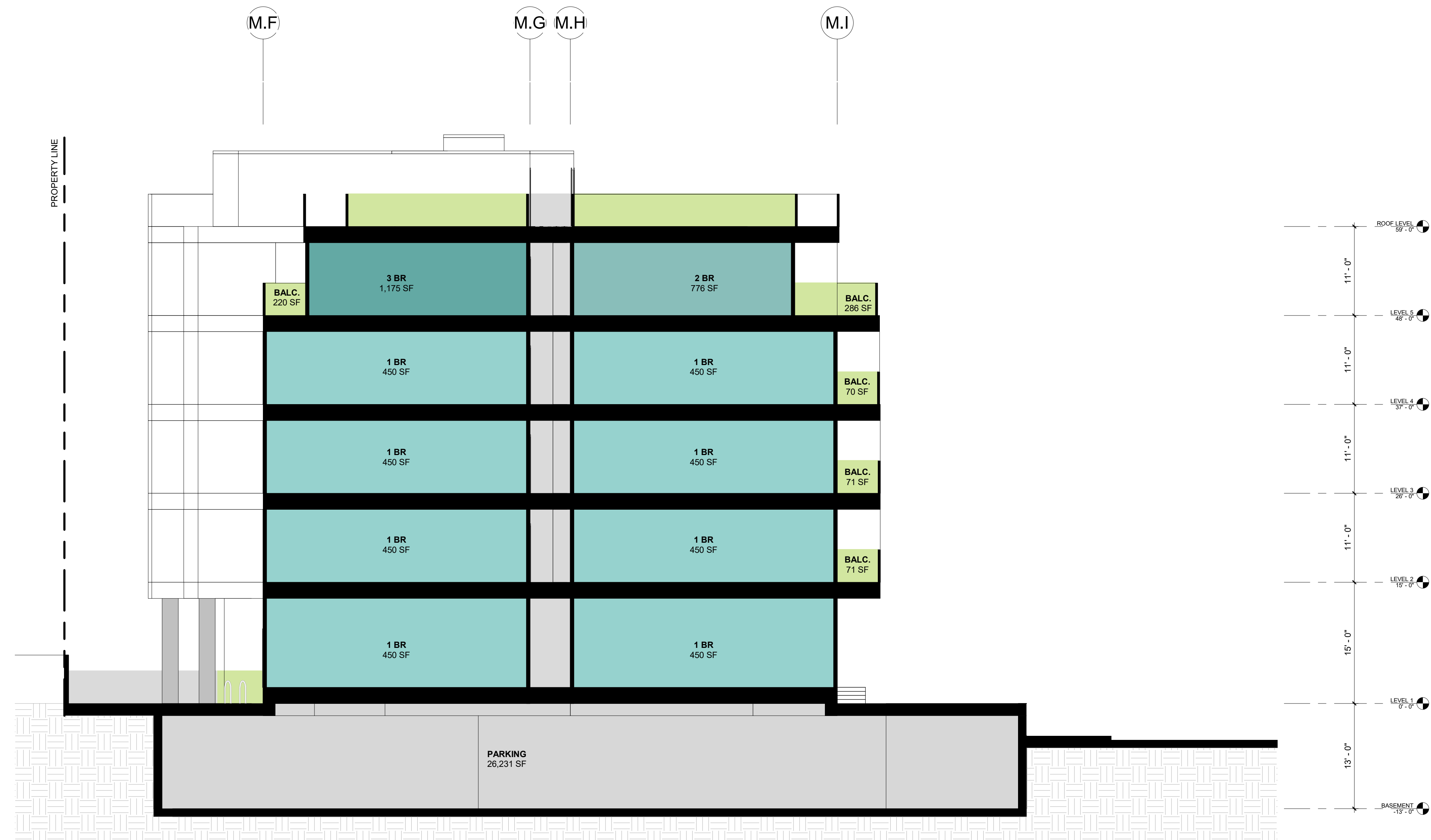
- STUDIO
- 2 BEDROOM
- 3 BEDROOM
- OPEN SPACE
- UTILITY
- CIRCULATION



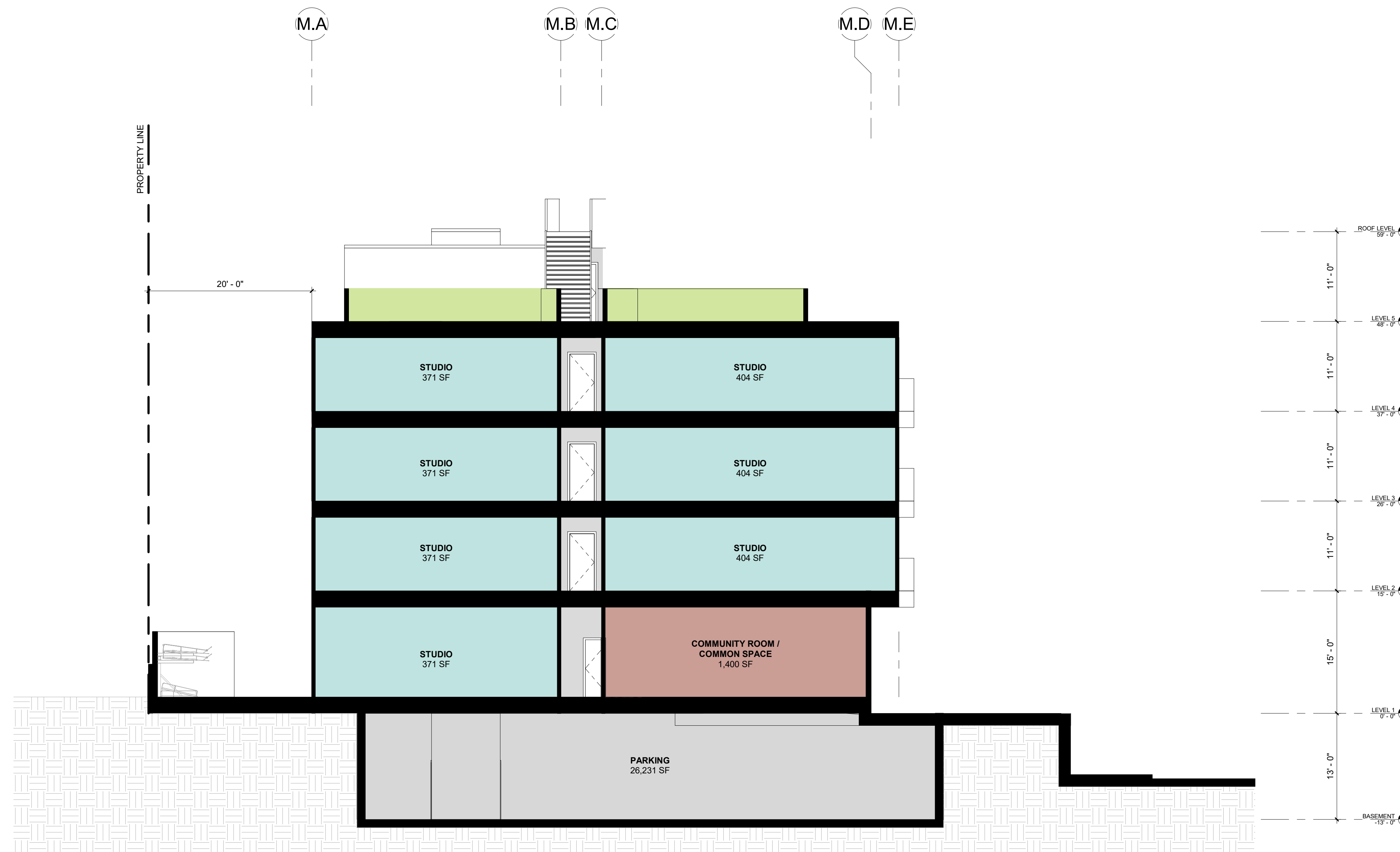




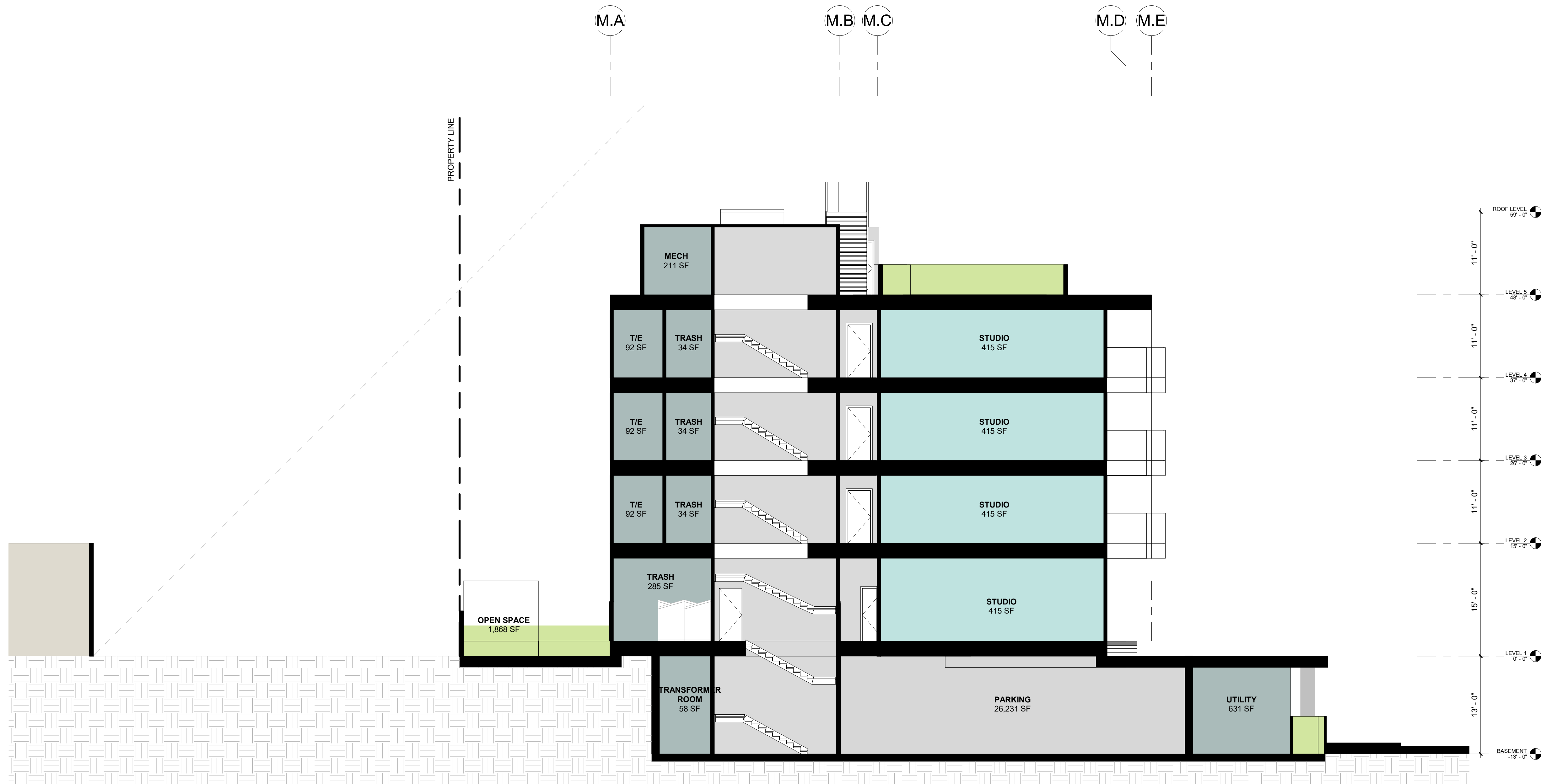
① BUILDING A SECTION - 2  
1/8" = 1'-0"



① BUILDING A SECTION  
1/8" = 1'-0"

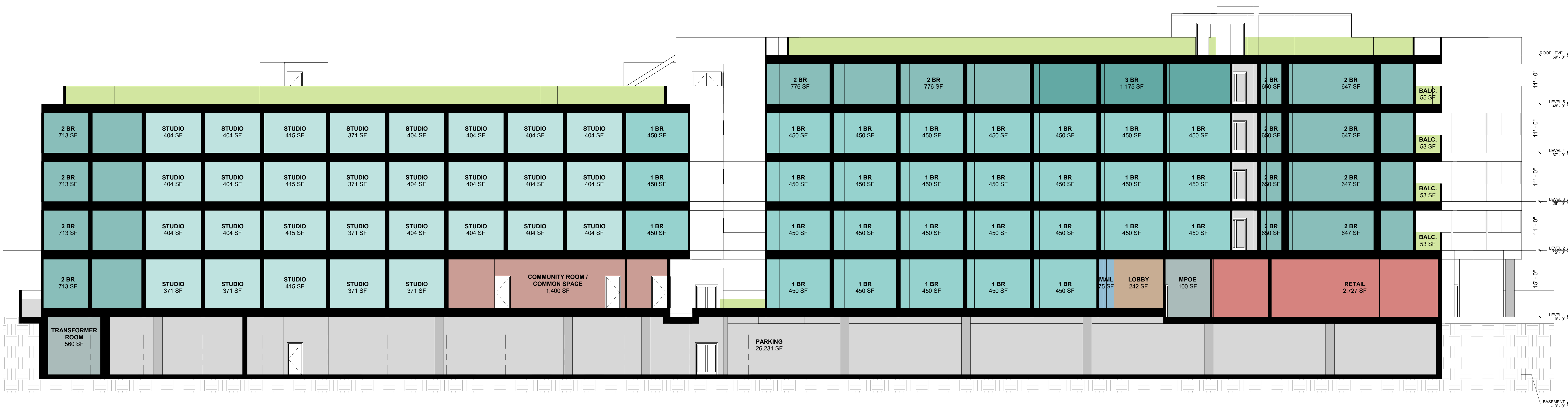


① BUILDING B SECTION - 2  
1/8" = 1'-0"



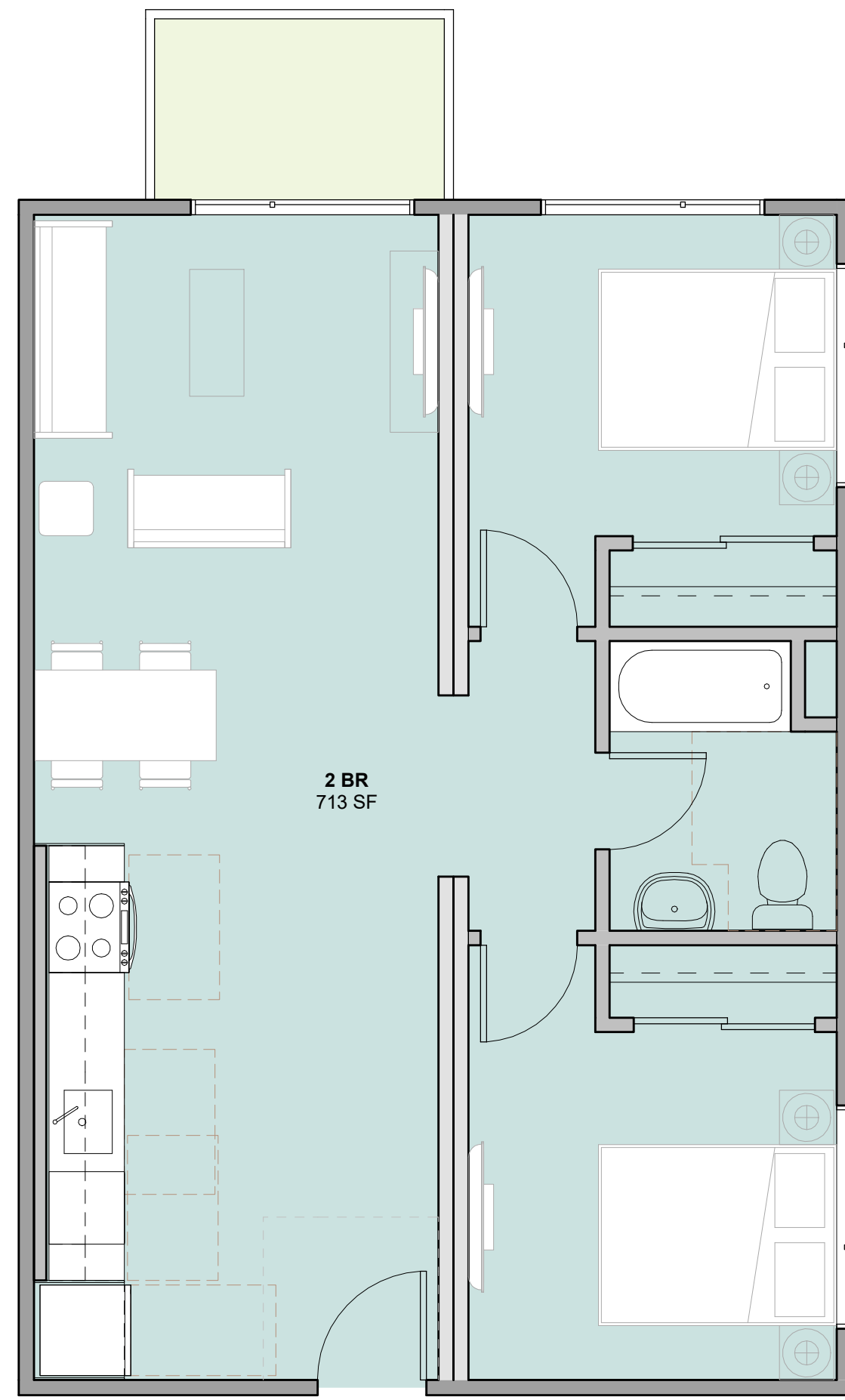
① BUILDING B SECTION  
1/8" = 1'-0"

M.1 M.2 M.3 M.4 M.5 M.6 M.7 M.8 M.9 M.10 M.11 M.12 M.13

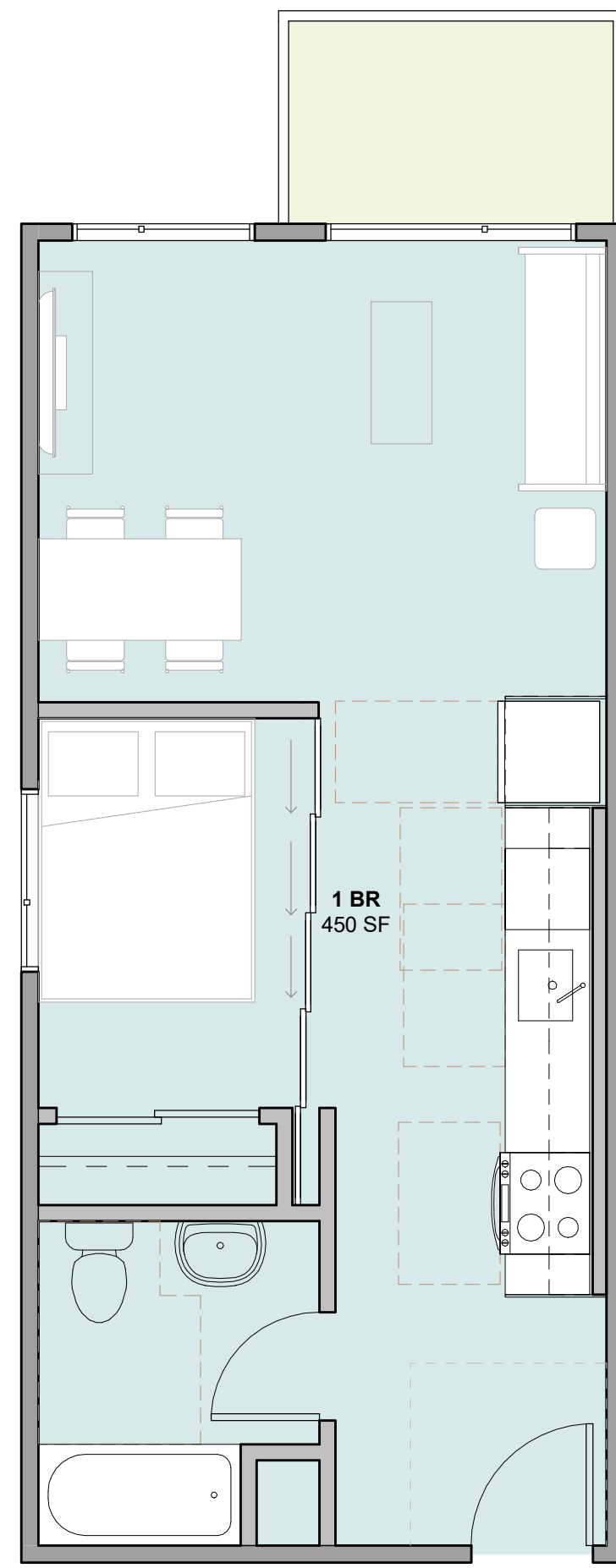


1 Section 9  
1" = 10'-0"

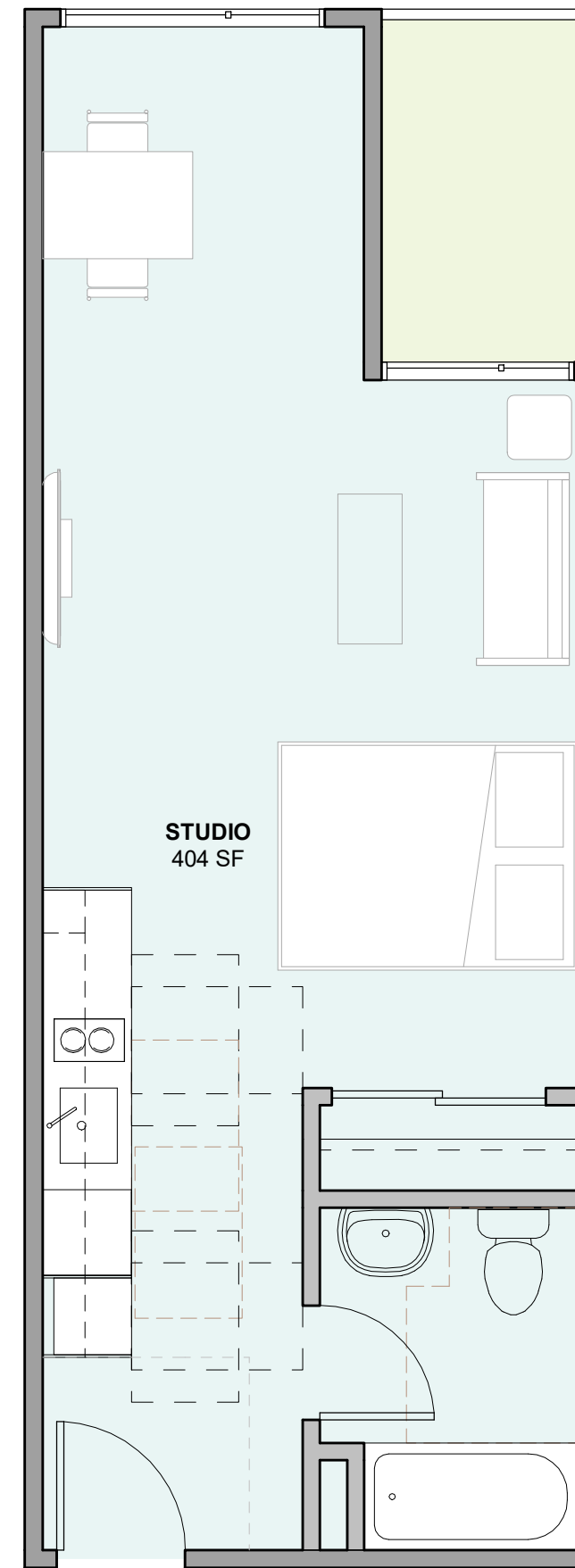




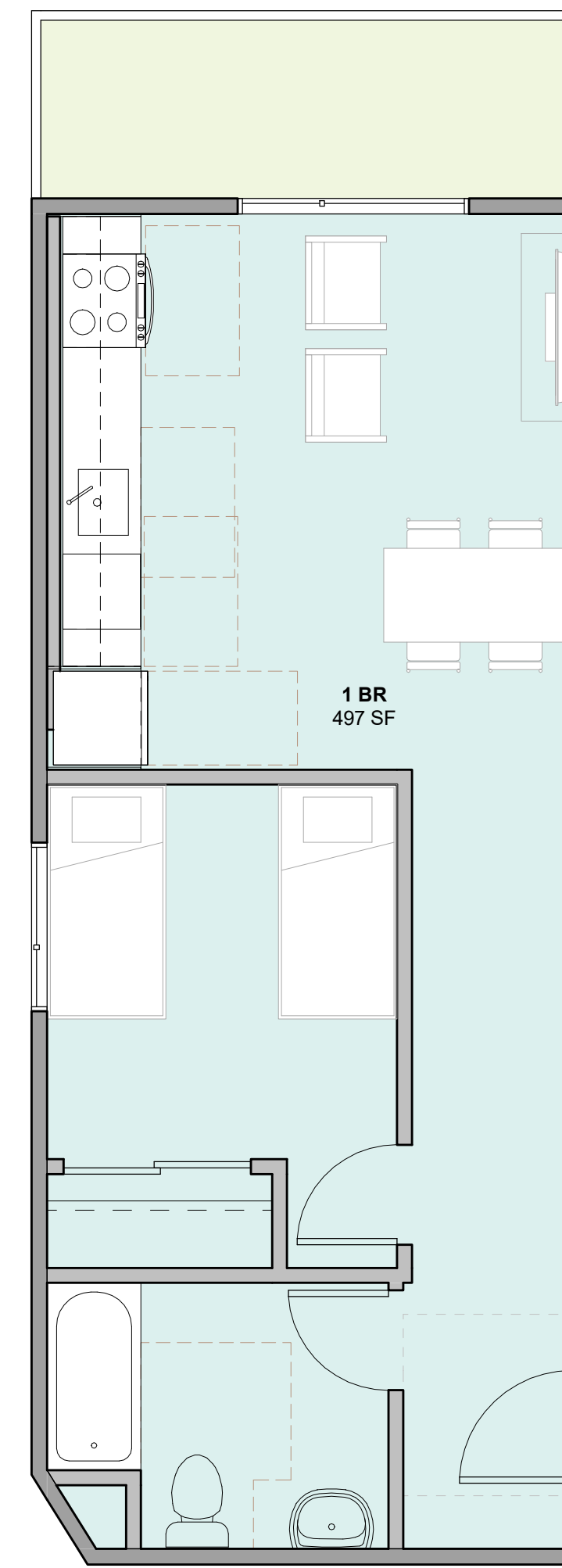
01 ENLARGED UNIT PLAN - 2 BEDROOM (BUILDING B)  
1/4" = 1'-0"



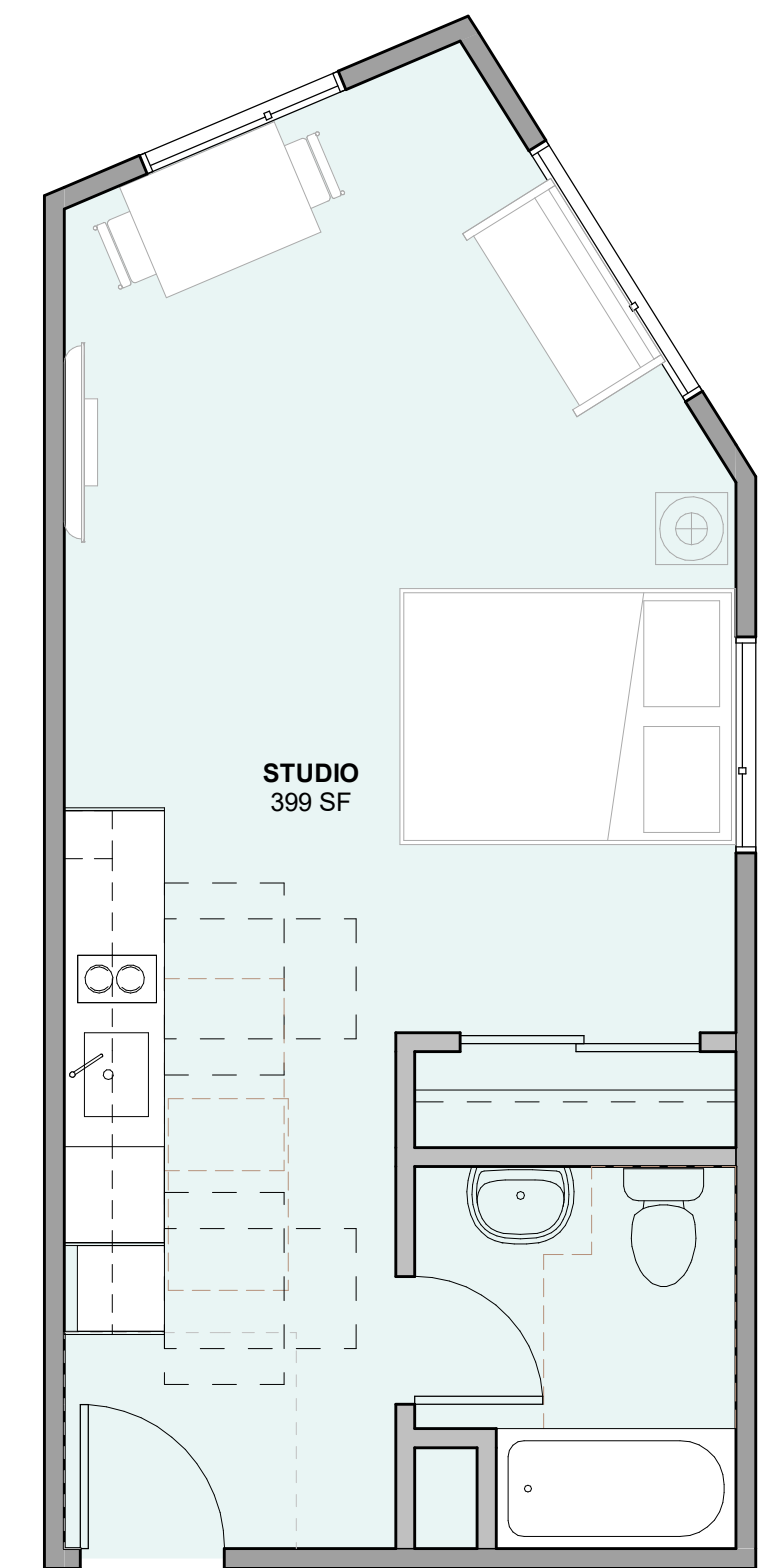
02 ENLARGED UNIT PLAN - 1 BEDROOM (BUILDING B)  
1/4" = 1'-0"



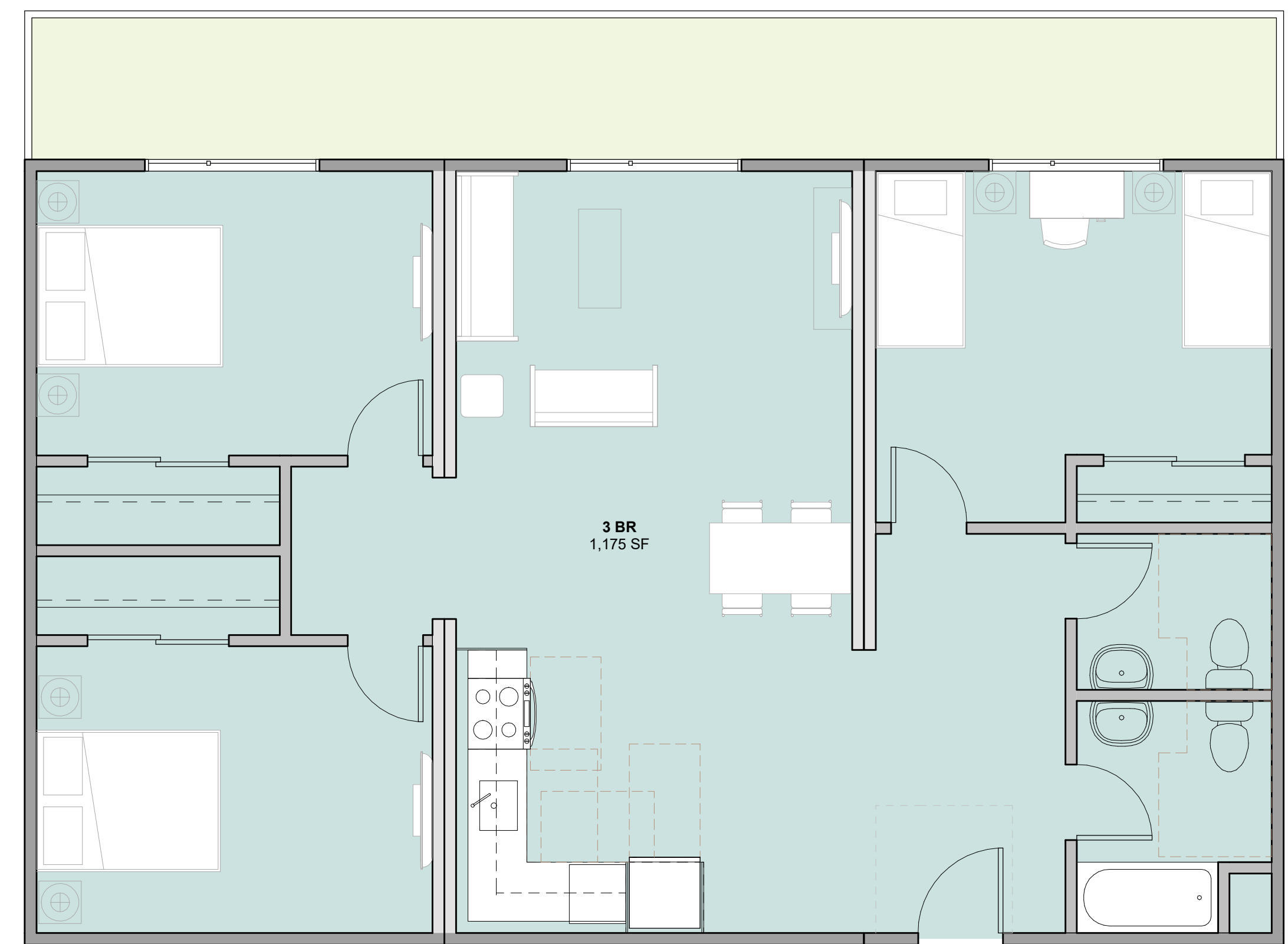
03 ENLARGED UNIT PLAN - STUDIO (BUILDING B)  
1/4" = 1'-0"



04 ENLARGED UNIT PLAN - 1 BEDROOM (BUILDING A)  
1/4" = 1'-0"



05 ENLARGED UNIT PLAN - STUDIO (BUILDING A)  
1/4" = 1'-0"



06 ENLARGED UNIT PLAN - 3 BEDROOM (BUILDING A)  
1/4" = 1'-0"



## INFORMATION REPORT

DATE: September 7, 2021

TO: City Manager  
DEPARTMENT: City Clerk's Department  
SUBJECT: Resignation of William Kempf from the Board of Building and Fire Appeals

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APPROVED:

DATE:

09.08.21  
uks

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William Kempf has resigned from the Board of Building and Fire Appeals effective September 7, 2021.

We will begin advertising to fill the vacancy on the Board of Building and Fire Appeals. The media release will be revised, circulated, and posted. The opening will be scheduled for an upcoming City Council meeting.

Submitted by:

Bonnie Bush, CMC  
City Clerk Administrator

CC FYI 217



## INFORMATION REPORT

COUNCIL MEETING

9/14, 2021

DATE: August 16, 2021

TO: City Manager

DEPARTMENT: Human Resources

SUBJECT: CitySERVE Volunteer Program Quarterly Report (3<sup>rd</sup> & 4<sup>th</sup> Quarter FY21)  
(HRFYI041)

APPROVED:

DATE:

08.18.21

CitySERVE Volunteer Program Quarterly Report (3<sup>rd</sup> & 4<sup>th</sup> Quarter FY21).

Submitted by:

Name: Joe McMullen

Title: Principal Human Resources Analyst

Attachments:

FY21 Q3 CitySERVE Report  
FY21 Q3 Statistics  
FY21 Q4 CitySERVE Report  
FY21 Q4 Statistics

## Volunteer Center Quarterly Report Narrative FY 20-21

☐ July-Sept      ☐ Oct – Dec      ☒ Jan – March      ☐ April – June

Program: CitySERVE

Person Completing Narrative: Malia Yamashita

### 1. Inspiring Story

The Mountain Bikers of Santa Cruz have been volunteering for most of the COVID-19 Pandemic. During this time, they have been maintaining mountain bike trails at Harvey West, Pogonip, and DeLaveaga. During the pandemic, these trails were heavily used by the mountain biking community. Thankfully, the folks at MBOSC have been keeping the trails safe and cleared of any debris. In recent months, the Mountain Bikers of Santa Cruz have begun renovating the Westside Pump Track.

### 2. We're proud of

We are proud to have held the first Beach Clean-up since the beginning of the pandemic. On March 29<sup>th</sup>, a group of 8 teen volunteers met at Main Beach in Santa Cruz to pick up debris and discuss their findings together. There are upcoming dates for April and May and we hope to continue these monthly clean-ups throughout the summer months. With the busy summer season approaching, we hope to schedule beach clean-ups with local organizations, businesses, and community groups.

Another group of volunteers that we are proud of are the City Hall Gardening volunteers. We have recently onboarded a handful of individuals to assist with the upkeep of the garden and landscaping here at City Hall. This opportunity was posted on the Volunteer Center website and we received many interested candidates. This is a fun and safe opportunity for volunteers to get outdoors and support their community.

# CitySERVE

FY 20\_21

3rd Quarter

|  | Q1 | Q2 | Q3 | Q4 | YTD | Goal | % of Goal |
|--|----|----|----|----|-----|------|-----------|
|--|----|----|----|----|-----|------|-----------|

## ABOUT VOLUNTEERS

|                                       |     |     |     |   |     |     |     |
|---------------------------------------|-----|-----|-----|---|-----|-----|-----|
| <b>Total Volunteers</b>               | 124 | 235 | 211 | 0 | 316 | 400 | 79% |
| <i>Operational/Support Volunteers</i> | 97  | 201 | 168 |   | 212 | %   |     |
| <i>Project/Event Volunteers</i>       | 27  | 34  | 43  |   | 104 |     |     |
| <i>Leadership Volunteers</i>          |     |     |     |   |     |     |     |
| <i>Committee Members/Advisors</i>     |     |     |     |   |     |     |     |
| <i>Skills based Volunteers</i>        |     |     |     |   |     |     |     |
| <i>Referred/Matched Volunteers</i>    |     |     |     |   |     |     |     |

|                                       |      |      |        |   |        |      |      |
|---------------------------------------|------|------|--------|---|--------|------|------|
| <b>Total Volunteer Hours</b>          | 2739 | 3371 | 2177.8 | 0 | 8287.8 | 7200 | 115% |
| <i>Operational/Support Volunteers</i> | 2695 | 3289 | 2070.3 |   | 8054.3 |      |      |
| <i>Project/Event Volunteers</i>       | 44   | 82   | 107.5  |   | 233.5  |      |      |
| <i>Leadership Volunteers</i>          |      |      |        |   | 0      |      |      |
| <i>Committee Members/Advisors</i>     |      |      |        |   | 0      |      |      |
| <i>Skills based Volunteers</i>        |      |      |        |   | 0      |      |      |

| Vols by Jurisdiction | YTD | %    | Vols by Ethnicity | YTD | %    |
|----------------------|-----|------|-------------------|-----|------|
| Santa Cruz City      | 201 | 64%  | Asian             | 5   | 2%   |
| Scotts Valley City   | 4   | 1%   | American          | 2   | 1%   |
| San Lorenzo Valley   | 6   | 2%   | Caucasian         | 111 | 35%  |
| Capitola City        | 3   | 1%   | Latino            | 14  | 4%   |
| Watsonville City     | 0   | 0%   | American          | 2   | 1%   |
| MidCounty Uninc.     | 8   | 3%   | Pacific Islander  | 0   | 0%   |
| South County         | 0   | 0%   | Other             | 2   | 1%   |
| North County         | 0   | 0%   | State             | 6   | 2%   |
| Out of County        | 2   | 1%   | Unknown           | 174 | 55%  |
| Unknown              | 92  | 29%  |                   |     |      |
| <b>Total</b>         | 316 | 100% | <b>Total</b>      | 316 | 100% |

## KEY SERVICE INDICATORS

|                                                                  |   |   |   |  |   |    |
|------------------------------------------------------------------|---|---|---|--|---|----|
| <i>City Offices Served</i>                                       | 3 | 5 | 5 |  | 8 | 0% |
| SCPD, Public Works, City Manager, Parks and Rec, & Redevelopment |   |   |   |  |   |    |



## Volunteer Center Quarterly Report Narrative FY 20-21

☐ July-Sept      ☐ Oct – Dec      ☐ Jan – March      ☒ April – June

Program: CitySERVE

Person Completing Narrative: Malia Yamashita

### 1. Inspiring Story

Our dedicated 'Saturdays in the Soil' volunteers have been meeting monthly this Spring to keep Tyrrell Park clean and to help native plants thrive. This Adopt-A-Park group has been volunteering together throughout the pandemic, but now that Covid-19 restrictions are relaxing, they have been meeting more frequently. This group is also actively recruiting additional community members to assist in their efforts. These volunteers are dedicated to teaching our community the importance of our native species and habitat restoration.

### 2. We're proud of

We are proud of the growth we've seen with our one time/events project volunteers now that COVID-19 restrictions have eased. We reported 179 more project/event volunteers than last quarter. Most importantly, we have increased these numbers while also maintaining a safe working environment for our volunteers. We hope to continue this upward trend throughout the summer by coordinating additional community beach clean-ups, habitat restoration projects, and much more.

### 5. Other News

Our devoted Estuary Project lead volunteer, Jane Mio, is starting a new project in the Benchlands. Jane's work at the Benchlands is be similar to what she has been doing with the Estuary Project. Her volunteers will focus on cleaning up debris along the San Lorenzo River levee as well as habitat restoration. Jane has been working in the Benchlands one to two times per month with a small group of volunteers. She hopes to expand this project and open it up to more volunteer participants in the coming months.

# CitySERVE

FY 20\_21

4th Quarter

|                                       | Q1  | Q2  | Q3  | Q4  | YTD | Goal | % of Goal |
|---------------------------------------|-----|-----|-----|-----|-----|------|-----------|
| <b>ABOUT VOLUNTEERS</b>               |     |     |     |     |     |      |           |
| <b>Total Volunteers</b>               | 124 | 235 | 211 | 262 | 832 | 400  | 208%      |
| <i>Operational/Support Volunteers</i> | 97  | 201 | 168 | 40  | 506 | %    |           |
| <i>Project/Event Volunteers</i>       | 27  | 34  | 43  | 222 | 326 |      |           |
| <i>Leadership Volunteers</i>          |     |     |     |     |     |      |           |
| <i>Committee Members/Advisors</i>     |     |     |     |     |     |      |           |
| <i>Skills based Volunteers</i>        |     |     |     |     |     |      |           |
| <i>Referred/Matched Volunteers</i>    |     |     |     |     |     |      |           |

|                                       |      |      |        |        |         |      |      |
|---------------------------------------|------|------|--------|--------|---------|------|------|
| <b>Total Volunteer Hours</b>          | 2739 | 3371 | 2177.8 | 5904.1 | 14191.9 | 7200 | 197% |
| <i>Operational/Support Volunteers</i> | 2695 | 3289 | 2070.3 | 5382.1 | 13436.4 |      |      |
| <i>Project/Event Volunteers</i>       | 44   | 82   | 107.5  | 522    | 755.5   |      |      |
| <i>Leadership Volunteers</i>          |      |      |        |        | 0       |      |      |
| <i>Committee Members/Advisors</i>     |      |      |        |        | 0       |      |      |
| <i>Skills based Volunteers</i>        |      |      |        |        | 0       |      |      |

| Vols by Jurisdiction | YTD        | %           | Vols by Ethnicity | YTD        | %           |
|----------------------|------------|-------------|-------------------|------------|-------------|
| Santa Cruz City      | 238        | 29%         | Asian             | 5          | 1%          |
| Scotts Valley City   | 4          | 0%          | American          | 2          | 0%          |
| San Lorenzo Valley   | 7          | 1%          | Caucasian         | 148        | 18%         |
| Capitola City        | 3          | 0%          | Latino            | 16         | 2%          |
| Watsonville City     | 0          | 0%          | American          | 2          | 0%          |
| MidCounty Uninc.     | 9          | 1%          | Pacific Islander  | 0          | 0%          |
| South County         | 0          | 0%          | Other             | 2          | 0%          |
| North County         | 0          | 0%          | State             | 6          | 1%          |
| Out of County        | 5          | 1%          | Unknown           | 651        | 78%         |
| Unknown              | 566        | 68%         |                   |            |             |
| <b>Total</b>         | <b>832</b> | <b>100%</b> | <b>Total</b>      | <b>832</b> | <b>100%</b> |

## KEY SERVICE INDICATORS

|                                                                  |   |   |   |   |   |    |
|------------------------------------------------------------------|---|---|---|---|---|----|
| <i>City Offices Served</i>                                       | 3 | 5 | 5 | 5 | 8 | 0% |
| SCPD, Parks and Rec, Redevelopment, Public Works, & City Manager |   |   |   |   |   |    |