

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



CITY COUNCIL AGENDA

Regular Meeting - December 14, 2021

Updated December 13, 2021

9:00 A.M. CLOSED SESSION, ZOOM

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

6:00 P.M. GENERAL BUSINESS AND PRESENTATIONS, ZOOM

COVID-19 ANNOUNCEMENT: Due to the Omicron variant, in an abundance of caution, 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 5:00 pm on Monday, December 13th.

PLEASE NOTE:

- **Requests for extra speaking time on items other than Oral Communications must be made by 5:00 p.m. on Sunday, December 12th by emailing the Mayor and the City Clerk. Approval will be confirmed via email.**

dmeyers@cityofsantacruz.com

bbush@cityofsantacruz.com

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. 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. El número del sistema Cal-Relay es: 1-800-735-2922.

Closed Session

9:00 AM

Closed Session

1. Conference with Labor Negotiators (Government Code §54957.6)

Employee Organizations:

- a) Fire IAFF Local 1716
- b) Fire Management Association
- c) OE3 Mid-manager and Supervisor Employees
- d) SEIU Local 521
- e) Unrepresented

City Negotiator - Lisa Murphy

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

Claimant: Rebecca Barraza

Claim against the City of Santa Cruz

3. Conference with Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(4))

Initiation of litigation - (1 potential case to be discussed)

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

Significant exposure to litigation (2 potential cases to be discussed)

City Council

12:00 PM

Call to Order

Roll Call

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

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

Consent Agenda

6. Resolution Extending the Emergency Declaration in Connection with the COVID-19 Pandemic by Sixty (60) Days (CA)

Resolution extending by sixty days the Declaration of Emergency in connection with the COVID-19 pandemic.

Consent Agenda (continued)

7. Resolution Extending the Emergency Declaration in Connection with the CZU August Lightning Complex Fire by Sixty (60) Days (CA)

Resolution extending by sixty days the Local Emergency Declaration in Connection with the CZU August Lightning Complex Fire.

8. Resolution Authorizing the City to Continue Teleconferenced Public Meetings Pursuant to Assembly Bill 361 (CA)

Resolution authorizing legislative bodies of the City of Santa Cruz to continue the use of teleconferenced meetings pursuant to Assembly Bill 361.

9. Minutes of the November 23, 2021 City Council Meeting (CC)

Motion to approve as submitted.

10. Minutes of the November 30, 2021 City Council Closed Personnel Session/Study Session (CC)

Motion to approve as submitted.

11. Certification of the November 2, 2021 Election (CC)

Resolution confirming and approving the canvass of ballots and returns for the City of Santa Cruz Election held on November 2, 2021, and declaring that Measure A (Santa Cruz Children's Fund Act of 2021) passed by a majority vote of the electorate of the City of Santa Cruz, thus amending the City's Charter.

12. Approval of Advisory Body Bylaws (CC)

Motion to approve the proposed amendments to the bylaws for the City's Advisory Bodies.

13. Green Economy Resolution (CM)

Resolution to take action for a just transition to a green economy.

Consent Agenda (continued)

14. Appointment of Representatives to the Santa Cruz County Homeless Action Partnership, the Santa Cruz County Continuum of Care Governing Entity (CN)

Motion to appoint incoming Vice Mayor Martine Watkins and Deputy City Manager and Director of Planning and Community Development and Homeless Response Lee Butler to be the City of Santa Cruz's representatives on the newly restructured Santa Cruz County Homeless Action Partnership.

15. FY 2021 Year-End Budget Adjustment (FN)

Resolution amending the FY 2021 budget where annual expenditures need adjustments in various funds.

16. FY 2021 Annual Report for Traffic Impact Fee, Childcare Impact Fee, and Public Safety Impact Fee (FN/PL)

Motion to accept and approve the attached FY 2021 Impact Fee Annual Report.

17. Liability Claim Filed Against City of Santa Cruz (FN)

Motion to reject the liability claim of a) Rebecca Barraza, based on staff recommendation.

18. Resolution Amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans and the FY 2022 Budget: Implementation of California State Minimum Wage Law for 2022 - All Departments (HR)

Resolution amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans and the FY 2022 Budget by implementing the California State Minimum Wage Law for 2022 by adjusting the salary ranges of affected temporary unclassified positions in addition to those within their classification series and others to keep internal pay parity.

Consent Agenda (continued)

19. Microsoft Enterprise Agreement for Office 365 Product Licenses and Support Services (IT)

Motion authorizing the City Manager to execute and join a competitively procured contract with Dell Marketing L.P., of Round Rock, TX, for delivering Microsoft Office 365 (O365) product licenses and support services for up to 950 subscribers across multiple fiscal years. Agreement would utilize the same terms and conditions afforded to the County of Riverside, California under Licensing Solution Provider Agreement Number PSA-0001524 and Riverside County Master Microsoft Enterprise Agreement No. 8084445.

The attachment entitled “Draft Memorandum of Agreement Between the City of Santa Cruz Parks and Recreation Department and Save the Waves” has been updated.

20. Save the Waves Coalition Partnership Agreement (PR)

Resolution authorizing the Director of Parks and Recreation to enter into an agreement, in a form approved by the City Attorney, with Save the Waves Coalition.

21. 2021 Surface Seal Project (c400810) - Notice of Completion (PW)

Motion to accept the work of Pavement Coatings Co. (Sacramento, CA) as completed per plans and specifications and authorizing the filing of a Notice of Completion for the 2021 Surface Seal Project (c400810).

22. Construction of 6-inch Recycled Water Pipeline (WT)

Motion to:

1) Authorize the City Manager to execute a Memorandum of Understanding with Soquel Creek Water District for reimbursement of the construction of a 6-inch recycled water line in conjunction with the Pure Water Soquel Treatment Facilities Project.

2) Adopt a resolution transferring \$1,000,000 within the Water Department Capital Investment Program and amending the FY 2022 budget for project c701606, Newell Creek Dam Inlet/Outlet Replacement, and project c701611, Recycled Water Project.

Consent Agenda (continued)

23. Design Services for Beltz Well 12, HDR Inc, Contract Amendment - Budget Adjustment (WT)

Motion to:

- 1) Adopt a resolution amending the FY 2022 budget to transfer \$1,800,000 within the Water Department's CIP from the Water Management Reserve to a new project for Beltz 12 Ammonia Removal.
- 2) Authorize the City Manager to execute contract amendment 2022-1.3 in the amount of \$204,839 with HDR, Inc. for design services for additional treatment processes at Beltz Well 12 in a form to be approved by the City Attorney and authorizing the Water Director to execute amendments within the approved project budget.

End Consent Agenda

General Business

24. Santa Cruz Water Rights Project - Final Environmental Impact Report and Project Approval (WT)

Resolution certifying the Final Environmental Impact Report for the Santa Cruz Water Rights Project.

Resolution approving the Santa Cruz Water Rights Project, adopting a Mitigation, Monitoring, and Reporting Program, and adopting CEQA Findings and a Statement of Overriding Considerations.

General Business (continued)

Please note:

- Group requests for extra speaking time will be limited to a total of four groups, with an allotment of 2 minutes each. Requests for extra speaking time must be emailed to the City Clerk and Mayor Meyers by 5:00 p.m. on Sunday, December 12th. Approval will be on a first come, first serve basis, and will be confirmed via email.

bbush@cityofsantacruz.com

dmeyers@cityofsantacruz.com

- Public comment will be limited to no more than a total of 30 minutes. Each speaker will have 1 minute.

25. 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 Approximately 5,012 Square Feet of Ground Floor Commercial and 140 Residential Units (with 50% of the Base Units as Affordable per SB35) with Shared Underground Parking. (Owner: Novin Development Corp.) (PL)

Review the objective standards table and Density Bonus information prepared by staff and refer the project to staff to complete a formal response letter to the SB 35 application, including an objective standards consistency determination and determination of the granting of a Density Bonus.

26. Library Mixed-Use Project Updated Site Program and Design (ED)

Motion to approve the updated site program and design for the Library Mixed-Use Project to include the following changes: 1) an increase in affordable housing units from a minimum of 50 to a minimum range of between 100-125 units; 2) a decrease in the parking count from 400 to 310 parking stalls; 3) program expansion to include an onsite daycare facility; 4) Library design changes to include a two-story Library facing Cedar and Lincoln Streets with a green roof and adjacent roof deck and other design elements as presented by the Master Library Architect, and direct staff to return to Council with a preliminary Library cost model based on the updated Library design and site program changes.

General Business (continued)

27. Children and Youth Bill of Rights and Support for the Newly Formed Youth Action Network (CN)

Motion to:

- 1) Adopt the resolution supporting the newly formed Youth Action Network.
- 2) Adopt and promote the Children and Youth Bill of Rights.
- 3) Direct the Mayor to appoint a Councilmember and staff person to participate in the Youth Action Network.
- 4) Set aside \$2,000 annually for youth participation and leadership development stipends.
- 5) Develop metrics aligned with Health in All Policies to measure success.
- 6) Direct staff to return with an annual presentation outlining the “State of Youth in Santa Cruz.”

Oral Communications

Recess - The City Council will recess to the 6:00 p.m. session.

City Council

6:00 PM

Call to Order

Roll Call

General Business

Please note:

- The Public Comment period for the below item will be for items 28.1 - 28.3.
- Group requests for extra speaking time will be limited to a total of four groups, with an allotment of 2 minutes each. Requests for extra speaking time must be emailed to the City Clerk and Mayor Meyers by 5:00 p.m. on Sunday, December 12th. Approval will be on a first come, first serve basis, and will be confirmed via email.

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- Public comment will be limited to no more than a total of 30 minutes. Each speaker will have 1 minute.

28. Implementation of Homelessness Response Program

28.1. Resolution to Accept a \$14-million Appropriation to the City of Santa Cruz from the State General Fund for use in Addressing Homelessness and Description of the Process for Developing Recommendations on how These One-time Funds Will Be Used (CM)

Resolution authorizing the City Manager to accept and appropriate \$14 million from the State General Fund for use in addressing homelessness and to accept a report on the process being used to develop recommendations for how these one-time funds will be used.

General Business (continued)

28. Implementation of Homelessness Response Program (continued)

28.2. FY 2022 Budget Appropriation of ARPA Funds (FN)

Resolution amending FY 2022 Budget to appropriate \$4,243,659 of American Rescue Plan Act of 2021 (ARPA) funds for Homeless Response Programs.

28.3. Homelessness Response Programming Updates, Lease with the National Guard and Contract for Services with the Salvation Army for Shelter Operations at the National Guard Armory, and Support of Grant Application for Homeless Encampment Resolution Funding in Collaboration with the County of Santa Cruz (CM)

1) Receive recommendations regarding Council-directed homeless response programs and services, including but not limited to lease and sub-lease information regarding the National Guard Armory, and provide additional direction if desired.

2) Authorize and direct the City Manager to execute a six-month contract, in a form approved by the City Attorney, with the Salvation Army for shelter management at the Armory in an amount not to exceed \$1,200,000.

3) Resolution supporting the County of Santa Cruz's grant application to the California Homeless Coordinating and Funding Council (HCFC) for funding through the Encampment Resolution Funding Program and directing staff to collaborate with the County on implementation of the work outlined in the grant.

Presentation

29. Remarks by Outgoing Mayor

30. Swearing-in and Remarks by Incoming Vice Mayor and Mayor

Adjournment

INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS

ADDENDUM TO CITY COUNCIL AGENDA - DECEMBER 14, 2021

- 31. Finance Department: Portfolio Management Report - Pooled Cash and Investments as of October 31, 2021 - 11/16/21 (FNFYI 348)
- 32. Library: Santa Cruz Public Library 4th Qtr. 2020-2021 & 1st Qtr. 2021-2022 - 12/1/21 (LBFYI 012)

MAYOR'S PROCLAMATIONS

ADDENDUM TO CITY COUNCIL AGENDA - DECEMBER 14, 2021

- 33. Proclaiming Saturday, November 27, 2021 as “Small Business Saturday Day” and encouraging all citizens to join in shopping local today and throughout the year.
- 34. Proclaiming December 15, 2021 as “Dohna Lee Dunderdale and Made In Santa Cruz Day” and urging members of the community to join in wishing her a happy birthday and congratulating her on the vision and success of Made In Santa Cruz for over 25 years on the Wharf.

Advisory Body Appointments

The following positions are currently vacant.

Arts Commission	One opening
Board of Building Appeals	One opening
Commission for the Prevention of Violence Against Women	One opening
Downtown Commission	One opening
Sister Cities Committee	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.

COVID Update for December 14, 2021

- **Santa Cruz County Health COVID outlook is improving relative to the past month (8% increase in last 14 days). This is down from recent double digit increases.**
- **Delta is still dominant and “surging” due to holidays and colder weather.**
- **Omicron is in California and 5x MORE transmissible. Detected in 25 states. **No Omicron cases detected in SC County**
- **Early data indicates Omicron has mild disease profile.**
- **Transmissibility is “Moderate” per CDC. In the county, 45% of spread is currently “Community Spread”, second to “Household” at 34%.**
- **Santa Cruz County still has indoor mask mandate and it is working!! California instituted indoor mask mandate (starting 12/15/2021) and other requirements until 1/15/22.**
- **452,150 vaccine doses administered in Santa Cruz County, 76% of Santa Cruz County Population have at least 1 dose. Boosters for all vaccines widely available. Appointments at myturn.ca.gov**

Data on Known Cases in Santa Cruz County

COVID-19 Data Dashboard: Counts of Known Cases Among Santa Cruz County Residents

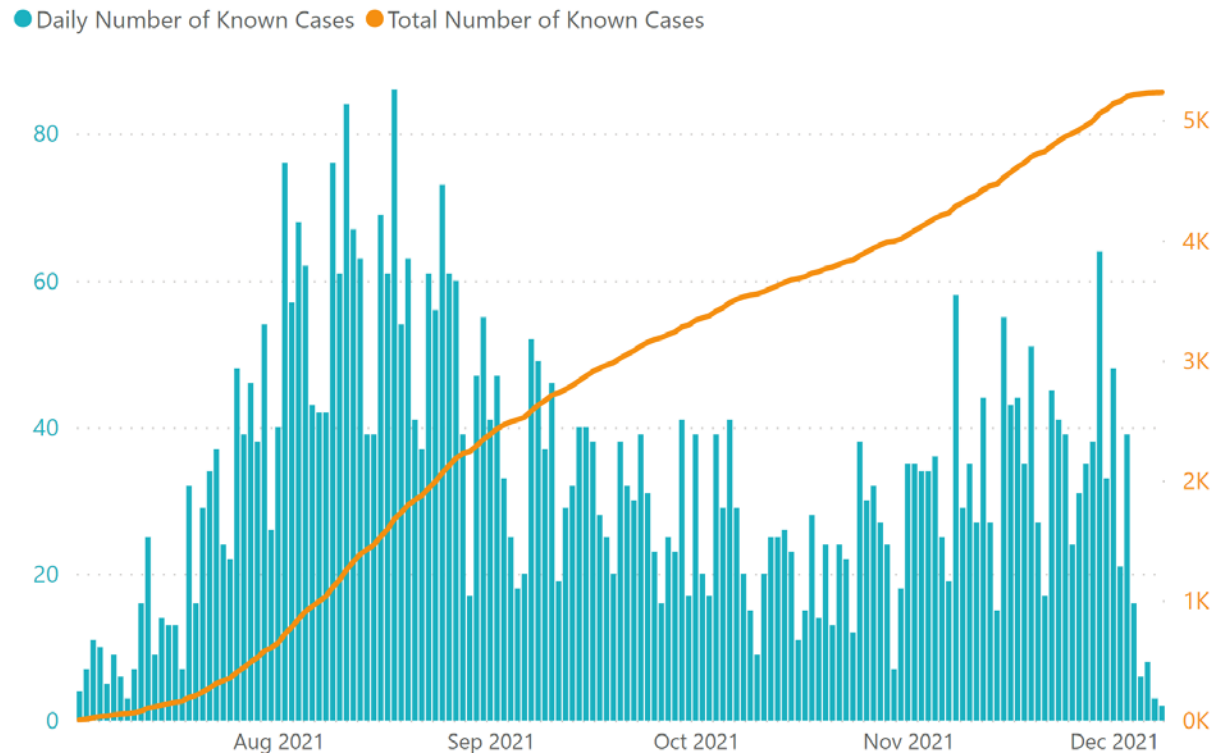
7/2/2021

12/8/2021

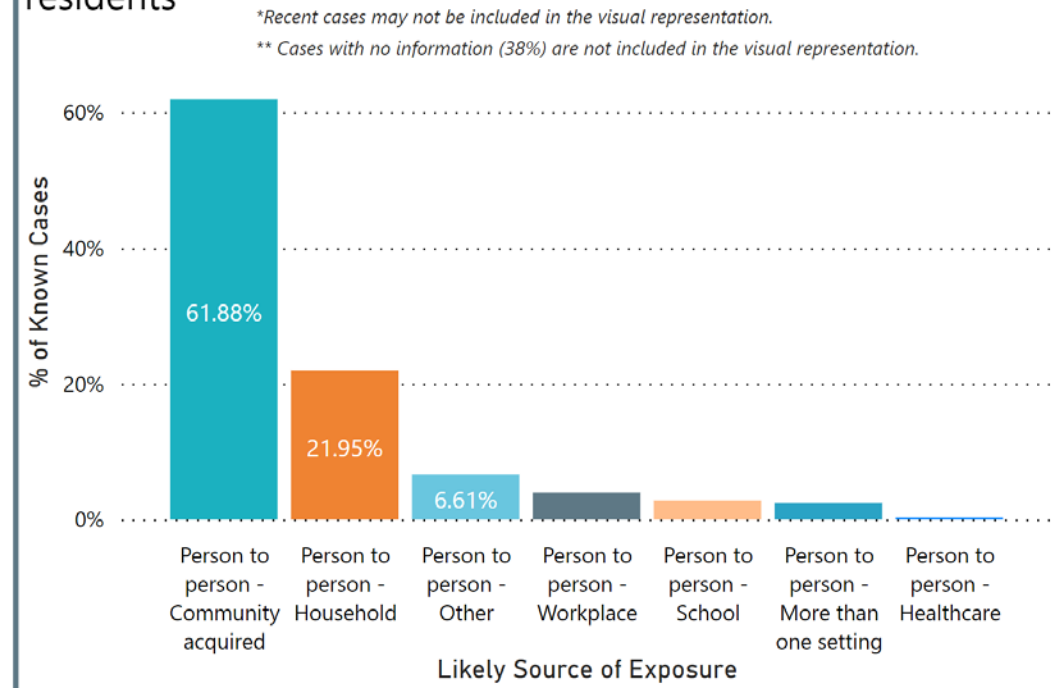
For additional dashboard details and data definitions select the information icon:



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



Demographics of Cases in Santa Cruz County

COVID-19 Data Dashboard: Demographics of Known Cases Among Santa Cruz County Residents

For additional dashboard details and data definitions select the information icon: 

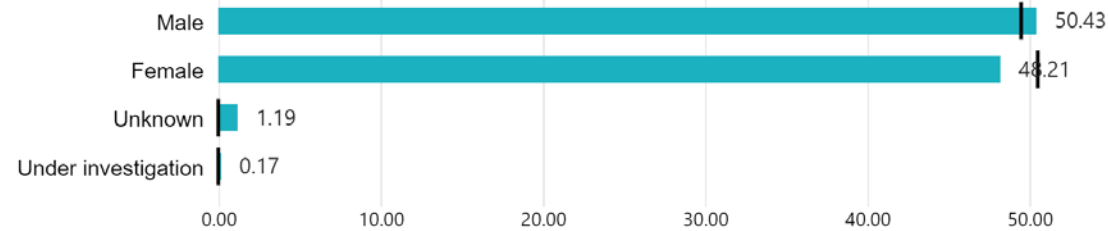
Active Cases

Known Cases

Known Deaths

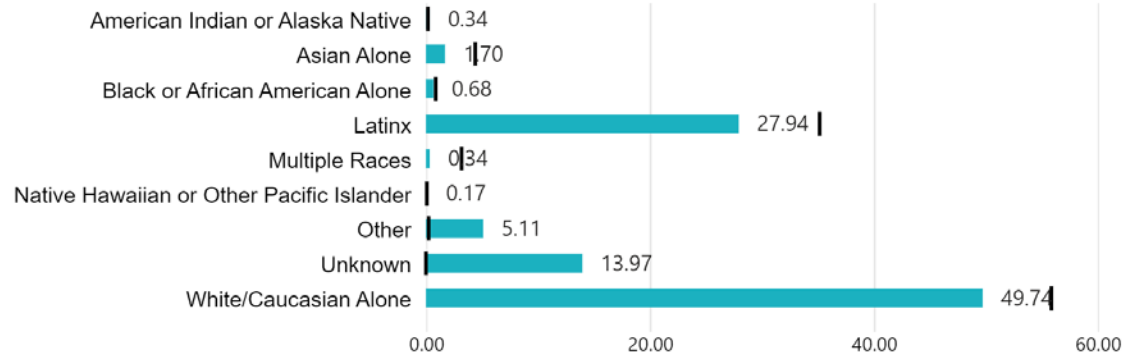
Percent of active cases by gender

● % Active Cases | % County Population



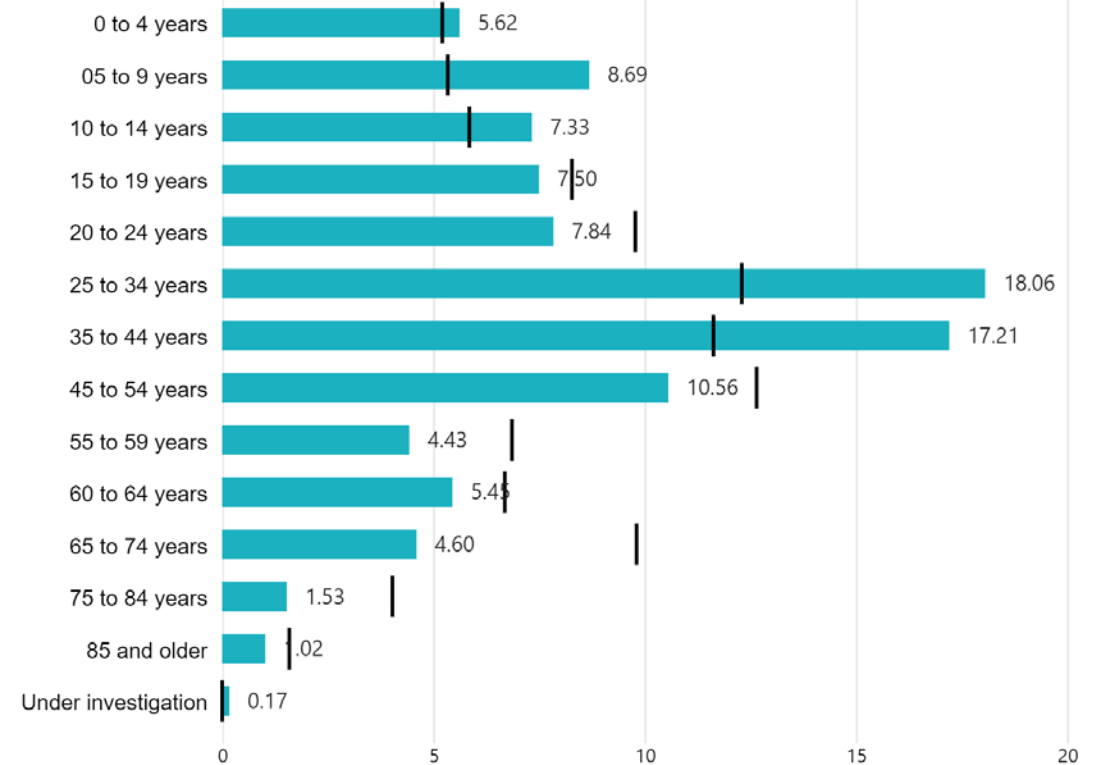
Percent of active cases by race/ethnicity

● % Active Cases | % County Population

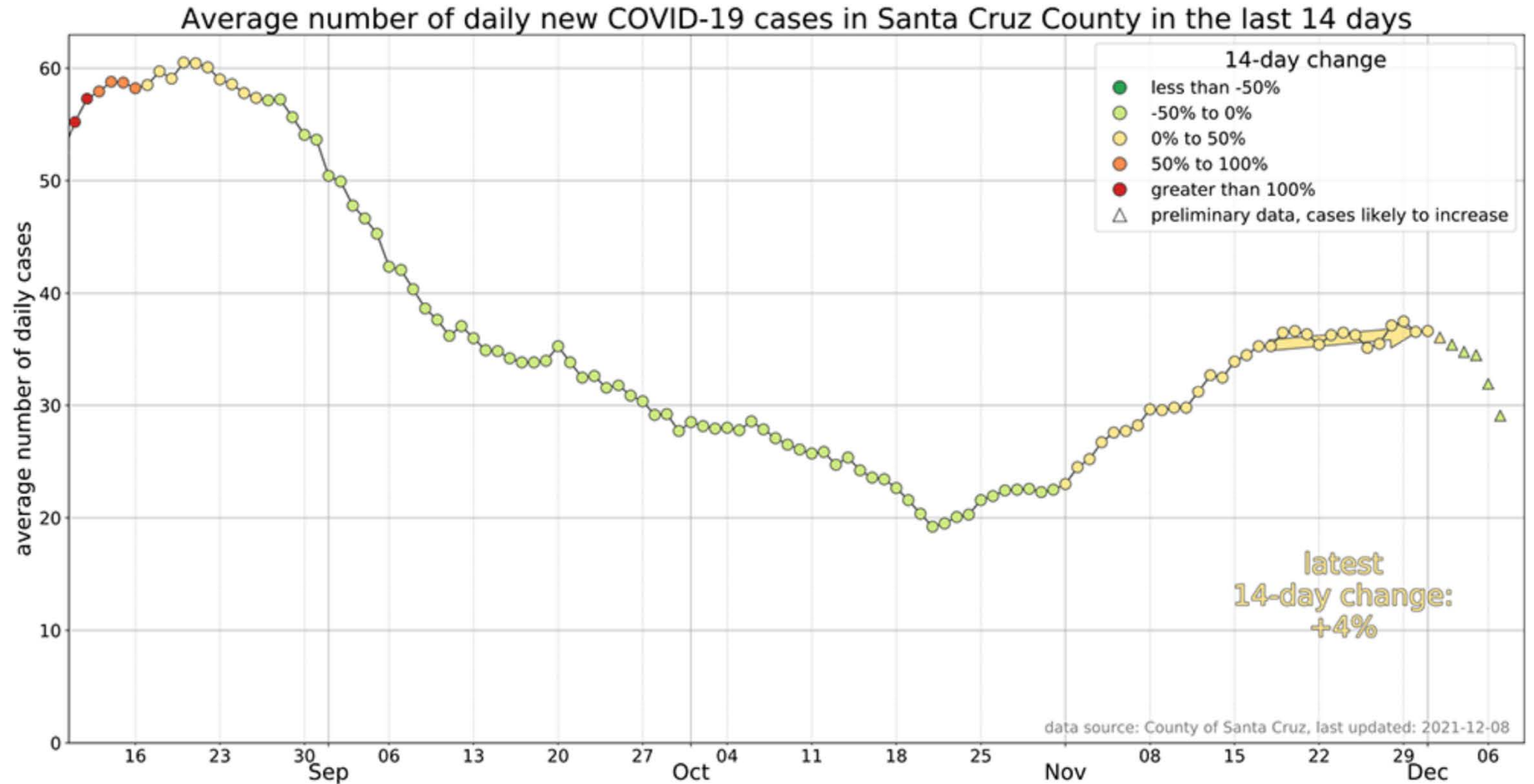


Percent of active cases by age

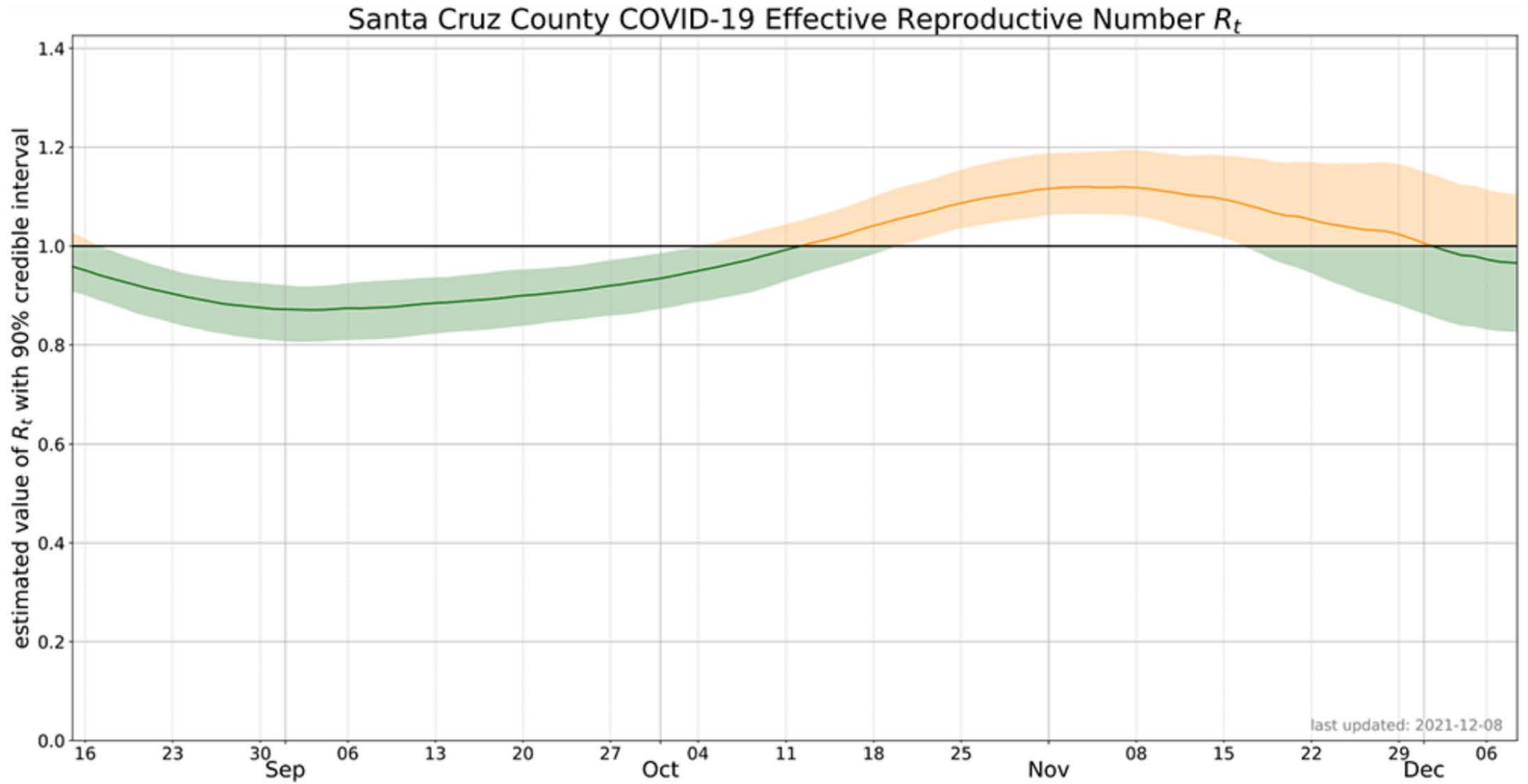
● % Active Cases | % County Population



Last 14 days . . . 15% decrease in new COVID cases



Transmissibility in Santa Cruz County



Vaccinations in Santa Cruz County

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

205,675

Total county population vaccinated with at least one dose

75.28

% of total county population with at least one dose

188,641

Total county population fully vaccinated

69.05

% of total county population fully vaccinated

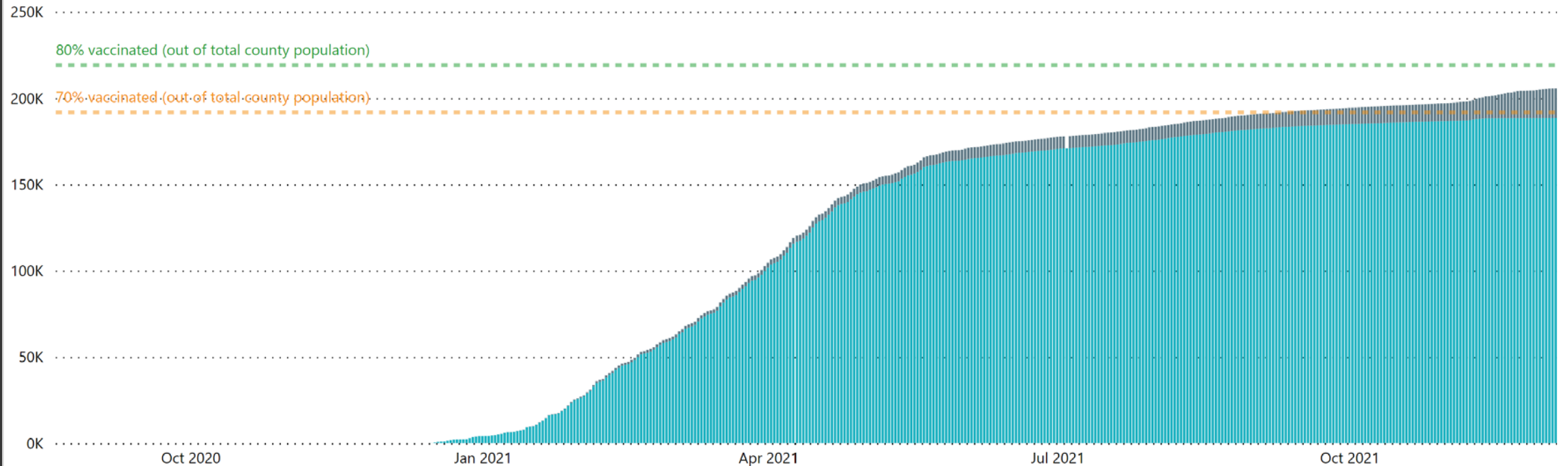


Cumulative vaccines administered by vaccination status

Vaccination status ● Fully ● Partially

Cumulative vaccines administered

Daily vaccines administered



Vaccine Demographics

Go to myturn.ca.gov OR vaccinefinder.org to locate and schedule 1st vaccine & boosters.

COVID-19 Immunization Data: Vaccine Administration Demographics for Santa Cruz County Individuals

Select Population to Display Information



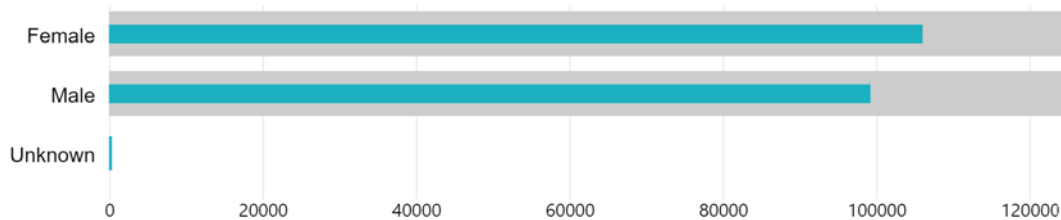
All Vaccinated

Partially Vaccinated

Fully Vaccinated

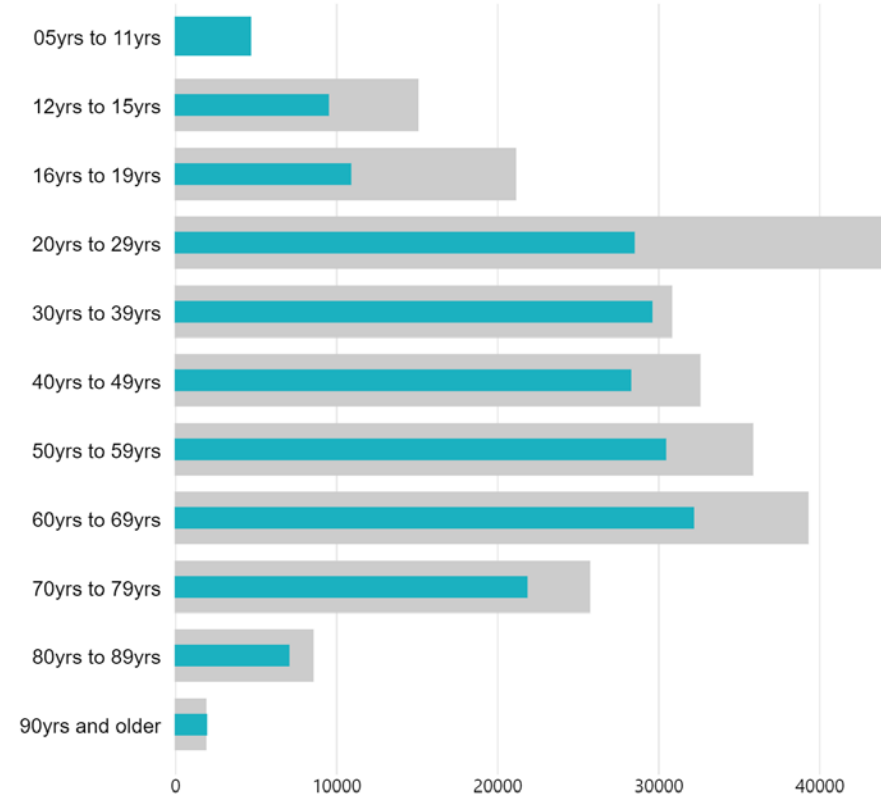
Gender

● # of vaccinated individuals ● # of eligible individuals



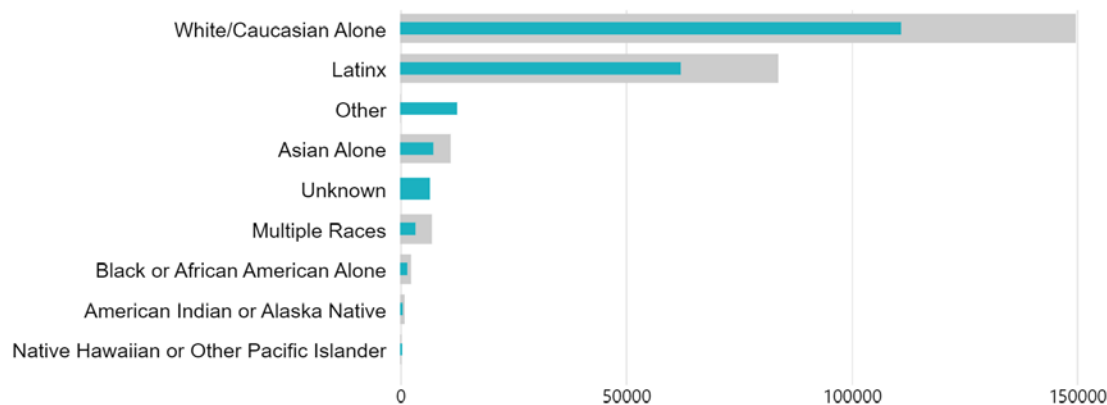
Age

● # of vaccinated individuals ● # of eligible individuals



Race/Ethnicity

● # of vaccinated individuals ● # of eligible individuals







City Council AGENDA REPORT

DATE: 11/30/2021

AGENDA OF: 12/14/2021

DEPARTMENT: City Attorney

SUBJECT: Resolution Extending the Emergency Declaration in Connection with the COVID-19 Pandemic by Sixty (60) Days (CA)

RECOMMENDATION: Resolution extending by sixty days the Declaration of Emergency in connection with the COVID-19 pandemic.

BACKGROUND: At its regular meeting of March 10, 2020, the City Council adopted Resolution No. NS-29,640 declaring a local health emergency in connection with the global COVID-19 pandemic. The Council's action followed similar actions by California Governor Gavin Newsom on March 4, 2020, and by County of Santa Cruz Health Officer (CHO) Gail Newel on March 6, 2020. On March 16, 2020, the CHO issued a Public Health Order, requiring all Santa Cruz County residents to shelter in place to slow the spread of COVID-19 in the community, and requiring all businesses to cease operations, except for those deemed essential businesses.

On June 15, 2021, as a result of declining positive case counts and hospitalizations, the Governor rescinded a number of restrictions he had instituted to reduce the spread of COVID-19. The Governor did not, however, rescind the proclamation of the State of Emergency he issued on March 4, 2020. Shortly thereafter, positive cases and hospitalizations began to rise locally and across the state due to the emergence of the highly contagious delta variant. According to the CDC's community transmission tracker, transmission in Santa Cruz County remains substantial. On November 19, 2021, in response to the local increase in COVID-19 cases and hospitalizations, the CHO issued an order requiring all Santa Cruz County residents to wear face coverings indoors.

The Council has received updates at its regular meetings related to COVID-19 and has extended the March 10, 2020 declaration of local health emergency at its regular meetings of April 28, 2020, June 23, 2020, August 11, 2020, September 22, 2020, November 10, 2020, December 8, 2020, January 26, 2021, March 9, 2021, April 27, 2021, and June 22, 2021, by adopting Resolution Nos. NS-29,653, NS-29,677, NS-29,695, NS-29,714, NS-29,739, NS-29,749, NS-29,766, NS-29,782, NS-29,802, and NS-29,839, at its special meeting of September 21, 2021 by adopting Resolution No. NS-29,873, and at its regular meeting of November 9, 2021 by adopting Resolution No. NS-29,884.

DISCUSSION: During a declared emergency the City Manager, acting as the City's Emergency Services Director is empowered to take various actions in response to the emergency, including

making and issuing “rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency” subject to ratification by the City Council “at the earliest practicable time.” The Resolution would extend the emergency declaration by sixty days from the date of its adoption, to February 12, 2022.

FISCAL IMPACT: Actions taken by the City during a declared emergency relating to the response and measures taken to slow the spread of the COVID-19 pandemic and mitigate the effects thereof on our community are potentially recoverable from Cal OES (California Governor’s Office of Emergency Services) and FEMA (Federal Emergency Management Agency). Accordingly, it is recommended that the Council extend the declaration of emergency as provided for herein until it has determined that conditions giving rise to the emergency have been abated.

Prepared By:
Mary-Haley Ousley
Deputy City Attorney

Submitted By:
Tony Condotti
City Attorney

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX

RESOLUTION NO. NS-XX,XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ EXTENDING
BY 60 DAYS THE DECLARATION OF EMERGENCY IN CONNECTION WITH THE
COVID-19 PANDEMIC

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State of California due to the threat posed by COVID-19; and

WHEREAS, on March 6, 2020, the County of Santa Cruz Health Officer ("Health Officer"), under her civil authority, declared a Local Health Emergency, finding an imminent and proximate threat to public health and welfare from the introduction of COVID-19 in the County of Santa Cruz; and

WHEREAS, on June 15, 2021, in response to declining COVID-19 case counts and hospitalizations, the Governor lifted a number of restrictions put in place to decrease the spread of COVID-19 during the initial progression of the pandemic, however, the Governor has not rescinded the March 4, 2020 proclamation of a state of emergency within the State of California; and

WHEREAS, despite initial progress made locally and within the state in addressing the pandemic, the recent emergence of the highly contagious delta variant has caused an increase in positive cases and hospitalizations locally and throughout the State of California; and

WHEREAS, the Centers for Disease Control, which tracks community transmission of COVID-19, has specified that COVID-19 transmission in Santa Cruz County remains substantial.

WHEREAS, on November 19, 2021, in response to increasing COVID-19 cases and hospitalizations, the Health Officer issued an order requiring all Santa Cruz County residents to wear face coverings indoors; and

WHEREAS, in light of the current COVID-19 pandemic, the Santa Cruz City Council declared a local health emergency re COVID-19 by Resolution No. NS-29,640 on March 10, 2020, extended the emergency declaration by Resolution No. NS-29,653 adopted at its regular meeting of April 28, 2020, and further extended the emergency declaration by Resolution Nos. NS-29,677 on June 23, 2020, NS-29,695 on August 11, 2020, NS 29,714 on September 22, 2020, NS-29,739 on November 10, 2020, NS-29,749 on December 8, 2020, NS-29,766, on January 26, 2021, NS-29,782, on March 9, 2021, NS-29,802 on April 27, 2021, and NS-29,839 on June 22, 2021, at its special meeting of September 21, 2021 by Resolution No. NS-29, 873, and at its regular meeting of November 9, 2021 by Resolution No. NS-29,884, extending Declaration of Emergency for another sixty days.

WHEREAS, under the California Emergency Services Act (Cal. Govt. Code § 8630, et seq.), upon declaration of a local emergency, the City Council must review the need for continuing the emergency declaration at least once every sixty (60) days until it terminates the local emergency; and

RESOLUTION NO. NS-

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

A. That the City Council hereby declares that the local health emergency declaration adopted at its March 10, 2020 regular meeting by Resolution No. NS-29,640, extended at its April 28, 2020 regular meeting by Resolution No. NS-29,653, at its June 23, 2020 regular meeting by Resolution No. NS-29,677, at its August 11, 2020 regular meeting by Resolution No. NS-29,695, at its September 22, 2020 regular meeting by Resolution No. NS-19,714, at its November 10, 2020 regular meeting by Resolution No. NS-29,739, at its December 8, 2020 regular meeting by Resolution No. NS-29,749, at its January 26, 2021 regular meeting by Resolution No. NS-29,766, at its March 9, 2021 regular meeting by Resolution No. NS-29,782, at its April 27, 2021 regular meeting by Resolution No. NS-29,802, at its June 22, 2021 regular meeting by Resolution No. NS-29,839, at its September 21, 2021 special meeting by Resolution No. NS-29,873, and at its November 9, 2021 regular meeting by Resolution No. NS-29, 884, shall be adopted and extended an additional sixty (60) days pursuant to California Government Code Section 8630, et seq., by this Resolution; and

B. That this Resolution shall remain in full force and effect and shall thereafter terminate on the sixtieth (60th) day after its adoption, unless earlier terminated or further extended by subsequent City Council action.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator



City Council AGENDA REPORT

DATE: 11/30/2021

AGENDA OF: 12/14/2021

DEPARTMENT: City Attorney

SUBJECT: Resolution Extending the Emergency Declaration in Connection with the CZU August Lightning Complex Fire by Sixty (60) Days (CA)

RECOMMENDATION: Resolution extending by sixty days the Local Emergency Declaration in Connection with the CZU August Lightning Complex Fire.

BACKGROUND: The CZU August Lightning Complex Fire that began on August 15, 2020, has caused unprecedented damage and destruction in areas of Santa Cruz and San Mateo Counties immediately north of the City of Santa Cruz, and currently constitutes a severe threat to portions of the City and vital City-owned infrastructure in areas of unincorporated Santa Cruz County.

DISCUSSION: Chapter 2.20 of the City of Santa Cruz Municipal Code, at Section 2.20.030, empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity or disaster, subject to confirmation by the City Council at the “earliest practicable time.” During the existence of such emergency, the Director of Emergency Services is also authorized, pursuant to Section 2.20.040(1), to “[m]ake and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency,” also subject to confirmation by the City Council “at the earliest practicable time.”

In view of the facts and circumstances described above, on Friday, August 21, 2020, the City Manager declared the existence of a local emergency in the City of Santa Cruz. At its August 25, 2020 regular meeting, the City Council ratified the emergency declaration by Resolution No. NS-29,704, and the Executive Orders issued pursuant thereto. At its October 27, 2020 regular meeting, the City Council adopted Resolution No. NS-29,731 declaring the existence of a State of Emergency in connection with the CZU August Lightning Complex Fire, confirming the proclamation of same dated August 21, 2020 by the Director of Emergency Services, and ratifying Executive Order 2020-19 issued pursuant thereto. At its regular meeting of December 8, 2020, the Council adopted Resolution No. NS-29,750, further extending the declaration of emergency by 60 days, to February 6, 2021. At its regular meeting of January 26, 2021, the Council adopted Resolution No. NS-29,765, further extending the declaration of emergency by 60 days to March 27, 2021. At its regular meeting of March 9, 2021, the Council adopted Resolution No. NS-29,781, further extending the declaration of emergency by 60 days to May 8, 2021. At its regular meeting of April 27, 2021, the Council adopted Resolution No. NS-29-803, further extending the declaration of emergency by 60 days to June 26, 2021. At its regular

meeting of June 22, 2021, the Council adopted Resolution No. NS-29,840, further extending the declaration of emergency by another 60 days. At its special meeting of September 21, 2021, the Council adopted Resolution No. NS-29,872, further extending the declaration of emergency by another 60 days. At its regular meeting of November 9, 2021, the Council adopted Resolution No. NS-29,885, further extending the declaration of emergency by another 60 days.

The attached resolution, if adopted by the City Council, would extend the emergency declaration related to the CZU August Lightning Complex Fire emergency by an additional 60 days, to February 12, 2022.

FISCAL IMPACT: Actions taken by the City during a declared emergency are potentially recoverable from Cal OES (California Governor’s Office of Emergency Services) and FEMA (Federal Emergency Management Agency). Accordingly, it is recommended that the Council extend the declaration of emergency as provided for herein until it has determined that conditions giving rise to the emergency have been abated.

Prepared By:
Mary-Haley Ousley
Deputy City Attorney

Submitted By:
Tony Condotti
City Attorney

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX

RESOLUTION NO. NS-XX,XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ EXTENDING A LOCAL EMERGENCY DECLARATION IN CONNECTION WITH THE CZU AUGUST LIGHTNING COMPLEX FIRE

WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director, and empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity or disaster; and

WHEREAS, in the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City's interest, including making and issuing "rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency" subject to ratification by the City Council "at the earliest practicable time." (SCMC § 2.20.040); and

WHEREAS, the wildfires known as the CZU August Lightning Complex Fire that began on August 15, 2020 have destroyed structures and threatened numerous residences and acres of valuable wildland and watershed resulting in evacuations and displacement of residents, road closures, areas of isolation, damage to property and utility systems and damage to critical infrastructure and endangered species within unincorporated areas of Northern Santa Cruz County, and currently constitute an imminent threat to portions of the City, as well as vital City infrastructure located outside of City boundaries; and

WHEREAS, while the wildfires are contained, as of this date, they have charred tens of thousands of acres in the Counties of Santa Cruz and San Mateo, damaged or destroyed over 900 residences and buildings, and will displace hundreds of residents for several months, if not permanently, many of whom are seeking shelter in the City of Santa Cruz; and

WHEREAS, the San Lorenzo River watershed contains significant portions of the area damaged by the wildfires, and the City continues to monitor post-fire hazards and water quality impacts; and

WHEREAS, efforts to assist the affected population and restore the burned area and/or recover from the effects of the wildfire damage, involve assets from Santa Cruz County, City of Santa Cruz, other local governments in Santa Cruz County, and other local governments within California, as well as California State and federal fire and law enforcement assets, the American Red Cross and other volunteer organizations; and

WHEREAS, pursuant to his authority as Emergency Services Director, on August 21, 2020, the City Manager declared the existence of a local emergency in light of the foregoing; and

RESOLUTION NO. NS-XX,XXX

WHEREAS, at its August 25, 2020 regular meeting the City Council declared a local emergency, and ratified Executive Order No. 2020-17 – Closing All Off-Trail Open Space Areas within Pogonip and Sycamore Grove, by Resolution No. NS-29,704; and

WHEREAS, at its October 27, 2020 meeting, the City Council adopted Resolution No. NS-29,731 declaring the existence of a State of Emergency in connection with the CZU August Lightning Complex Fire, confirming the proclamation of same dated August 21, 2020 by the Director of Emergency Services, and ratifying Executive Order 2020-19 issued pursuant thereto; and

WHEREAS, at its December 8, 2020 meeting, the City Council adopted Resolution No. NS-29,750, extending the declaration of emergency to February 6, 2021; and

WHEREAS, at its January 26, 2021 meeting, the City Council adopted Resolution No. NS-29,765, extending the declaration of emergency to March 27, 2021; and

WHEREAS, at its March 9, 2021 meeting, the City Council adopted Resolution No. NS-29,781, extending the declaration of emergency to May 8, 2021; and

WHEREAS, at its April 27, 2021 meeting, the City Council adopted Resolution No. NS-29,803, extending the declaration of emergency to June 26, 2021; and

WHEREAS, at its June 22, 2021 meeting, the City Council adopted Resolution No. NS-29,840, extending the declaration of emergency for another 60 days; and

WHEREAS, at its September 21, 2021 special meeting, the City Council adopted Resolution No. NS-29,872, extending the declaration of emergency for another 60 days; and

WHEREAS, as its November 9, 2021 regular meeting, the City Council adopted Resolution No. NS-29, 885, extending the declaration of emergency for another 60 days; and

WHEREAS, although the CZU Lightning Complex fire has been contained, areas of open space, including Pogonip and Sycamore Grove remain in a an extremely dry and fire prone condition, making the risk of wildfire caused by campfires associated with illegal encampments particularly grave; and

WHEREAS, the risk of severe wildfire is further exacerbated by current serious drought conditions and decreasing water supply; and

WHEREAS, based on the foregoing, the City’s emergency response to the CZU Lightning Complex fire will likely be ongoing for several months; and

WHEREAS, pursuant to his authority as Emergency Services Director, the City Manager has issued the following executive orders relating to the CZU Lightning Complex Fire emergency:

RESOLUTION NO. NS-XX,XXX

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

- A. That the City Council hereby declares that the local health emergency declaration adopted at its August 25, 2020 regular meeting by Resolution No. NS-29,704, and confirmed and re-adopted at its October 27, 2020 regular meeting by Resolution No. NS-29,731, extended an additional 60 days on December 8, 2020 by Resolution No. NS-29,750, January 26, 2021 by Resolution No. NS-29,765, March 9, 2021 by Resolution No. NS-29-781, April 27, 2021 by Resolution No. NS-29,803, June 22, 2021 by Resolution No. NS-29,840, and the local health emergency extended an additional 60 days at its special meeting on September 21, 2021 by Resolution No. NS-29,872, and extended an additional 60 days at its regular meeting on November 9, 2021 by Resolution No. NS-29,885, shall be extended an additional sixty (60) days from its adoption pursuant to California Government Code Section 8630, et seq., by this Resolution; and
- B. That, all previously ratified Executive Orders shall remain in force and effect for the duration the emergency, unless sooner rescinded by subsequent City Council action; and

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator



City Council AGENDA REPORT

DATE: 11/30/2021

AGENDA OF: 12/14/2021

DEPARTMENT: City Attorney

SUBJECT: Resolution Authorizing the City to Continue Teleconferenced Public Meetings Pursuant to Assembly Bill 361 (CA)

RECOMMENDATION: Resolution authorizing legislative bodies of the City of Santa Cruz to continue the use of teleconferenced meetings pursuant to Assembly Bill 361.

BACKGROUND: On March 4, 2020, Governor Newsom issued a proclamation of State of Emergency in response to the developing COVID-19 pandemic. Due to the continued spread of the virus, the Governor issued Executive Order N-29-20 on March 17, 2020, which included a provision authorizing suspensions to the Ralph M. Brown Act's ("Brown Act") teleconferencing rules in order to facilitate virtual meetings while public health orders were in place.

On June 11, 2021, the Governor issued Executive Order N-08-21, which provided that the Brown Act teleconferencing suspensions would expire after September 30, 2021. On September 16, 2021, the Governor signed Assembly Bill 361 ("AB 361"), an urgency measure taking effect immediately, which amended the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology provided certain conditions are met.

DISCUSSION: AB 361 allows for teleconferenced meetings during a declared State of Emergency, as defined under the California Emergency Services Act, if one of the following circumstances apply: (1) State of local officials have imposed or recommended measures to promote social distancing; (2) The legislative body is meeting to determine whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (3) The legislative body has determined that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.¹

The Governor's March 4, 2020 proclamation of State of Emergency is still in effect. Measures continue to exist that impose and recommend measures to promote social distancing. The California Department of Public Health recommends that all individuals wear masks in indoor public settings².

¹ Cal. Gov't Code § 54953(e)(1)(A)-(C)

² See CDPH, *Guidance for the Use of Face Coverings* (July 28, 2021), <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>.

Additionally, on November 19, 2021, the Santa Cruz County Health Officer issued an order requiring all individuals in Santa Cruz County to wear face coverings in indoor settings.³

Moreover, in recent months, the highly transmissible delta variant has caused increases in positive cases and hospitalizations locally and throughout the State. According to the CDC, community transmission of COVID-19 in Santa Cruz County is currently substantial, and the nature of the pandemic is unpredictable and transmission rates have the potential to rise quickly. As such, holding meetings in person would present imminent risks to the health or safety of attendees due to the continued spread of COVID-19.

To continue teleconferenced meetings under AB 361, the City Council will need to declare every thirty (30) days that it has reconsidered the circumstances of the State of Emergency and either (1) the State of Emergency continues to directly impact the ability of the members to meet safely in person; or (2) State or local health officials continue to impose or recommend measures to promote social distancing.⁴

This declaration is needed for any use of teleconferenced meetings pursuant to AB 361, including for two City meeting models: (1) A City Council hybrid model that uses the City Council Chambers as an in person venue along with teleconference attendance; and (2) Continued use of teleconferencing for Brown Act City boards, commissions and committees.

At its regular meeting of October 12, 2021, the City Council adopted Resolution No. NS-29,877, authorizing legislative bodies of the City of Santa Cruz to continue using teleconferenced meetings pursuant to AB 361. At its regular meetings of November 9, 2021 and November 23, 2021 the City Council adopted Resolution Nos. NS-29,886 and NS-29,894 further authorizing legislative bodies of the City of Santa Cruz to continue using teleconferenced meetings pursuant to AB 361.

This Resolution would re-authorize the legislative bodies of the City of Santa Cruz to continue to use teleconferenced meetings for an additional thirty (30) days from the date of its adoption.

FISCAL IMPACT: No significant fiscal impact.

Prepared By:
Mary-Haley Ousley
Deputy City Attorney

Submitted By:
Tony Condotti
City Attorney

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX

³ See *Order of the Santa Cruz County Health Officer* (November 19, 2021), <https://www.santacruzhealth.org/Portals/7/pdfs/Coronavirus/MaskingOrder111921.pdf>.

⁴ Cal. Gov't Code § 54953(e)(3).

RESOLUTION NO. NS-XX,XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA AUTHORIZING THE
CONTINUED USE OF TELECONFERENCED MEETINGS PURSUANT TO ASSEMBLY
BILL 361

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, due to the threat of COVID-19, Governor Newsom issued Executive Order N-29-20, which suspended certain requirements of Government Code section 54950 *et seq.*, the Ralph M. Brown Act (“Brown Act”), in order to allow local legislative bodies to conduct meetings telephonically or electronically without a physical meeting place; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which stated that the provision suspending requirements of the Brown Act in Executive Order N-29-20 would remain in effect through September 30, 2021, at which point the suspensions would expire; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 into law, an urgency measure effective upon adoption, amending the Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed State of Emergency, and either state or local officials have imposed or recommended measures to promote social distancing, or the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees;

WHEREAS, on October 12, 2021, the City Council adopted Resolution No. NS-29, 877, finding that the requisite conditions exist for the legislative bodies of the City of Santa Cruz to conduct remote teleconference meetings; and

WHEREAS, on November 9, 2021, the City Council adopted Resolution No. NS-29, 886, finding that the requisite conditions exist for the legislative bodies of the City of Santa Cruz to conduct remote teleconference meetings; and

WHEREAS, on November 23, 2021, the City Council adopted Resolution No. NS-29,894, finding that the requisite conditions exist for the legislative bodies of the City of Santa Cruz to conduct remote teleconference meetings; and

WHEREAS, as a condition of authorizing the continued use of teleconferenced meetings, the City Council must, every 30 days, reconsider the circumstances of the State of Emergency that exists in the City and the City Council has done so; and

WHEREAS, the State of Emergency proclaimed by the Governor on March 4, 2020, remains in effect; and

WHEREAS, on November 29, 2021, the Santa Cruz County Health Officer issued an order requiring all individuals in Santa Cruz County to wear face coverings in indoor settings, and the California Department of Public Health to recommend that individuals wear face coverings indoors; and

WHEREAS, in recent months, the highly contagious delta variant has emerged, causing an increase in positive cases and hospitalizations locally and throughout the State of California; and

WHEREAS, according to the CDC's "Community Transmission" metric, which provides a four-tiered system that measures the level of community transmission in each county, Santa Cruz County was just recently reported as having "substantial" Community Transmission, and as seen in recent months, transmission rates of the virus may rise quickly; and

WHEREAS, due to the continued impact of the delta variant, the City continues to be concerned about the health and safety of attendees at public meetings should they be held in person and in a shared indoor public meeting space, as such, the City Council desires to take the actions necessary to comply with AB 361 and to continue to hold its meetings remotely.

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

- A. The City Council hereby acknowledges that the Governor's State of Emergency proclamation issued on March 4, 2020 remains in effect; and
- B. The City Council finds that due to the emergence of the delta variant and the continued threat of COVID-19, holding in person meetings for the City Council, City Commissions, and City Committees continues to present imminent risks to the health or safety of attendees.
- C. The legislative bodies of the City of Santa Cruz are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
- D. This resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty days from the adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Santa Cruz may continue teleconferencing without compliance with the Brown Act's prior rules regarding teleconferencing.

PASSED AND ADOPTED this 14rd day of December, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

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

MINUTES OF A CITY COUNCIL MEETING

November 23, 2021

10:00 AM

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

Roll Call

Present: Councilmembers Kalantari-Johnson (via Zoom), Brown (via Zoom), Cummings (via Zoom), Golder (arrived at 10:29 a.m. via Zoom); Vice Mayor Brunner (via Zoom); Mayor Meyers (via Zoom).

Absent: Councilmember Watkins.

Staff: Interim City Manager R. Menard (via Zoom), Assistant City Manager L. Schmidt (via Zoom), City Attorney T. Condotti (via Zoom), Director of Economic Development B. Lipscomb (via Zoom), Human Resources Director L. Murphy (via Zoom), Deputy City Manager and Director of Planning, Community Development and Homelessness Response L. Butler (via Zoom), Director of Information Technology K. Morgan, Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush.

Public Comment

Mayor Meyers opened the public comment period at 10:11 a.m. There were no speakers. Mayor Meyers closed the public comment period at 10:12 a.m.

Closed Session

1. Conference with Labor Negotiators (Government Code §54957.6)

Employee Organizations:

- a) Fire IAFF Local 1716
- b) Fire Management Association
- c) OE3 Mid-manager and Supervisor Employees
- d) SEIU Local 521
- e) Unrepresented

City Negotiator - Lisa Murphy

2. Conference with Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(4))

Initiation of litigation - (1 potential case to be discussed)

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

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

At this time, the meeting was closed to the public. (See page 5883 for a report on Closed Session.)

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

MINUTES OF A CITY COUNCIL MEETING
November 23, 2021

1:00 PM

Call to Order - Mayor Meyers called the meeting to order at 1:00 p.m. in the Council Chambers.

Roll Call

Present: Councilmembers Kalantari-Johnson, Brown, Cummings, Golder (arrived at 1:03 p.m.); Vice Mayor Brunner; Mayor Meyers.

Absent: Councilmember Watkins.

Staff: Interim City Manager R. Menard, City Attorney T. Condotti, Assistant City Manager L. Schmidt (via Zoom), Director of Public Works M. Dettle (via Zoom), Interim Chief of Police B. Escalante (via Zoom), Deputy City Manager and 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 Water Director H. Luckenbach (via Zoom), Human Resources Director L. Murphy (via Zoom), Interim Fire Chief R. Oatey (via Zoom), Director of Information Technology K. Morgan, Associate Professional Engineer H. Yu (via Zoom), Homelessness Response Manager L. Imwalle (via Zoom), Deputy City Attorney D. Pruitt (via Zoom), Deputy City Attorney C. Bronson (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush.

Presentations

4. Mayoral Proclamation Declaring Saturday, November 27, 2021, as Small Business Saturday Day

Mayor Meyers read from a proclamation declaring Saturday, November 27, 2021 as Small Business Saturday Day.

5. John Laird Legislative Update Presentation

Senator Laird spoke to Council providing legislative updates.

Presiding Officer's Announcements

Statements of Disqualification - None.

Additions and Deletions - None.

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

City Attorney Report on Closed Session

Conference with Labor Negotiators (Government Code §54957.6)

Employee Organizations:

- a) Fire IAFF Local 1716
- b) Fire Management Association
- c) OE3 Mid-manager and Supervisor Employees
- d) SEIU Local 521
- e) Unrepresented

City Negotiator - Lisa Murphy

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

Conference with Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(4))

Initiation of litigation - (1 potential case to be discussed)

Council received a status report 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.

City Manager Report

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

Interim City Manager R. Menard called on Associate Professional Engineer H. Yu to provide a report on hygiene stations. Homelessness Response Manager L. Imwalle provided an update on homeless encampments.

Council Meeting Calendar

7. The City Council reviewed and revised the meeting calendar attached to the agenda.

City Clerk Administrator B. Bush announced the meeting on November 30th will be virtual only and will not be hybrid.

Council Memberships in City Groups and Outside Agencies

8. The Presiding Officer provided Councilmembers with the opportunity to update Council on any external committee meetings that occurred since the last Council meeting

Councilmember Cummings: Association of Monterey Bay Area Governments, Local Agency Formation Commission, Climate Action Task Force, and Criminal Justice Council.

Councilmember Golder: Downtown Management Corporation.

Vice Mayor Brunner: Ad Hoc Revenue Committee, and Area Agency on Aging.

Mayor Meyers: Ad Hoc Revenue Committee, City Select Committee, Central Coast Energy Policy Board, and Cowell Working Group.

Councilmember Brown: Santa Cruz County Regional Transportation Commission.

Councilmember Kalantari-Johnson: Santa Cruz Metropolitan Transit District Board, and Santa Cruz City Schools Committee.

Consent Agenda

Councilmember Cummings pulled item 10 for further discussion.

Councilmember Cummings made comments on items 9 and 14.

City Clerk Administrator B. Bush responded to Vice Mayor Brunner's questions regarding item 12.

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

Garrett Philipp spoke regarding item 14.

Mayor Meyers closed the public comment period.

MOTION: Councilmember Cummings moved, seconded by Vice Mayor Brunner, to approve the remaining Consent Agenda.

ACTION: The motion carried with the following vote.

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

9. Resolution Authorizing the City to Continue Teleconferenced Public Meetings Pursuant to Assembly Bill 361 (CA)

Resolution No. NS-29,894 was adopted authorizing legislative bodies of the City of Santa Cruz to continue the use of teleconferenced meetings pursuant to Assembly Bill 361.

Consent Agenda (continued)

10. Affirm Consensus to Disband the Santa Cruz City-County Task Force To Address UCSC (University of California, Santa Cruz) Growth Plans (CA)

City Attorney T. Condotti responded to Councilmember questions.

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 Brown, to recognize the October 19, 2021 action by the Santa Cruz County Board of Supervisors and affirm consensus to disband the Santa Cruz City-County Task Force To Address UCSC Growth Plans.

ACTION: The motion carried with the following vote.

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

Councilmember Cummings stated for the record he recommends that members of the Task Force continue to informally meet with the County representative to maintain the level of cooperation that has developed.

11. Minutes of the November 9, 2021 City Council Meeting (CC)

Motion carried to approve as submitted.

12. Set Dates for Annual Advisory Body Interviews, Appointments, and Reappointments (CC)

Motion carried to set the dates for the advisory body applicant interviews at a Special Meeting scheduled on January 18, 2022 at 7:00 p.m., and appointments and reappointments scheduled at the Regular Meeting of January 25, 2022.

Consent Agenda (continued)

13. Resolution Setting the Regular Meeting Schedule for the Calendar Year 2022, and Canceling the Following Regular Meeting Dates: July 12 and 26, and December 27 (CC)

Resolution No. NS-29,895 was adopted setting the regular meeting schedule for the calendar year 2022, and canceling the following meeting dates: July 12 and 26, and December 27.

14. Opposition to California Citizens Redistricting Commission Preliminary Redistricting Maps (CN)

Motion carried to ratify a letter from Mayor Meyers to the California Citizens Redistricting Commission to support a unified Monterey Bay community of interest in the redistricting maps.

15. Economic Development Administration Tannery Dance and Performance Building Grant Acceptance and Match Appropriation (ED)

Resolution No. NS-29,896 was adopted amending the Fiscal Year 2022 budget to (1) receive and appropriate \$3,960,000 of Economic Development Administration Grant funding and (2) appropriate the required \$990,000 local match from the former Redevelopment Agency bond proceeds.

16. Principles and Guidelines for Labor Negotiations (HR)

Motion carried to adopt the principles and guidelines for labor negotiations.

End Consent Agenda

Public Hearing

17. 2nd Reading and Final Adoption of Ordinance No. 2021-21 Extending Emergency Ordinance No. 2020-27 Authorizing Temporary Use Of Certain Adjacent Public Street and Outdoor Areas For All Eligible Businesses Impacted By Indoor Business Closures Related To The COVID-19 Pandemic Until December 31, 2022 (ED)

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

MOTION: Councilmember Kalanitari-Johnson moved, seconded by Councilmember Cummings, to adopt Ordinance No. 2021-21 extending Emergency Ordinance No. 2020-27 authorizing temporary use of certain adjacent public street and outdoor areas for all eligible businesses impacted by indoor business closures related to the COVID-19 pandemic until December 31, 2022.

ACTION: The motion carried with the following vote.

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

General Business

18. Consider Motion to Rescind the City Council's October 12, 2021 Denial of the 831 Water Street Development Project (CA/PL)

Deputy City Attorney D. Pruitt spoke and responded to Councilmember questions.

Deputy City Manager and Director of Planning, Community Development, and Homelessness Response L. Butler responded to Councilmember questions.

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

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

SPEAKING VIA TELECONFERENCE:

Guy Lasnier
 Elizabeth

General Business (continued)

- 18. Consider Motion to Rescind the City Council’s October 12, 2021 Denial of the 831 Water Street Development Project (CA/PL) (continued)

SPEAKING VIA TELECONFERENCE (continued):

- Lira Filippini
- Unidentified person
- Unidentified person
- Unidentified person
- Unidentified person
- Unidentified person
- Unidentified person
- Unidentified person
- Zennon Ulyate-Crow
- Unidentified person
- Unidentified person
- Unidentified person
- Emily
- Unidentified person

Mayor Meyers closed the public comment period.

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

- Decline to rescind Council’s previous decision denying the 831 Water Street application.
- Direct staff to place an agenda item on the December 14th meeting agenda regarding the City Council’s role in any NEPA review process for SB35 projects.

ACTION: The motion failed with the following vote.

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

General Business (continued)

18. Consider Motion to Rescind the City Council's October 12, 2021 Denial of the 831 Water Street Development Project (CA/PL) (continued)

MOTION: Councilmember Golder moved, seconded by Vice Mayor Brunner, to:

- Rescind the decision to deny the 831 Water Street project and direct staff to review the additional materials provided by the applicant to determine if the project can be brought into substantial compliance with the City's objective zoning, subdivision, and design standards;
- Direct staff to schedule a follow-up public oversight hearing at the December 14, 2021 City Council meeting; and
- Direct staff to complete the Senate Bill 35 objective standards consistency review in light of new information.

ACTION: The motion carried with the following vote.

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

19. Proposal to Create a City Council Ad Hoc Committee Charged to Investigate and Provide the Full Council: (1) Direction Whether to Establish an At-Large, Directly Elected Mayor; (2) Direction Regarding Establishment of Future Primary or General Election Timelines and/or Consideration of Ranked Choice Voting within Potential Council Districts; and (3) Advise the Council on Other Matters Related to the City Charter as They Relate to the Implementation of a By-District Voting Based Structure (CN)

Mayor Meyers introduced the item.

Deputy City Attorney C. Bronson and City Attorney T. Condotti responded to Councilmember questions.

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

General Business (continued)

19. Proposal to Create a City Council Ad Hoc Committee Charged to Investigate and Provide the Full Council: (1) Direction Whether to Establish an At-Large, Directly Elected Mayor; (2) Direction Regarding Establishment of Future Primary or General Election Timelines and/or Consideration of Ranked Choice Voting within Potential Council Districts; and (3) Advise the Council on Other Matters Related to the City Charter as They Relate to the Implementation of a By-District Voting Based Structure (CN) (continued)

MOTION: Councilmember Golder moved, seconded by Councilmember Kalantari-Johnson, to authorize the Mayor to establish a Council ad hoc committee, consisting of up to three Councilmembers. The Committee will be charged with exploring and returning to the Council with their recommendations and direction concerning:

- Transitioning to an at-large, directly elected Mayor;
- Establishing a primary and/or general election schedule and/or consider ranked choice voting within potential Council districts; and
- Advise the Council on other matters related to the City Charter as they relate to the implementation of a by-district voting-based structure. This Committee's work is limited, and will not consider or make recommendations regarding the maps or districts which will be presented to the full Council for public review.

FRIENDLY AMENDMENT: Councilmember Cummings requested to add:

- Return with a process and timeline for community engagement
- Consider re-establishing the Charter Amendment Committee.

Councilmembers Golder and Kalantari-Johnson accepted.

ACTION: The motion carried with the following vote.

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

General Business (continued)

20. Conduct a Public Hearing Required to Adopt a Resolution Establishing an Updated Water Rate Structure, Adjusting Fixed-Cost Ready-to-Serve Charges, Water Usage-Based Consumption Charges, Infrastructure Reinvestment Fees, Elevation Surcharges, and the Rate Stabilization Fee for Implementation over Five Consecutive Years Beginning on July 1, 2022, and Establishing Revised Drought Cost Recovery Fees to be Implemented in Response to a Council-Declared Water Shortage Emergency (WT)

Interim City Manager R. Menard introduced the item.

Nancy Phan, Senior Consultant with Raftelis Financial Consultants, Inc., gave a presentation and responded to Councilmember questions.

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

SPEAKING VIA TELECONFERENCE:

Linda Wilshusen
Unidentified person

Mayor Meyers closed the public comment period.

MOTION: Councilmember Brown moved, seconded by Vice Mayor Brunner, to:

- Adopt Resolution No. NS-29,897 establishing an updated water rate structure, and a five-year schedule of water rates, fees and charges including adjusting fixed-cost ready-to-serve charges, water usage-based consumption charges, infrastructure reinvestment fees, elevation surcharges, and the rate stabilization fee for implementation on July 1, 2022, July 1, 2023, July 1, 2024, July 1, 2025, and July 1, 2026, establishing revised drought cost recovery fees to be implemented in response to a Council-declared water shortage emergency, and rescinding Resolution No. NS-29,134 upon the effective date of this Resolution.
- Accept the Cost-of-Service Report prepared by Raftelis Financial Consultants, Inc. which provides the basis for the proposed water rates and structure for the five-year period July 1, 2022 through June 30, 2027.

General Business (continued)

20. Conduct a Public Hearing Required to Adopt a Resolution Establishing an Updated Water Rate Structure, Adjusting Fixed-Cost Ready-to-Serve Charges, Water Usage-Based Consumption Charges, Infrastructure Reinvestment Fees, Elevation Surcharges, and the Rate Stabilization Fee for Implementation over Five Consecutive Years Beginning on July 1, 2022, and Establishing Revised Drought Cost Recovery Fees to be Implemented in Response to a Council-Declared Water Shortage Emergency (WT) (continued)

ACTION: The motion carried with the following vote.

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

NOES: None.

ABSENT: Councilmember Watkins.

DISQUALIFIED: None.

21. Election of New Mayor and Vice Mayor for 2022 (CN)

City Clerk Administrator B. Bush 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 Golder, to elect Martine Watkins as Vice Mayor for the 2022 term.

ACTION: The motion carried with the following vote.

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

NOES: None.

ABSENT: Councilmember Watkins.

DISQUALIFIED: None.

General Business (continued)

21. Election of New Mayor and Vice Mayor for 2022 (CN) (continued)

MOTION: Councilmember Golder moved, seconded by Councilmember Cummings, to elect Sonja Brunner as Mayor for the 2022 term.

ACTION: The motion carried with the following vote.

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

Oral Communications

At 5:36 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.

Garrett Philipp spoke regarding the resolution adopted at the last meeting regarding white supremacy.

At 5:39 p.m. Mayor Meyers closed Oral Communications.

Adjournment - The City Council adjourned at 5:40 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 CLOSED PERSONNEL SESSION

November 30, 2021

4:00 PM

Mayor Meyers opened the City Council Closed Personnel Session at 4:00 p.m. in a public meeting via Zoom, for the purpose of announcing the agenda, and receiving public testimony.

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), Assistant City Manager L. Schmidt (via Zoom), City Attorney T. Condotti (via Zoom), Human Resources Director L. Murphy (via Zoom), Interim Finance Director B. Magee (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 4:01 p.m. There were no speakers. Mayor Meyers closed the public comment period at 4:02 p.m.

Closed Session

1. Conference with Labor Negotiators (Government Code §54957.6)

Employee Organizations:

- a) Fire IAFF Local 1716
- b) Fire Management Association
- c) OE3 Mid-manager and Supervisor Employees
- d) SEIU Local 521
- e) Unrepresented

City Negotiator - Lisa Murphy

Via email, Director of Human Resources L. Murphy reported that Council received an update, and took no reportable action.

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

MINUTES OF A CITY COUNCIL STUDY SESSION
November 30, 2021

6:00 PM

Call to Order - Mayor Meyers called the meeting to order at 6:00 p.m. via Zoom.

Roll Call

Present: Councilmembers Watkins (via Zoom), Kalantari-Johnson (via Zoom), Brown (via Zoom), Cummings (arrived at 6:02 p.m. after roll call via Zoom), Golder (left at 6:30 p.m. 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 and Director of Planning, Community Development and Homelessness Response L. Butler (via Zoom), Interim Finance Director B. Magee (via Zoom), Interim Fire Chief R. Oatey (via Zoom), Director of Economic Development B. Lipscomb (via Zoom), Principal Planner M. VanHua (via Zoom), Senior Planner K. Donovan (via Zoom), Senior Planner S. Neuse (via Zoom), Senior Planner E. Marlatt (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush (via Zoom).

General Business

2. Regional Housing Needs Allocation Update (PL)

Principal Planner M. VanHua introduced the item and responded to Councilmember questions.

Heather Adamson, Director of Planning with Association of Monterey Bay Area Governments, gave a presentation and responded to Councilmember questions.

Senior Planner K. Donovan gave a presentation and responded to Councilmember questions.

General Business (continued)

2. Regional Housing Needs Allocation Update (PL) (continued)

Deputy City Manager and Director of Planning, Community Development and Homelessness Response L. Butler responded to Councilmember questions.

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

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

SPEAKING VIA TELECONFERENCE:

- Andy Schiffrin
- Gillian Greensite
- Candace Brown
- Unidentified person
- Elizabeth

Mayor Meyers closed the public comment period.

MOTION: Councilmember Cummings moved, seconded by Vice Mayor Brunner, to accept the Regional Housing Needs Allocation Report.

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.

3. Objective Development Standards for Multi-Family Housing, Community Review Draft Study Session (PL)

Senior Planner S. Neuse, Kristen Hall, Senior Urban Designer with Kristen Hall City Design, and Meredith Rupp, Senior Planner with Urban Planning Partners, gave a presentation and responded to Councilmember questions.

Senior Planner E. Marlatt responded to Councilmember questions.

Deputy City Manager and Director of Planning, Community Development and Homelessness Response L. Butler responded to Councilmember questions.

General Business (continued)

- 3. Objective Development Standards for Multi-Family Housing, Community Review Draft Study Session (PL) (continued)

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

SPEAKING VIA TELECONFERENCE

- Unidentified person
- Unidentified person
- Candace Brown
- Unidentified person
- Unidentified person

Mayor Meyers closed the public comment period.

Adjournment - The City Council adjourned at 10:14 p.m.

Respectfully Submitted:

Julia Wood, Deputy City Clerk Administrator

Attest:

Bonnie Bush, City Clerk Administrator

Approved:

Donna Meyers, Mayor



City Council AGENDA REPORT

DATE: 11/29/2021

AGENDA OF: 12/14/2021

DEPARTMENT: City Clerk

SUBJECT: Certification of the November 2, 2021 Election (CC)

RECOMMENDATION: Resolution confirming and approving the canvass of ballots and returns for the City of Santa Cruz Election held on November 2, 2021, and declaring that Measure A (Santa Cruz Children’s Fund Act of 2021) passed by a majority vote of the electorate of the City of Santa Cruz, thus amending the City’s Charter.

BACKGROUND: At its meeting on June 22, 2021, the City Council adopted Resolution No. NS-29,851 calling for an election in the City of Santa Cruz for the purpose of placing a measure on the November 2, 2021 ballot.

DISCUSSION: The County Elections Official certifies the results of the election (see Exhibit A to the attached resolution). On November 2, 2021, an election was held in accordance with law and the votes were cast.

A ballot measure (Measure A) amending the City’s Charter to add a section entitled “City of Santa Cruz Children’s Fund,” passed, with a majority of the votes in favor.

FISCAL IMPACT: None.

Prepared By:
Bonnie Bush
City Clerk

Submitted By:
Laura Schmidt
Assistant City Manager

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. RESOLUTION.DOC
2. EXHIBIT A - STATEMENT OF VOTE.PDF

RESOLUTION NO. NS-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
CONFIRMING AND APPROVING THE CANVASS OF BALLOTS AND RETURNS FOR
THE CITY OF SANTA CRUZ ELECTION HELD ON
NOVEMBER 2, 2021 AND DECLARING THE RESULTS

WHEREAS, at its meeting on June 22, 2021, the City Council adopted Resolution No. NS-29,851 calling for an election in the City of Santa Cruz for the purpose of placing a ballot measure on the November 2, 2021 ballot.

WHEREAS, on November 2, 2021, the election so called and ordered was held in accordance with law and the votes were counted; and

WHEREAS, the County Clerk has certified the results of the election to this Council and this Council has approved the canvass of ballots and the returns of said election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby certifies the following:

1. The election referred to above was held in the City of Santa Cruz on November 2, 2021.
2. The certified canvass of returns is set forth in Exhibit “A” and incorporated by reference.
3. A ballot measure proposing a Charter Amendment to allocate 20% of revenue generated by the Cannabis Business Tax to youth and early childhood development programs and services was submitted to the voters and votes were cast for and against the measure as follows:

Measure A – City of Santa Cruz Children’s Fund of 2021	Vote Count	Percent
No	1,896	82.74%
Yes	9,090	17.26%
Under votes	17	
Total	11,003	100.00%

4. A majority of the votes cast were in support of this ballot measure. The measure (Measure A) was successful and the Charter will be amended in accordance therewith.

RESOLUTION NO. NS-

PASSED AND ADOPTED this 14^h day of December, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

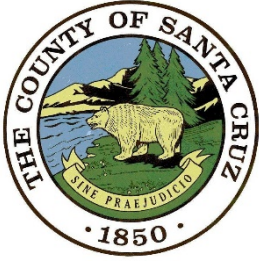
Statement of Vote



November 2, 2021 City of Santa Cruz Election



Tricia Webber, Santa Cruz County Clerk
701 Ocean St., Room 310
Santa Cruz, CA 95060
831-454-2060 / 1-866-282-5900
831-454-2445 (FAX)
www.votescount.us



County of Santa Cruz

County Clerk / Elections

701 Ocean Street, Room 310, Santa Cruz, CA 95060
Phone: 831 454-2060 Toll-free: 866-252-5900 Fax: 831-454-2445 TDD: call 711
E-mail: info@votescount.us Web sites: www.sccoclerk.us & www.votescount.us

Tricia Webber, County Clerk

November 29, 2021

Information Regarding the Statement of Vote

This Statement of Vote is prepared and issued pursuant to Elections Code Sections 15372 - 15374. Due to State Law, the election was conducted by mailing a ballot to all registered voters in addition to providing in-person voting.

How results are compiled

The Statement of Vote reports show results by “consolidated” voting precinct for each contest on the ballot. There were 14 consolidated voting precincts in this election. A key to the consolidated voting precincts is provided in the “Voting/Absentee/Regular Precinct Cross Reference” provided in this booklet.

The key to registration precincts is: 1st digit = supervisorial district; 2nd digit = city, where 1 = Santa Cruz, 2 = Capitola, 3 = Watsonville, 4= Scotts Valley and 0 = unincorporated; 3rd digit designates the council district in Watsonville. The 4th and 5th digits are random.

There was one ballot types in this election.

Following the precinct by precinct report, you will find reports of results by district: polling place, vote-by-mail, and grand totals.

The “Registered Voters” column shows the total registration for the consolidated voting precinct. Voter registration information is current as of the last day to register to vote in the election (15 days prior to the election). Late arriving, but eligible, voter registration affidavits are not included in the registration figures. Voters who voted using a Same Day or provisional ballot are reflected in the “Voters Cast” column, but they are not accounted for in the Registration column. The “Voters Cast” column shows total ballots cast either in the precinct or vote-by-mail.

Other Reports Included

Three election result summaries are included:

1. Final Official Results;
2. First release of ballots counted election night; and

3. Semi-Official Election Night Results.

Vote-By-Mail ballot statistical reports are provided showing the total number of ballots issued by voting precinct and the method of issuing and then the total number of ballots returned by voting precinct. These statistics do not reflect votes cast by confidential voters in Santa Cruz County, Same Day or provisional ballots cast by voters.

The Conditional Voter Registration Ballot Statistics Report shows how many voters voted using the same day voter registration procedures, how many were partially counted and how many were not counted and why.

The Provisional Ballot Report shows how many voters voted by provisional ballot, how many were fully counted, how many were not counted, how many were partially counted, and the breakdown of reasons why ballots were not counted.

A report showing the registration by District broken down by political party is also provided. Finally, there is a list of the voting locations established for the November election showing how many ballots were issued at each location.

The last reports outline our “Canvass Activities.”

Cost and Information

Bound copies of this Statement of Vote may be purchased for \$25 or individual pages for 50 cents per page.

If you have any questions concerning any portion of this Statement of Vote or need additional copies, please contact the Santa Cruz County Elections Department, 701 Ocean St., Room 310, Santa Cruz, CA, 95060; phone 831-454-2060; FAX 831-454-2445; Toll-Free 1-866-282-5900; info@votescount.us website www.votescount.us.

Certification of County Clerk of the Results of the Canvass of the November 2, 2021 City of Santa Cruz Election

I, Tricia Webber, County Clerk of the County of Santa Cruz, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et. seq., I did canvass the results for the votes cast in the City of Santa Cruz Election held in Santa Cruz County on November 2, 2021, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast to which this certificate is attached, is true and correct.

I hereby set my hand and official seal this 29th day of November, 2021 at the County of Santa Cruz.

Tricia Webber

Tricia Webber
Santa Cruz County Clerk



1 A - Charter Amendment - City Of Santa Cruz Children's Fund Of 2021						
					1	1
		Registered Voters	Voters Cast	Turnout (%)	Yes	No
11010	Election Day	2545	5	0.20 %	3	2
11010	Vote by Mail	2545	923	36.27 %	736	187
11010	Total	2545	928	36.46 %	739	189
31010	Election Day	4444	12	0.27 %	7	5
31010	Vote by Mail	4444	1496	33.66 %	1243	249
31010	Total	4444	1508	33.93 %	1250	254
31011	Election Day	5274	11	0.21 %	6	5
31011	Vote by Mail	5274	1538	29.16 %	1290	245
31011	Total	5274	1549	29.37 %	1296	250
31012	Election Day	0	0			
31012	Vote by Mail	0	0			
31012	Total	0	0			
31050	Election Day	2799	14	0.50 %	11	3
31050	Vote by Mail	2799	853	30.48 %	738	115
31050	Total	2799	867	30.98 %	749	118
31140	Election Day	4409	19	0.43 %	9	10
31140	Vote by Mail	4409	1434	32.52 %	1157	275
31140	Total	4409	1453	32.96 %	1166	285
31150	Election Day	2791	5	0.18 %	4	1
31150	Vote by Mail	2791	647	23.18 %	575	72
31150	Total	2791	652	23.36 %	579	73
31160	Election Day	3714	14	0.38 %	12	2
31160	Vote by Mail	3714	1073	28.89 %	842	230
31160	Total	3714	1087	29.27 %	854	232
31240	Election Day	2024	7	0.35 %	6	1
31240	Vote by Mail	2024	452	22.33 %	378	73
31240	Total	2024	459	22.68 %	384	74
31560	Election Day	3657	16	0.44 %	12	4
31560	Vote by Mail	3657	1003	27.43 %	813	187
31560	Total	3657	1019	27.86 %	825	191
31600	Election Day	514	6	1.17 %	6	
31600	Vote by Mail	514	91	17.70 %	75	16
31600	Total	514	97	18.87 %	81	16
51010	Election Day	1397	15	1.07 %	15	
51010	Vote by Mail	1397	335	23.98 %	274	60
51010	Total	1397	350	25.05 %	289	60
51080	Election Day	2409	10	0.42 %	7	3
51080	Vote by Mail	2409	637	26.44 %	527	109
51080	Total	2409	647	26.86 %	534	112
51090	Election Day	1425	7	0.49 %	6	1
51090	Vote by Mail	1425	380	26.67 %	338	41
51090	Total	1425	387	27.16 %	344	42
Electionwide	Election Day	37402	141	0.38 %	104	37
Electionwide	Vote by Mail	37402	10862	29.04 %	8986	1859
Electionwide	Total	37402	11003	29.42 %	9090	1896
Total - Election Day		37402	141	0.38 %	104	37
Total - Vote by Mail		37402	10862	29.04 %	8986	1859

**1 A - Charter Amendment - City Of
 Santa Cruz Children's Fund Of
 2021**

					1	1
		Registered Voters	Voters Cast	Turnout (%)	Yes	No
Contest Total		37402	11003	29.42 %	9090	1896

**1 A - Charter Amendment - City Of
 Santa Cruz Children's Fund Of
 2021**

						1	1
			Registered Voters	Voters Cast	Turnout (%)	Yes	No
Electionwide	Total	37402	11003	29.42 %	9090	1896	
California	Total	37402	11003	29.42 %	9090	1896	
18th Congressional District	Total	0	0				
20th Congressional District	Total	37402	11003	29.42 %	9090	1896	
17th Senatorial District	Total	37402	11003	29.42 %	9090	1896	
29th Assembly District	Total	37402	11003	29.42 %	9090	1896	
State Board of Equalization - District 2	Total	37402	11003	29.42 %	9090	1896	
1st Supervisorial District	Total	2545	928	36.46 %	739	189	
3rd Supervisorial District	Total	29626	8691	29.34 %	7184	1493	
5th Supervisorial District	Total	5231	1384	26.46 %	1167	214	
City of Santa Cruz	Total	37402	11003	29.42 %	9090	1896	
Unincorporated - Unincorporated	Total	37402	11003	29.42 %	9090	1896	

**1 A - Charter Amendment - City Of
 Santa Cruz Children's Fund Of
 2021**

						1	1
			Registered Voters	Voters Cast	Turnout (%)	Yes	No
Electionwide	Total	37402	141	0.38 %	104	37	
California	Total	37402	141	0.38 %	104	37	
18th Congressional District	Total	0	0				
20th Congressional District	Total	37402	141	0.38 %	104	37	
17th Senatorial District	Total	37402	141	0.38 %	104	37	
29th Assembly District	Total	37402	141	0.38 %	104	37	
State Board of Equalization - District 2	Total	37402	141	0.38 %	104	37	
1st Supervisorial District	Total	2545	5	0.20 %	3	2	
3rd Supervisorial District	Total	29626	104	0.35 %	73	31	
5th Supervisorial District	Total	5231	32	0.61 %	28	4	
City of Santa Cruz	Total	37402	141	0.38 %	104	37	
Unincorporated - Unincorporated	Total	37402	141	0.38 %	104	37	

**1 A - Charter Amendment - City Of
 Santa Cruz Children's Fund Of
 2021**

						1	1
			Registered Voters	Voters Cast	Turnout (%)	Yes	No
Electionwide	Total	37402	10862	29.04 %	8986	1859	
California	Total	37402	10862	29.04 %	8986	1859	
18th Congressional District	Total	0	0				
20th Congressional District	Total	37402	10862	29.04 %	8986	1859	
17th Senatorial District	Total	37402	10862	29.04 %	8986	1859	
29th Assembly District	Total	37402	10862	29.04 %	8986	1859	
State Board of Equalization - District 2	Total	37402	10862	29.04 %	8986	1859	
1st Supervisorial District	Total	2545	923	36.27 %	736	187	
3rd Supervisorial District	Total	29626	8587	28.98 %	7111	1462	
5th Supervisorial District	Total	5231	1352	25.85 %	1139	210	
City of Santa Cruz	Total	37402	10862	29.04 %	8986	1859	
Unincorporated - Unincorporated	Total	37402	10862	29.04 %	8986	1859	

**City of Santa Cruz Special Election
November 2, 2021
-Official Results-**

Precincts Reported: 14 of 14 (100.00%)

Voters Cast: 11,003 of 37,402 (29.42%)

**A - Charter Amendment - City Of Santa Cruz Children's Fund Of 2021
(Vote for 1)**

Precincts Reported: 14 of 14 (100.00%)

	Total	
Times Cast	11,003 / 37,402	29.42%
Undervotes	17	
Overvotes	0	

Candidate	Total	
Yes	9,090	
No	1,896	
Total Votes	10,986	



City Council AGENDA REPORT

DATE: 11/29/2021

AGENDA OF: 12/14/2021

DEPARTMENT: City Clerk

SUBJECT: Approval of Advisory Body Bylaws (CC)

RECOMMENDATION: Motion to approve the proposed amendments to the bylaws for the City's Advisory Bodies.

BACKGROUND: The City's standing advisory bodies have all adopted bylaws, which, along with the Councilmember Handbook, provide procedures on how the respective commission/board conducts their business.

DISCUSSION: The City Clerk has updated the bylaws for the City's Advisory Bodies to standardize certain language. The bylaws were brought to the commissions for review and approval, at which time, some commissions made additional edits.

The Clerk's recommended edits include:

- 1) Amending the membership year language, as it is not consistent between all the groups. This inconsistency often creates issues with clarity during the annual appointment process. The City Clerk requested that all commissions amend their bylaws to change the membership year to February 1st through January 31st of the following year.
- 2) The change to the membership year resulted in the need to amend the Elections of Officers timeline of some of the boards to occur in February, as opposed to January.
- 3) All gender-specific language was removed.
- 4) Removal of the signature blocks on the front page, as members rotate so often, this information would oftentimes not be current.

Other proposed edits include:

Arts Commission:

- Removal of language regarding Redevelopment

Commission for the Prevention of Violence Against Women:

- Article VIII – Meetings was updated to amend the meeting days and time, which was previously approved by the Commission and Council.

Downtown Commission:

No additional edits.

Equal Employment Opportunity Committee

- Language under Good Standing and Reporting of Absences was updated to be consistent with both process and other bylaws.

Historic Preservation Commission

- Language under Good Standing and Reporting of Absences was updated to be consistent with both process and other bylaws.

Parks and Recreation Commission

- Language under Article III – Duties and Responsibilities was updated to provide clarity and make consistent with current process.
- Language under Good Standing and Reporting of Absences was updated to be consistent with both process and other bylaws.
- Language under Staff Support was updated to provide clarity and make consistent with current process.
- Article VIII – Meetings was updated to amend the meetings dates, which were previously approved by the Commission.

Planning Commission:

No additional edits.

Sister Cities Committee:

- Language under Staff Support was updated to provide clarity and make consistent with current process.

Transportation and Public Works Commission:

- Language under Good Standing and Reporting of Absences was updated to be consistent with both process and other bylaws.
- Article VIII – Meetings was updated to amend the meeting adjournment time.

Water Commission:

No additional edits.

FISCAL IMPACT: None.

Prepared By:

Bonnie Bush
City Clerk

Submitted By:

Laura Schmidt
Assistant City Manager

Approved By:

Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. ARTS COMMISSION BYLAWS CLEAN.DOCX
2. CPVAW BYLAWS CLEAN.DOC
3. DOWNTOWN COMMISSION CLEAN.DOC
4. EEOC BYLAWS CLEAN.DOC
5. HISTORIC PRESERVATION COMMISSION BYLAWS CLEAN.DOC
6. PARKS AND RECREATION BYLAWS CLEAN.DOC
7. PLANNING COMMISSION BYLAWS CLEAN.DOC
8. SISTER CITIES BYLAWS CLEAN.DOC
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BYLAWS

of the

Arts Commission

City of Santa Cruz, California

Under authority of applicable statutes of the State of California, and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Arts Commission of the City of Santa Cruz, CA

Adopted April 28, 2004

Amended Approved by City Council May 11, 2004

Amended Approved by City Council May 23, 2006; Approved by John Barisone, City Attorney
May 31, 2006

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February 13, 2007

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February 24, 2009

Amended Approved by John Barisone, City Attorney January 23, 2014; Approved by City Council
May 13, 2014

Arts Commission Bylaws

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Arts Commission Bylaws

ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization shall be the Arts Commission of the City of Santa Cruz, California; hereinafter referred to as the Commission, or the Advisory Body.

ARTICLE II – PURPOSE

The Arts Commission serves the City Council as policy advisors and proponents for a vibrant cultural environment in Santa Cruz. The seven-member Commission helps guide implementation of City Arts programs, oversees the Public Art Program pursuant to Chapter 12.80 of the City's Municipal Code, advocates for public art and cultural activities that enhance the identity and enjoyment of our city, and encourages community collaborations that help the city achieve its cultural goals as outlined in the General Plan.

ARTICLE III – DUTIES AND RESPONSIBILITIES

The Arts Commission shall have the ability, as vested by the City Council, and be required to:

- Recommend to the City Council, after public input, the adoption, amendment or repeal of ordinances of public art, art related projects and proposals;
- Assume responsibility for oversight of the public art program, including, budgeting and allocations of public art funds and administering existing public art in the City of Santa Cruz;
- Consult in the development of the annual public art plan;
- Develop each public art project, including developing written materials for soliciting participation in public art projects, recommending terms for contractual agreements with artists, soliciting input (as necessary) from the public and from local artists, appointing selection panels for public art projects, reviewing recommended artists and artwork proposals, recommending projects.
- Receive, as necessary, recommendations from ad-hoc panels comprised of members of the public and representatives from the Arts Commission. Panels created to review potential project artists and/or projects may be conducted in full confidentiality if conducted with fewer than six Committee members present. Panel recommendations and actions on the recommendations will be made in open sessions of the full Commission.
- Act in an advisory capacity to the City Council in all matters pertaining to Public Art in the City of Santa Cruz;
- Act in an advisory capacity to the City Council in all matters pertaining to the allocation of public funds for the support and encouragement of existing and new programs in the arts and for the acquisition by purchase, gift or otherwise of works of art;
- Receive complaints pertaining to public art related projects and proposals;
- Review and make recommendations to the City Council pertaining to the interpretation and implementation of established policies and practices of the City as they relate to the objectives of the Arts Commission;
- Subject to City Council approval, to initiate, sponsor, or direct special programs which will enhance the cultural climate of the City;
- Cooperate with other commissions and civic organizations in order to foster public interest in the arts;
- Review, monitor, and make long-range recommendations concerning public art related projects and proposals;
- Hear and decide matters relating to public art related projects and proposals; and
- Perform other duties as may from time to time be prescribed by the City Council.

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The Arts Commission shall consist of seven (7) Arts Commission members, hereinafter referred to as members. Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by City Ordinance or by the City Council.

Section 2. Qualifications

Appointed by the City Council a minimum of five commissioners shall be qualified electors of the city. A maximum of two commissioners may be non-residents of the city provided that the non-resident commissioners either work or conduct business in the city. Non-residents must work in one of the following vocations: Artist, designer, arts entrepreneur, landscape architect, arts educator, arts administrator, architect or planner. The majority of the arts commission shall be comprised of commissioners who work in the vocations named above.

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk. Prospective applicants are encouraged to contact Arts staff and attend an Arts Commission meeting in advance of filing an application.

Section 4. Method of Appointment

The Arts Commission shall consist of seven (7) members appointed by the City Council and serving thereafter at the pleasure of the Council.

Section 5. Good Standing and Reporting of Absences

Councilmembers and the chairperson of each permanent city advisory body shall receive annual attendance reports prepared in the City Clerk's Department. Absences will be identified as "with notification" or "without notification." An absence is considered as "with notification" if the member notifies the chairperson or the staff prior to the meeting. If there has been no prior notification, the absence is considered "without notification." It is important to notify staff of any absences for the purposes of determining a quorum. Advisory body members are expected to attend meetings regularly.

Members who serve on advisory bodies which are scheduled to meet more than once monthly are allowed six absences per year.

Members who serve on advisory bodies which are scheduled to meet seven to twelve times per year are allowed three absences per year.

Members who serve on advisory bodies which meet six or less times per year are allowed one absence per year.

It is the responsibility of staff of an advisory body to bring serious attendance issues to the attention of the Mayor or City Clerk prior to reaching the limit, if possible. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member or chairperson, that action may be initiated by Council to remove the member from the advisory body. The Mayor

may choose to postpone or withhold notification to Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

Section 6. Termination

After three meetings following appointment to the Advisory Body, each member shall be subject to removal by motion of any Councilmember, adopted by at least four affirmative votes. (A termination may also take place without a motion at any time by the Councilmember who appointed the member. *(Optional for direct appointments)*)

Section 7. Ex-Officio Membership “Optional”

The Arts Commission may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Advisory Body to serve as non-voting ex-officio members to lend other opinions or expertise to the work of the Advisory Body. The City Council will authorize the Chair of the Advisory Body to nominate member(s)-at-large for Council approval to be non-voting ex-officio members for a determined period of time.

ARTICLE V – TERM OF OFFICE

Section 1. Term

Term of office for each member shall be four years. A member may be appointed to complete an unexpired term. A Member may continue to serve until their successor has been appointed.

Section 2. Membership Year

A membership year shall be from February 1st to January 31st of each year.

Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Members who have six years or less at the time their term expires are eligible for reappointment.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Officers of the Advisory Body shall consist of a Chair and Vice Chair.

Section 2. Election of Officers

As soon as is practicable following the first day of February of every year, there shall be elected from among the membership of the Advisory Body a Chair and Vice Chair.

Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw their name if placed in nomination, announcing that, if elected, they would not be able to serve; but they shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair, and will immediately chair the remainder of the meeting.

The same procedure is followed for the election of Vice Chair.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Advisory Body at a regularly scheduled meeting of the Advisory Body, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall decide upon all points of order and procedure during the meeting; their decision shall be final unless overruled by a vote of the Advisory Body, in compliance with Article IX, Section 2, "General Conduct of Meetings." The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Advisory Body before City Council whenever the Advisory Body or Council considers it necessary. The Chair and staff shall jointly set the meeting agenda.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The Economic Development Department Director shall designate appropriate staff to act as staff person(s) to assist and support the Advisory Body. Staff shall attend all regular and special Advisory Body meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Advisory Body in the conduct of its business according to City Council policy and the Brown Act.

Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Advisory Body meetings.

Staff shall record the minutes of the meetings in accordance with the guidelines established in the “Preparation of Minutes” section of the City Council members' Handbook, shall supervise volunteers and interns, shall work closely with the Chair between meetings, shall make recommendations, prepare reports and proposals to the Advisory Body, may represent the Advisory Body at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks.

Staff shall be responsible for the maintenance of proper records and files pertaining to Advisory Body business. Staff shall receive and record all exhibits, petitions, documents, or other materials presented to the Advisory Body in support of, or in opposition to, any question before the Advisory Body. Staff shall sign all notices prepared in connection with Advisory Body business, shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. Staff Relationship to the Advisory Body

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Advisory Body. If a member has a research or report request, it shall be brought to the Advisory Body for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Advisory Body, the individual member shall be responsible for their own research or report.

Staff and the Chair shall jointly set the meeting agenda.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Advisory Body will hold its regular meeting on the second Wednesday of the month at least six times per year, which shall begin at 6:00 p.m. in City Council Chambers, unless otherwise noticed, and will adjourn no later than 8:00 p.m., unless the Chair, with concurrence of the Advisory Body, extends the time of adjournment. If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Advisory Body, staff, or a majority of the membership of the Advisory Body may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Advisory Body on item(s) on the agenda.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Advisory Body shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Advisory Body. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Council members' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Advisory Body member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on an Advisory Body agenda. Issues can be referred to an advisory body by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, "Agenda Reports to Advisory Body."

Section 4. Quorum

A quorum of the Arts Commission shall consist of four (4) members, whether or not there are vacancies on the Advisory Body.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

Section 7. Order of Business

The Chair or a majority vote of the Advisory Body may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Advisory Body and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at their discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be

a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Advisory Body, or to avoid public input on an agenda item under consideration by the Advisory Body.

Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., “The motion passes by a vote of five to two.”

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.” No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that “no person shall make or participate in a governmental decision which s/he knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.”

Any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for their vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where they have a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Advisory Body staff shall call the roll and each member shall state their vote for the record.

Section 4. Sealed Ballot Votes

No Advisory Body shall take a sealed ballot vote in open session.

Section 5. Adoption of a Motion

Adoption of a motion shall be made by a simple majority of the members present, except as otherwise provided. The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie Votes

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Advisory Body, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Advisory Body, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Advisory Body

All agenda items require a written report or an oral report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Oral and written reports shall include recommendation(s) and background. If a report is initiated by an Advisory Body member, a draft of that report shall be provided to staff for formatting at least 10 business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda reports. Items initiated by a committee shall be processed in the same

manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

Section 3. Preparation of Advisory Body-Generated City Council Agenda Reports

All resolutions and recommendations adopted by the Advisory Body and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Advisory Body shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Advisory Body disagree, an analysis of both recommendations shall be included.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

Section 2. Action Agenda

Action agendas are required for Advisory Bodies with direct City Council appointments. An action agenda is an unofficial record of the meeting and shall consist of attendance; motion maker and seconder of the motion; and an actual tally of the votes for all actions taken. The action agenda shall be made available to the Advisory Body, the City Clerk, and Staff within four working days of the meeting.

Section 3. Minutes

Action-only minutes will be produced for all Advisory Body meetings in the same format as that used for City Council meetings. Advisory Body members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Advisory Body at a subsequent meeting.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Audio and Video Recording of Meetings

Proceedings for all Advisory Body meetings shall be audio-recorded whenever possible. The audio files shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule.

As appropriate and/or when requested by the Advisory Body or City Council, a meeting of the Advisory Body may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the

proceedings under any circumstances.

ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by an Advisory Body to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the appointing Advisory Body. Ad hoc committees shall bring back information to the Advisory Body in either oral or written form.

Following ad hoc committee input, the Advisory Body shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Advisory Body at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Advisory Body. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

Section 3. Staff Support to Committees

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Advisory Body.

Section 4. Appointments

The Commission may establish, by majority vote of the members, any standing or temporary committee deemed necessary to carry out the functions and purposes of the Commission and may delegate such authority to the committee as the Chairperson or Commission deems appropriate in accordance with Council Policy 5.12. The Chairperson shall make all assignments and appoint the Chairperson of each committee. The Chair of the Advisory Body may designate or solicit participation for standing and ad hoc committees.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Advisory Body may amend these bylaws, subject to the approval of the City Council.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than a majority of the full membership of the Arts Commission of the City of Santa Cruz and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are hereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Advisory Body may direct its activities.



BYLAWS

of the

**Commission for the Prevention of Violence Against Women
City of Santa Cruz, California**

Under authority of applicable statutes of the State of California, and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Commission for the Prevention of Violence Against Women of the City of Santa Cruz, CA.

Amended June 18, 1985

Amended September 4, 1991

Amended May 3, 2006

Amended May 5, 2010

Amended April 3, 2013

Approved by City Council

Commission for the Prevention of Violence Against Women Bylaws

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Commission for the Prevention of Violence Against Women Bylaws

ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization shall be the Commission for the Prevention of Violence Against Women of the City of Santa Cruz, California; hereinafter referred to as CPVAW, or Commission, or the Advisory Body. The Commission is established pursuant to Santa Cruz City Initiative Ordinance Number 81-29.

ARTICLE II – PURPOSE

The purpose of the Commission is to:

To make ending violence against women the highest priority in the City of Santa Cruz

To ensure collaboration with other public and private agencies to support existing programs and support the development of new programs as needed

To facilitate meaningful citizen participation in the work of the Commission

To continue to work with law enforcement to develop strategies for the successful prosecution and conviction of the crimes of violence against women

ARTICLE III – POWERS AND DUTIES

The Commission for the Prevention of Violence Against Women shall have the power and duty to perform functions as provided in Ordinance 81-29, and as may be amended. These powers and duties are:

1. Develop and present to the City Council, in the form of recommendations, a comprehensive plan for the prevention of rape and domestic violence in the City of Santa Cruz. This plan, as a minimum, shall include:
 - a) educational programs designed for the workplace, schools, police, religious and community groups, City programs, private and public health care facilities and all other groups upon request; and
 - b) the development of an outreach plan to ensure the effectiveness of these educational programs.
2. Assist implementation of this comprehensive plan and to present further recommendations for the comprehensive plan to the City Council on an ongoing basis; and
3. Cooperate with other public and private agencies in seeking ways to carry out the purpose of Ordinance 81-29; and
4. Hear citizen complaints and recommendations about City Police Department's service to women who have been raped or battered; to evaluate such input and present

recommendations to the City Council regarding activities of the Police Department relating to this Ordinance; and

5. Call upon members of the Police Department to present information necessary to carry out the Commission's duties; and
6. Make recommendations to the City Council regarding police training in the areas of rape and domestic violence; and
7. Consider, advise, and make recommendations to the City Council on other matters relating to the purpose of this Ordinance; and
8. Perform such advisory functions as may be delegated to the Commission by the City Council; and
9. Submit an annual detailed report documenting City, community, and police efforts to carry out the purpose of Ordinance 81-29

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The Commission for the Prevention of Violence Against Women (CPVAW) shall consist of seven members, hereinafter referred to as members.

Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by City Ordinance or by the City Council.

Section 2. Qualifications

Members shall be residents of the City of Santa Cruz, Ordinance 81-29.

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk.

Section 4. Method of Appointment

Pursuant to Initiative Ordinance No. 81-29, each member of the City Council shall nominate one member for appointment to the Commission for the Prevention of Violence Against Women by majority vote of the City Council. Any appointment to fill an unexpired term shall be for such unexpired period;

Section 5. . Good Standing and Reporting of Absences

Councilmembers and the chairperson of each permanent city advisory body shall receive annual attendance reports prepared in the City Clerk's Department. Absences will be identified as "with notification" and "without notification. An absence is considered as "with notification" if the member notifies the chairperson or the staff prior to the meeting. If there has been no prior notification, the absence is considered "without notification." It is important to notify staff of any absences for the purposes of determining a quorum. Advisory body members are expected to attend meetings regularly.

Members who serve on advisory bodies, which are scheduled to meet seven to twelve times per year, are allowed three absences per year.

It is the responsibility of staff of an advisory body to bring serious attendance issues to the attention of the Mayor or City Clerk prior to reaching the limit, if possible. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member or chairperson that action may be initiated by City Council to remove the member from the advisory body. The Mayor may choose to postpone or withhold notification to City Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

Section 6. Termination

After three meetings following appointment to the Advisory Body, each member shall be subject to removal by motion of the nominating Councilmember, adopted by at least four affirmative votes. A termination may also take place without a motion at any time by the Councilmember who appointed the member.

Section 7. Ex-Officio Membership “Optional”

The Commission for the Prevention of Violence Against Women may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Advisory Body to serve as non-voting ex-officio members to lend other opinions or expertise to the work of the Advisory Body. CPVAW may have up to three Ex-Officio Teen Representatives, subject to approval by the Commission and appointed by the Chair, who contribute the perspective of a teen. There shall be no term limit for the Teen Ex-Officio Representatives. The Santa Cruz Police Department will designate a Sergeant **or other ranking staff** to serve as a non-voting ex-officio member known as the SC Police Liaison to the Commission.

ARTICLE V – TERM OF OFFICE

Section 1. Term

Unless the appointing Councilmember prescribes a shorter term at the time of appointment, the term of office of each commission member shall be four years, expiring on January 1 after the expiration of the term of office of the councilmember who nominated the commissioner; provided that if the nominating councilmember leaves office prior to the expiration of the councilmember's term, the commissioner's term shall expire with the councilmember's term and the succeeding councilmember shall nominate a new commissioner to fill the unexpired term, and provided further, however, that if a replacement has not been appointed and qualified as of the expiration date, the commission member shall continue to serve until a successor has been nominated, appointed and qualified. If, as a result of this chapter, there are additional members added to any board or commission, or if the city council shall hereafter establish a new board or commission, the city council shall set the term of office at the time of appointment to the new office.

Section 2. Membership Year

A membership year shall be from January 1 – December 31.

Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Members who have six years or less at the time their term expires are eligible for reappointment.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Officers of the Advisory Body shall consist of a Chair and Vice Chair.

Section 2. Election of Officers

As soon as is practicable following the first day of January of every year, there shall be elected from among the membership of the Advisory Body a Chair and Vice Chair.

Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw their name if placed in nomination, announcing that, if elected, they would not be able to serve; but they shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair, and will immediately chair the remainder of the meeting.

The same procedure is followed for the election of Vice Chair.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Advisory Body at a regularly scheduled meeting of the Advisory Body, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall decide upon all points of order and procedure during the meeting; their decision shall be final unless overruled by a vote of the Advisory Body, in compliance with Article IX, Section 2, "General Conduct of Meetings." The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Advisory Body before City Council whenever the Advisory Body or Council considers it necessary. The Chair and staff shall jointly set the meeting agenda.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The City Manager shall designate appropriate staff to act as staff person(s) to assist and support the Advisory Body. Staff shall attend all regular and special Advisory Body meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Advisory Body in the conduct of its business according to City Council policy and the Brown Act. Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Advisory Body meetings.

Staff shall record the minutes of the meetings in accordance with the guidelines established in the "Preparation of Minutes" section of the City Councilmembers' Handbook, shall supervise volunteers and interns, shall work closely with the Chair between meetings, shall make recommendations, prepare reports and proposals to the Advisory Body, may represent the Advisory Body at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks.

Staff shall be responsible for the maintenance of proper records and files pertaining to Advisory Body business. Staff shall receive and record all exhibits, petitions, documents, or other

materials presented to the Advisory Body in support of, or in opposition to, any question before the Advisory Body. Staff shall sign all notices prepared in connection with Advisory Body business, shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. Staff Relationship to the Advisory Body

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Advisory Body. If a member has a research or report request, it shall be brought to the Advisory Body for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Advisory Body, the individual member shall be responsible for their own research or report.

Staff and the Chair shall jointly set the meeting agenda.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Advisory Body will hold its regular meetings six times a year during the following months: February, March, May, August, September, and November on the first Wednesday of the listed months which shall begin at 6:30PM in the City Council Chambers and will adjourn no later than 10:00 PM, unless the Chair, with concurrence of the Advisory Body, extends the time of adjournment.

If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Advisory Body, staff, or a majority of the membership of the Advisory Body may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Advisory Body on item(s) on the agenda.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Advisory Body shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Advisory Body. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Councilmembers' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Advisory Body member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on an Advisory Body agenda. Issues can be referred to an advisory body by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, "Agenda Reports to Advisory Body."

Section 4. Quorum

A quorum of the Commission for the Prevention of Violence Against Women shall consist of four members, whether or not there are vacancies on the Advisory Body.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

Section 7. Order of Business

The Chair or a majority vote of the Advisory Body may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Advisory Body and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at their discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Advisory Body, or to avoid public input on an agenda item under consideration by the Advisory Body.

Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., “The motion passes by a vote of five to two.”

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.” No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that “no person shall make or participate in a governmental decision which s/he knows or has reason

to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.”

Any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for their vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where they have a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Advisory Body staff shall call the roll and each member shall state their vote for the record.

Section 4. Sealed Ballot Votes

No Advisory Body shall take a sealed ballot vote in open session.

Section 5. Adoption of

Adoption of a motion shall be made by a simple majority of the members present, except as otherwise provided. The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie Votes

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Advisory Body, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Advisory Body, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Advisory Body

All agenda items require a written report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Reports shall include recommendation(s) and background. If a report is initiated by an Advisory Body member, a draft of that report shall be provided to staff for formatting at least seven (7) business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda reports. Items initiated by a committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

Section 3. Preparation of Advisory Body-Generated City Council Agenda Reports

All resolutions and recommendations adopted by the Advisory Body and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Advisory Body shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Advisory Body disagree, an analysis of both recommendations shall be included.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

Section 2. Action Agenda

Action agendas are required for Advisory Bodies with direct City Council appointments. An action agenda is an unofficial record of the meeting and shall consist of attendance; motion maker and seconder of the motion; and an actual tally of the votes for all actions taken. The action agenda shall be made available to the Advisory Body, the City Clerk, and Staff within four working days of the meeting.

Section 3. Minutes

Action-only minutes will be produced for all Advisory Body meetings in the same format as that used for City Council meetings. Advisory Body members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Advisory Body at a subsequent meeting.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Audio and Video Recording of Meetings

Proceedings for all Advisory Body meetings shall be recorded whenever possible. The audio recordings shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule.

As appropriate and/or when requested by the Advisory Body or City Council, a meeting of the Advisory Body may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by an Advisory Body to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the appointing Advisory Body. Ad hoc committees shall bring back information to the Advisory Body in either oral or written form.

Following ad hoc committee input, the Advisory Body shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Advisory Body at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Advisory Body. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance. The Commission for the Prevention of Violence Against Women has established **one** standing committee: the Police Committee. The Police Committee will provide time on each meeting agenda to adjourn, if necessary, to a confidential session to review/discuss police reports and other confidential matters pertaining to the SC Police Department.

Section 3. Staff Support to Committees

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall

provide a final report to the Advisory Body in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Advisory Body.

Section 4. Appointments

Committees shall be established by majority vote of the Commission. The Chair of the Advisory Body may designate or solicit participation for standing and ad hoc committees. A committee shall be composed of one or more Commissioners, not to exceed three Commissioners. Staff is not a committee member and may or may not be present at subcommittee meetings.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Advisory Body may amend these bylaws, subject to the approval of the City Council.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than a (4/7) majority of the full membership of the Commission for the Prevention of Violence Against Women of the City of Santa Cruz and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are hereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Advisory Body may direct its activities.



BYLAWS
of the
DOWNTOWN COMMISSION

City of Santa Cruz, California

Under authority of applicable statutes of the State of California, and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Downtown Commission of the City of Santa Cruz, CA

Adopted 1987

Amended October 15, 2020

Approved by City Council February 23, 2021

Downtown Commission Bylaws

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Downtown Commission Bylaws

ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization shall be the Downtown Commission of the City of Santa Cruz, California; hereinafter referred to as the Commission or the Advisory Body.

ARTICLE II – PURPOSE

The Downtown Commission shall generally be responsible for advising the City Council in matters pertaining to the areas known as the Central Parking and Business Improvement District and Parking District No.1 (Districts) as they presently exist or may hereafter be modified.

ARTICLE III – DUTIES AND RESPONSIBILITIES

The Downtown Commission shall have the ability, as vested by the City Council, and be required to:

- Recommend to the City Council, after public input, the adoption, amendment or repeal of ordinances, resolutions, or requirements pertaining to the preservation, enhancement, and advancement of the viability and attractiveness of the Districts;
- Make recommendations concerning proposed allocation of funds derived from revenues collected on behalf of the Districts. Such recommendations shall be consistent with state and local law, and outstanding bond covenants;
- Undertake studies in the area of traffic problems in the Districts;
- Act in an advisory capacity to the City Council in all matters pertaining to the maintenance and management of the Districts;
- Receive complaints pertaining to downtown issues, including parking;
- Review and make recommendations to the City Council pertaining to public and private activities in the District;
- Review, monitor, and make long-range recommendations concerning the development of parking in the Districts. Report to Council on their recommendations and conclusions regarding the Districts' improvements including the estimated costs of such recommendations. Hear and decide matters relating to operations of downtown parking and transportation; and
- Perform other duties as may from time to time be prescribed by the City Council.

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The Downtown Commission shall consist of seven (7) Downtown Commission members, hereinafter referred to as members.

Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by City Ordinance or by the City Council.

Section 2. Qualifications

The members of the Downtown Commission shall either be qualified electors of the City of Santa Cruz or shall be qualified electors of the County of Santa Cruz who are proprietors or employees of commercial establishments, or members of professions with offices or businesses physically located within the boundaries of the Central Parking and Business Improvement District, or Parking District No. 1. The majority of the commission shall be comprised of commissioners who are proprietors or employees of commercial establishments, or members of professions with offices or businesses physically located within the boundaries of the two districts. (Ord. 87-10 § 1 (part), 1987)

Should the County or City of Santa Cruz, California be under a declared emergency natural disaster, an unforeseen circumstance arises that causes a change in qualifications for a member resulting in a vacancy, the disqualified member may continue to serve on the Commission until a new appointment has been made. Any other cause of disqualification would result in resignation from the Commission.

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk.

Section 4. Method of Appointment

The City Council will appoint members to the Downtown Commission by an at-large vote.

Section 5. Good Standing and Reporting of Absences

Absences will be identified as “with notification” and “without notification.” An absence is considered as “with notification” if the member notifies the Staff or the Chair prior to a regular or special meeting. If there has been no prior notification, the absence is considered “without notification.” It is important to notify staff of any absences for the purposes of determining a quorum. Advisory body members are expected to attend meetings regularly.

Each member is allowed one absence per calendar year. It is the responsibility of staff of an advisory body to bring serious attendance issues to the attention of the Mayor or City Clerk prior to reaching the limit, if possible. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member or chairperson, that action may be initiated by Council to remove the member from the advisory body. The Mayor may choose to postpone or withhold notification to Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

Section 6. Termination

After three meetings following appointment to the Advisory Body, each member shall be subject to removal by motion of any Councilmember, adopted by at least four affirmative votes.

Section 7. Ex-Officio Membership “Optional”

The Downtown Commission may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Advisory Body to serve as non-voting ex-officio members to lend other opinions or expertise to the work of the Advisory Body. The City Council will

authorize the Chair of the Advisory Body to nominate member(s)-at-large for Council approval to be non-voting ex-officio members for a determined period of time.

ARTICLE V – TERM OF OFFICE

Section 1. Term

Term of office for each member shall be four years. A member may be appointed to complete an unexpired term. A Member may continue to serve until their successor has been appointed.

Section 2. Membership Year

A membership year shall be from February 1st to January 31st of each year.

Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Members who have six years or less at the time their term expires are eligible for reappointment.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Officers of the Advisory Body shall consist of a Chair and Vice Chair.

Section 2. Election of Officers

As soon as is practicable following the first day of February of every year, there shall be elected from among the membership of the Advisory Body a Chair and Vice Chair.

Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw their name if placed in nomination, announcing that, if elected, they would not be able to serve; but they shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair, and will immediately chair the remainder of the meeting.

The same procedure is followed for the election of Vice Chair.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Advisory Body at a regularly scheduled meeting of the Advisory Body, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendaized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall decide upon all points of order and procedure during the meeting; their decision shall be final unless overruled by a vote of the Advisory Body, in compliance with Article IX, Section 2, "General Conduct of Meetings." The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Advisory Body before City Council whenever the Advisory Body or Council considers it necessary. The Chair and staff shall jointly set the meeting agenda.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The Director of Public Works shall designate appropriate staff to act as staff person(s) to assist and support the Advisory Body. Staff shall attend all regular and special Advisory Body meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Advisory Body in the conduct of its business according to City Council policy and the Brown Act. Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Advisory Body meetings.

Staff shall record the minutes of the meetings in accordance with the guidelines established in the "Preparation of Minutes" section of the City Councilmembers' Handbook, shall supervise volunteers and interns, shall work closely with the Chair between meetings, shall make recommendations, prepare reports and proposals to the Advisory Body, may represent the Advisory Body at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks.

Staff shall be responsible for the maintenance of proper records and files pertaining to Advisory Body business. Staff shall receive and record all exhibits, petitions, documents, or other materials presented to the Advisory Body in support of, or in opposition to, any question before the Advisory Body. Staff shall sign all notices prepared in connection with Advisory Body business, shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. Staff Relationship to the Advisory Body

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Advisory Body. If a member has a research or report request, it shall be brought to the Advisory Body for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Advisory Body, the individual member shall be responsible for their own research or report.

Staff and the Chair shall jointly set the meeting agenda.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Advisory Body will hold its regular meeting on the fourth Thursday of every other month (January, March, May, July, September, November), which shall begin at 8:30 a.m. in the City Council Chambers and will adjourn no later than 11:00 a.m., unless the Chair, with concurrence of the Advisory Body, extends the time of adjournment.

If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Advisory Body, staff, or a majority of the membership of the Advisory Body may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Advisory Body on item(s) on the agenda.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Advisory Body shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

Section 2. General Conduct of Meetings

Members who must leave a meeting early should state so at the beginning of the meeting. Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Advisory Body. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Councilmembers' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Advisory Body member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on an Advisory Body agenda. Issues can be referred to an advisory body by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, "Agenda Reports to Advisory Body."

Section 4. Quorum

A quorum of the Downtown Commission shall consist of four (4) members, whether or not there are vacancies on the Advisory Body.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

Section 7. Order of Business

The Chair or a majority vote of the Advisory Body may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Advisory Body and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at their discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Advisory Body, or to avoid public input on an agenda item under consideration by the Advisory Body.

Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., “The motion passes by a vote of five to two.”

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.” No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that “no person shall make or participate in a governmental decision which they know or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.”

Any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficiently to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until discussion, vote and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters; and
- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for their vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where they have a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Advisory Body staff shall call the roll and each member shall state their vote for the record.

Section 4. Sealed Ballot Votes

No Advisory Body shall take a sealed ballot vote in open session.

Section 5. Adoption of

Adoption of a motion shall be made by a simple majority of the members present, except as otherwise provided. The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie Votes

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Advisory Body, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Advisory Body, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Advisory Body

All agenda items require a written report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Reports shall include recommendation(s) and background. If a report is initiated by an Advisory Body member, a draft of that report shall be provided to staff for formatting at least ten (10) business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda reports. Items initiated by a committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

Section 3. Preparation of Advisory Body-Generated City Council Agenda Reports

All resolutions and recommendations adopted by the Advisory Body and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Advisory Body shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Advisory Body disagree, an analysis of both recommendations shall be included.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

Section 2. Action Agenda

Action agendas are required for Advisory Bodies. An action agenda is an unofficial record of the meeting and shall consist of attendance; motion maker and seconder of the motion; and an actual tally of the votes for all actions taken. The action agenda shall be made available to the Advisory Body, the City Clerk, and Staff within four working days of the meeting.

Section 3. Minutes

Action-only minutes will be produced for all Advisory Body meetings in the same format as that used for City Council meetings. Advisory Body members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Advisory Body at a subsequent meeting.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Audio and Video Recording of Meetings

Proceedings for all Advisory Body meetings shall be recorded on audiotapes whenever possible. The audiotapes shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule.

As appropriate and/or when requested by the Advisory Body or City Council, a meeting of the Advisory Body may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by an Advisory Body to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the appointing Advisory Body. Ad hoc committees shall bring back information to the Advisory Body in either oral or written form.

Following ad hoc committee input, the Advisory Body shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Advisory Body at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Advisory Body. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

Section 3. Staff Support to Committees

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Advisory Body.

Section 4. Appointments

The Chair may designate or solicit participation of commissioners for standing and ad hoc committees.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Advisory Body may amend these bylaws, subject to the approval of the City Council.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than four-sevenths (4/7) of the full membership of the Downtown Commission of the City of Santa Cruz and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are hereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Advisory Body may direct its activities.



BYLAWS

of the

Equal Employment Opportunity Committee

City of Santa Cruz, California

Under authority of applicable statutes of the State of California, and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Equal Employment Opportunity Committee of the City of Santa Cruz, CA

Approved by City Council: June 22, 2021

Amended by Committee: September 21, 2021

Equal Employment Opportunity Committee Bylaws

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Equal Employment Opportunity Committee Bylaws

ARTICLE I – NAME AND/OR AUTHORITY

1. The Name of this organization shall be the Equal Employment Opportunity Committee of the City of Santa Cruz, California; hereinafter referred to as the “Committee”.

2. Authority. The Committee was established pursuant to Council Resolution No. NS-17,301, dated November 18, 1986, and amended by each Annual Report by the Committee to the City Council.

ARTICLE II – PURPOSE

The purpose of this Committee is to confirm the City of Santa Cruz’s commitment to maintain a work environment free from unlawful discrimination and/or harassment for all current and prospective City employees.

ARTICLE III – DUTIES AND RESPONSIBILITIES

The “Committee” shall have the ability, as vested by the City Council, and be required to:

- Act in an advisory capacity to the City Council in all matters pertaining to Equal opportunity employment;
- Serve as a communications channel between City employees, the community, the City Manager and the Equal Employment Opportunity Coordinator on any equal employment opportunity;
- Develop annual recommendations for the City Manager and the Equal Employment Opportunity Coordinator on revisions to the Equal Opportunity Program; and
- Perform other duties as may from time to time be prescribed by the City Council.

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The “Committee” shall consist of (9) Committee members,

1. Number and Qualifications. The Committee shall consist of 9 members who are appointed as follows: two members of the public (City residents) appointed by the City Council; one department director appointed by the City Manager, the selection of which will be rotated among department directors each new term; three employee representatives appointed by the City Manager; one representative from the service employees bargaining unit; one representative from each of two recognized employee organizations (excluding the service bargaining unit) appointed by the organizations, where one employee organization is management and the other is a non-management organization. The determination of which two employee organizations will appoint a member shall be made initially by draw and then rotated among the organizations each new term.

Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by City Ordinance or by the City Council.

Section 2. Qualifications

See Section 1. Membership.

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk.

Section 4. Method of Appointment

See Section 1. Membership

Section 5. Good Standing and Reporting of Absences

Absences will be identified as "with notification" or "without notification." An absence is considered as "with notification" if the member notifies the Chair or the staff prior to the meeting. If there has been no prior notification, the absence is considered "without notification." It is important to notify staff of any absences for the purposes of determining a quorum. Advisory body members are expected to attend meetings regularly.

Each member is allowed one absence with notification per calendar year. Excessive absences could result in termination of membership.

It is the responsibility of staff of an advisory body to bring serious attendance issues to the attention of the Mayor or City Clerk prior to reaching the limit, if possible. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member or chairperson, that action may be initiated by Council to remove the member from the advisory body. The Mayor may choose to postpone or withhold notification to Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

Section 6. Termination

After three meetings following appointment to the Advisory Body, each member shall be subject to removal by motion of any Councilmember, adopted by at least four affirmative votes.

Section 7. Ex-Officio Membership "Optional"

The Committee may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Advisory Body to serve as non-voting ex-officio members to lend other opinions or expertise to the work of the Advisory Body. The City Council will authorize the Chair of the Advisory Body to nominate member(s)-at-large for Council approval to be non-voting ex-officio members for a determined period of time.

ARTICLE V – TERM OF OFFICE

Section 1. Term

Term of office for each member shall be as identified in Section 1. Membership. A member may be appointed to complete an unexpired term. A Member may continue to serve until their successor has been appointed.

Section 2. Membership Year

A membership year shall be from February 1st to January 31st of each year. Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Members who have six years or less at the time their term expires are eligible for reappointment.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Officers of the Advisory Body shall consist of a Chair and Vice Chair.

Section 2. Election of Officers

As soon as is practicable following the first day of February of every year, there shall be an election from among the membership of the Advisory Body a Chair and Vice Chair.

Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw their name if placed in nomination, announcing that, if elected, they would not be able to serve; but they shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair, and will immediately chair the remainder of the meeting.

The same procedure is followed for the election of Vice Chair.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Advisory Body at a regularly scheduled meeting of the Advisory Body, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall decide upon all points of order and procedure during the meeting; their decision shall be final unless overruled by a vote of the Advisory Body, in compliance with Article IX, Section 2, "General Conduct of Meetings." The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Advisory Body before City Council whenever the Advisory Body or Council considers it necessary. The Chair and staff shall jointly set the meeting agenda. The chair may, after review by Department Head, represent the Committee externally; and sign written material prepared in connection with Committee business, as necessary.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The Director of Human Resources shall designate appropriate staff to act as staff person(s) to assist and support the Advisory Body. Staff shall attend all regular and special Advisory Body meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Advisory Body in the conduct of its business

according to City Council policy and the Brown Act. Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Advisory Body meetings.

Staff shall record the minutes of the meetings in accordance with the guidelines established in the "Preparation of Minutes" section of the City Councilmembers' Handbook, shall supervise volunteers and interns, shall work closely with the Chair between meetings, shall make recommendations, prepare reports and proposals to the Advisory Body, may represent the Advisory Body at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks.

Staff shall be responsible for the maintenance of proper records and files pertaining to Advisory Body business. Staff shall receive and record all exhibits, petitions, documents, or other materials presented to the Advisory Body in support of, or in opposition to, any question before the Advisory Body. Staff shall sign all notices prepared in connection with Advisory Body business, shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. Staff Relationship to the Advisory Body

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Advisory Body. If a member has a research or report request, it shall be brought to the Advisory Body for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Advisory Body, the individual member shall be responsible for their own research or report.

Staff and the Chair shall jointly set the meeting agenda.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Advisory Body will hold its regular meetings on the 1st Thursday in March, June, September, and December, which shall begin at 1:30 p.m. in the Council Chambers and will adjourn no later than 3:30 p.m., unless the Chair, with concurrence of the Advisory Body, extends the time of adjournment.

If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Advisory Body, staff, or a majority of the membership of the Advisory Body may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special

meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Advisory Body on item(s) on the agenda.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Advisory Body shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Advisory Body. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Councilmembers' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Advisory Body member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on an Advisory Body agenda. Issues can be referred to an advisory body by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, "Agenda Reports to Advisory Body."

Section 4. Quorum

A quorum of the "Committee" shall consist of (5) members, whether or not there are vacancies on the Advisory Body.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

Section 7. Order of Business

The Chair or a majority vote of the Advisory Body may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Advisory Body and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at their discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means

of capriciously limiting debate among members, to suppress a minority of the Advisory Body, or to avoid public input on an agenda item under consideration by the Advisory Body.

Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., “The motion passes by a vote of five to two.”

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.” No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that “no person shall make or participate in a governmental decision which they know or have reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.”

Any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for their vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where they have a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Advisory Body staff shall call the roll and each member shall state their vote for the record.

Section 4. Sealed Ballot Votes

No Advisory Body shall take a sealed ballot vote in open session.

Section 5. Adoption of Motion

Adoption of a motion shall be made by a simple majority of the members present, except as otherwise provided. The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie Votes

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Advisory Body, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Advisory Body, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Advisory Body

All agenda items require a written report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Reports shall include recommendation(s) and background. If a report is initiated by an Advisory Body member, a draft of that report shall be provided to staff for formatting at least (10) business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda reports. Items initiated by a committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

Section 3. Preparation of Advisory Body-Generated City Council Agenda Reports

All resolutions and recommendations adopted by the Advisory Body and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Advisory Body shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Advisory Body disagree, an analysis of both recommendations shall be included.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

Section 2. Action Agenda

Action agendas are required for Advisory Bodies. An action agenda is an unofficial record of the meeting and shall consist of attendance; motion maker and seconder of the motion; and an actual tally of the votes for all actions taken. The action agenda shall be made available to the Advisory Body, the public and Staff within four working days of the meeting.

Section 3. Minutes

Action-only minutes will be produced for all Advisory Body meetings in the same format as that used for City Council meetings. Advisory Body members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and/or amended or approved by the Advisory Body at a subsequent meeting.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Audio and Video Recording of Meetings

Proceedings for all Advisory Body meetings shall be recorded on audiotapes whenever possible. The audiotapes shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule.

As appropriate and/or when requested by the Advisory Body or City Council, a meeting of the Advisory Body may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by an Advisory Body to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the appointing Advisory Body. Ad hoc committees shall bring back information to the Advisory Body in either oral or written form.

Following ad hoc committee input, the Advisory Body shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Advisory Body at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Advisory Body. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

Section 3. Staff Support to Committees

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Advisory Body.

Section 4. Appointments

The Chair shall make all ad hoc committee assignments and appoint the Chair of each subcommittee. The EEOC shall make standing committee assignments, subject to approval of the City Council.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Advisory Body may amend these bylaws, subject to the approval of the City Council.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than a majority of the membership present of the Equal Employment Opportunity Committee of the City of Santa Cruz and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are hereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Advisory Body may direct its activities.

Approved: _____
Chair – Tremain Hedden-Jones

Approved: _____
Vice-Chair – Jennifer Hooker

Attest: _____
Staff – Joe McMullen



BYLAWS

of the

**Historic Preservation Commission
City of Santa Cruz, California**

Under authority of applicable statutes of the State of California, and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Historic Preservation Commission of the City of Santa Cruz, CA

Adopted by Historic Preservation Commission (October 21, 2009)

Amended by City Council (October 27, 2015)

Amended by City Council (DATE)

Historic Preservation Commission Bylaws

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Historic Preservation Commission Bylaws

ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization shall be the Historic Preservation Commission, often referred to as “HPC,” of the City of Santa Cruz, California; hereinafter referred to as the Historic Preservation Commission, or the Commission.

ARTICLE II – PURPOSE

The Historic Preservation Commission was established to protect the City’s historic and architectural resources. The Historic Preservation Commission will advise City Council on matters pertaining to the Historic Preservation, Arts and Culture Element of the General Plan, and take part in administration of the Historic Preservation chapter of the zoning ordinance (S.C.M.C. 24.12 Part 5).

ARTICLE III – DUTIES AND RESPONSIBILITIES

The Historic Preservation Commission shall have the ability, as vested by the City Council, and be required to:

- Recommend to the City Council, after public input, the adoption, amendment or repeal of the Historic Preservation, Arts and Culture Element of the General Plan;
- Make recommendations to the City Council concerning proposed designation/deletion of historic landmarks, and amendments to the Historic Building Survey ;
- Undertake studies in the area of historic, archaeological, and cultural preservation and make recommendations to the City Council and other city organizations;
- Act in an advisory capacity to the City Council in all matters pertaining to historic landmarks and the Historic Building Survey;
- Hear and decide matters relating to the application of the Historic Preservation chapter of the City Zoning Ordinance; and
- Perform other duties as may from time to time be prescribed by the City Council.

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The Historic Preservation Commission shall consist of seven (7) Historic Preservation Commission members, hereinafter referred to as members.

Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by City Ordinance or by the City Council.

Section 2. Qualifications

Each member of the Historic Preservation Commission shall have a demonstrable interest, competence, or knowledge in historic preservation. At least two Commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic archeology, folklore, cultural anthropology, curation,

conservation, and landscape architecture or related disciplines such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community.

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk.

Section 4. Method of Appointment

The members of the Historic Preservation Commission shall be appointed by the City Council from the qualified electors of the City of Santa Cruz (Ord. 86-13)

Section 5. Good Standing and Reporting of Absences

Absences will be identified as “with notification” and “without notification.” An absence is considered as “with notification” if the member notifies the Staff or Chair prior to a regular or special meeting. If there has been no prior notification, the absence is considered “without notification.”

Each member is allowed three absences with notification per calendar year. Should a member exceed the allowed absences from regular and special meetings, Staff shall notify the City Clerk. Excessive absences shall result in termination of membership. A leave of absence, approved by the City Council according to Council Policy is not subject to termination.

It is the responsibility of staff of a City Commission to bring serious attendance issues to the attention of the Mayor or City Clerk prior to reaching the limit, if possible. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member or chairperson, that action may be initiated by Council to remove the member from the Commission. The Mayor may choose to postpone or withhold notification to Council in unusual circumstances: for example, if the member is actively performing work for the Commission outside of the regular meetings or is involved in subcommittee work.

Section 6. Termination

After three meetings following appointment to the Historic Preservation Commission, each member shall be subject to removal by motion of any Councilmember, adopted by at least four affirmative votes.

Section 7. Ex-Officio Membership “Optional”

The Historic Preservation Commission may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Commission to serve as non-voting ex-officio members to lend other opinions or expertise to the work of the Commission. The City Council will authorize the Chair of the Commission to nominate member(s)-at-large for Council approval to be non-voting ex-officio members for a determined period of time.

ARTICLE V – TERM OF OFFICE

Section 1. Term

Term of office for each member shall be four years. A member may be appointed to complete an unexpired term. A Member may continue to serve until their successor has been appointed.

Section 2. Membership Year

A membership year shall be from February 1st to January 31st of the following year.

Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Members who have six years or less at the time their term expires are eligible for reappointment.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Officers of the Commission shall consist of a Chair and Vice Chair.

Section 2. Election of Officers

As soon as is practicable following the first day of February of every year, there shall be elected from among the membership of the Commission a Chair and Vice Chair.

Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw their name if placed in nomination, announcing that, if elected, s/he would not be able to serve; but s/he shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair, and will immediately chair the remainder of the meeting.

The same procedure is followed for the election of Vice Chair.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Commission at a regularly scheduled meeting of the Commission, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall decide upon all points of order and procedure during the meeting; their decision shall be final unless overruled by a vote of the Commission, in compliance with Article IX, Section 2, "General Conduct of Meetings." The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Commission before City Council whenever the Commission or Council considers it necessary. The Chair and staff shall jointly set the meeting agenda.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but Commissions do not have supervisory authority over City employees. While they may work closely with Commissions, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The Director of Planning and Community Development shall designate appropriate staff to act as staff person(s) to assist and support the Commission. Staff shall attend all regular and special Commission meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Commission in the conduct of its business according to City Council policy and the Brown Act. Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Commission meetings.

Staff shall record the minutes of the meetings in accordance with the guidelines established in the "Preparation of Minutes" section of the City Councilmembers' Handbook, shall supervise volunteers and interns, shall work closely with the Chair between meetings, shall make

recommendations, prepare reports and proposals to the Historic Preservation Commission, may represent the Commission at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks.

Staff shall be responsible for the maintenance of proper records and files pertaining to Commission business. Staff shall receive and record all exhibits, petitions, documents, or other materials presented to the Commission in support of, or in opposition to, any question before the Commission. Staff shall sign all notices prepared in connection with Commission business, shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. Staff Relationship to the Commission

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Commission. If a member has a research or report request, it shall be brought to the Commission for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Commission, the individual member shall be responsible for their own research or report.

Staff and the Chair shall jointly set the meeting agenda.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Historic Preservation Commission will hold its regular meeting on the third Wednesday of each month, which shall begin at 7:00 p.m. in City Council Chambers.

If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Historic Preservation Commission, staff, or a majority of the membership of the Commission may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Commission on item(s) on the agenda.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Commission shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Commission. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Councilmembers' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Historic Preservation Commission member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on the Historic Preservation Commission agenda. Issues can be referred to the Commission by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, and "Agenda Reports to Historic Preservation Commission."

Section 4. Quorum

A quorum of the Historic Preservation Commission shall consist of four (4) members, whether or not there are vacancies on the Commission.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

Section 7. Order of Business

The Chair or a majority vote of the Commission may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Commission and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at their discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Commission, or to avoid public input on an agenda item under consideration by the Commission.

Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., “The motion passes by a vote of five to two.”

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.” No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that “no person shall make or participate in a governmental decision which s/he knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.”

Any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for their vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where they have a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Commission staff shall call the roll and each member shall state their vote for the record.

Section 4. Sealed Ballot Votes

No Commission shall take a sealed ballot vote in open session.

Section 5. Adoption of Motions

Adoption of a motion shall be made by a simple majority of the members present, except as provided below.

Adoption of a motion recommending adoption or amendment of the General Plan or elements thereof, Zoning ordinance text and map amendments or the Local Coastal Land Use Program shall be by a majority vote of the entire Historic Preservation Commission, four affirmative votes.

The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie Votes

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Commission, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Commission, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Historic Preservation Commission

All public hearing agenda items require a written report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Reports shall include recommendation(s) and background. If a report is initiated by a Commission member, a draft of that report shall be provided to staff for formatting at least eight (8) business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda reports. Items initiated by a committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

Section 3. Preparation of Commission-Generated City Council Agenda Reports

All resolutions and recommendations adopted by the Commission and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Commission shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Commission disagree, an analysis of both recommendations shall be included.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

Section 2. Action Agenda

Action agendas are required for Advisory Bodies. An action agenda is an unofficial record of the meeting and shall consist of attendance; motion maker and seconder of the motion; and an actual tally of the votes for all actions taken. The action agenda shall be made available to the Commission, the public and Staff within four working days of the meeting.

Section 3. Minutes

Action-only minutes will be produced for all Historic Preservation Commission meetings in the same format as that used for City Council meetings. Commission members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Commission at a subsequent meeting.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Audio and Video Recording of Meetings

Proceedings for all Historic Preservation Commission meetings shall be recorded on audiotapes whenever possible. The audiotapes shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule.

As appropriate and/or when requested by the Historic Preservation Commission or City Council, a meeting of the Commission may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by the Historic Preservation Commission to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Commission. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the Commission. Ad hoc committees shall bring back information to the Historic Preservation Commission in either oral or written form.

Following ad hoc committee input, the Commission shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Commission at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Commission in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Commission. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Commission. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

Section 3. Staff Support to Committees

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Commission in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Commission.

Section 4. Appointments

The Chair of the Commission may designate or solicit participation for standing and ad hoc committees.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Commission may amend these bylaws, subject to the approval of the City Council.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than (4/7) of the full membership of the Historic Preservation Commission of the City of Santa Cruz and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are hereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Historic Preservation Commission may direct its activities.



BYLAWS

of the

Parks and Recreation Commission

City of Santa Cruz, California

Under authority of applicable statutes of the State of California, and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Parks and Recreation Commission of the City of Santa Cruz, CA

Adopted December 1, 2003

Amended by Commission March 1, 2010

Approved by City Attorney March 15, 2010

Approved by Council March 23, 2010

Amended by Commission November 1, 2021

Parks and Recreation Commission Bylaws

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Parks and Recreation Commission Bylaws

ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization shall be the Parks and Recreation Commission of the City of Santa Cruz, California; hereinafter referred to as the Commission, or the Advisory Body.

ARTICLE II – PURPOSE

The Parks and Recreation Commission will advise City Council on matters pertaining to public facilities including neighborhood and regional parks, the greenbelt, museum, wharf, urban forest, golf course and medians after receiving public input. The Commission will also advise City Council on matters pertaining to recreation programs and facilities including youth, teen, adult, and senior activities, arts and cultural programs, beaches and pools, and other community facilities.

ARTICLE III – DUTIES AND RESPONSIBILITIES

The Parks and Recreation Commission shall have the ability, as vested by the City Council, and be required to:

- Recommend to the City Council, after public input, the adoption, amendment or repeal of ordinances, resolutions, or requirements pertaining to the preservation, enhancement and advancement of the viability and attractiveness of parks and recreation programs and facilities;
- Make recommendations to the City Council concerning programs policies and decisions relating to trees under Chapter 9.56 (Preservation of Heritage Trees and Heritage Shrubs) and Chapter 13.30 (Trees);
- Undertake studies in the area of parks and recreation;
- Act in an advisory capacity to the City Council in all matters pertaining to public recreation, including playgrounds, music and entertainment;
- Grant or deny heritage tree and heritage shrub permit applications on appeal pursuant to chapter 9.56.030 (Heritage Trees and Heritage Shrubs);
- Hear appeals to major public event permits pursuant to Chapter 10.64.250 (Major Public Special Events);
- Hear appeals to public gathering and expression permits pursuant to Chapter 10.65.230 (Public Gathering and Expression Events);
- Hear appeals from persons aggrieved by any decision of the director relating to trees pursuant to chapter 13.30.050 (Trees)
- Hear appeals to “adopt-a-park” applications pursuant to Chapter 13.40.050 (Park Adoptions);
- Receive complaints pertaining to parks and recreation programs and facilities;
- Review and make recommendations to the City Council pertaining to the department annual budget during its preparation;
- Review, monitor, and make long-range recommendations concerning the planning of a program for parks and recreation for the inhabitants of the city, promote and stimulate public interest therein, and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein;

- Review for comment qualified permit parking requests adjacent to City parkland or other public facilities pursuant to Chapter 10.41.040 (Vehicles and Traffic Citywide Permit Parking);
- Consult with the Parks & Recreation Director on any changes to park hours of operation pursuant to Chapter 13.04.011 (Parks and Recreation Hours of Operation);
- Hear and decide matters relating to parks and recreation programs and facilities; and
- Accept money, personal property or real estate donated to the city for park or recreational purposes, subject to the approval of the City Council.
- Perform other duties as may from time to time be prescribed by the City Council.

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The Parks and Recreation Commission shall consist of seven Parks and Recreation Commission members, hereinafter referred to as members.

Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by City Ordinance or by the City Council.

Section 2. Qualifications

The seven members of the Parks and Recreation Commission shall be qualified electors of the City of Santa Cruz pursuant to 2.40.011 of the Municipal Code and City Council Policy, Section 5.

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk.

Section 4. Method of Appointment

The Parks and Recreation Commission shall consist of seven (7) members, appointed by the City Council and serving thereafter at the pleasure of the Council.

Section 5. Good Standing and Reporting of Absences

Absences will be identified as “with notification” and “without notification.” An absence is considered as “with notification” if the member notifies the Staff or the Chair prior to a regular or special meeting. If there has been no prior notification, the absence is considered “without notification.”

Each member is allowed three absences with notification per calendar year. Should a member exceed the allowed absences from regular and special meetings, Staff shall notify the City Clerk. Excessive absences shall result in termination of membership. A leave of absence, approved by the City Council according to Council Policy is not subject to termination.

It is the responsibility of staff of an advisory body to bring serious attendance issues to the attention of the Mayor or City Clerk prior to reaching the limit, if possible. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member or chairperson that action may be initiated by City Council to remove the member from the

advisory body. The Mayor may choose to postpone or withhold notification to City Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

Section 6. Termination

After three meetings following appointment to the Advisory Body, each member shall be subject to removal by motion of any Councilmember, adopted by at least four affirmative votes.

Section 7. Ex-Officio Membership “Optional”

The Parks and Recreation Commission may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Advisory Body to serve as non-voting ex-officio members to lend other opinions or expertise to the work of the Advisory Body. The City Council will authorize the Chair of the Advisory Body to nominate member(s)-at-large for Council approval to be non-voting ex-officio members for a determined period of time.

ARTICLE V – TERM OF OFFICE

Section 1. Term

Term of office for each member shall be four years. A member may be appointed to complete an unexpired term. A member may continue to serve until their successor has been appointed.

Section 2. Membership Year

A membership year shall be from February 1st to January 31st of each year.

Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Members who have six years or less at the time their term expires are eligible for reappointment.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Officers of the Advisory Body shall consist of a Chair and Vice Chair.

Section 2. Election of Officers

As soon as is practicable following the first day of February of every year, there shall be elected from among the membership of the Advisory Body a Chair and Vice Chair.

Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw their name if placed in nomination, announcing that, if elected, s/he would not be able to serve; but s/he shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair, and will immediately chair the remainder of the meeting.

The same procedure is followed for the election of Vice Chair.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Advisory Body at a regularly scheduled meeting of the Advisory Body, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall decide upon all points of order and procedure during the meeting; their decision shall be final unless overruled by a vote of the Advisory Body, in compliance with Article IX, Section 2, "General Conduct of Meetings." The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Advisory Body before City Council whenever the Advisory Body or Council considers it necessary. The Chair and staff shall jointly set the meeting agenda.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The Director of Parks and Recreation, or their designee, shall act as Liaison on behalf of the City and shall designate a secretary to the commission (Secretary) to assist and support the Advisory Body. Staff shall attend all regular and special Advisory Body meetings.

The Liaison shall:

- work closely with the Chair between meetings to identify and schedule agenda topics;
- be responsible for coordination of reports, studies, and recommendations as are necessary to assist the Advisory Body in the conduct of its business;
- enlist the assistance of other departments as required;
- make recommendations, prepare reports and proposals to the Advisory Body;
- represent the Advisory Body at meetings, presentations, and other public functions as requested; and
- oversee administrative tasks.

The Secretary shall:

- ensure compliance with all Brown Act postings and noticing requirements;
- record minutes of the meetings in accordance with the guidelines established in the “Preparation of Minutes” section of the City Councilmembers' Handbook;
- maintain proper records and files pertaining to Advisory Body business;
- receive and record all exhibits, petitions, documents, or other materials presented to the Advisory Body in support of, or in opposition to, any question before the Advisory Body; sign all notices prepared in connection with Advisory Body business;
- attest to all records of actions, transmittals, and referrals as may be necessary or required by law.

Section 2. Staff Relationship to the Advisory Body

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Advisory Body. If a member has a research or report request, it shall be brought to the Advisory Body for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Advisory Body, the individual member shall be responsible for their own research or report.

The Liaison and the Chair shall jointly set the meeting agenda. The Secretary shall schedule appeals and public hearings according to legal requirements.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Advisory Body will hold its regular meeting on the second Monday of every other month (February, April, June, August, October, December) which shall begin at 4:00 pm in the City Council Chambers and will adjourn no later than 6:00 pm, unless the Chair, with concurrence of the Advisory Body, extends the time of adjournment.

If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Advisory Body, staff, or a majority of the membership of the Advisory Body may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Advisory Body on item(s) on the agenda.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Advisory Body shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Advisory Body. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Councilmembers' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Advisory Body member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on an Advisory Body agenda. Issues can be referred to an advisory body by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, "Agenda Reports to Advisory Body."

Section 4. Quorum

A quorum of the Parks and Recreation Commission shall consist of four (4) members, whether or not there are vacancies on the Advisory Body.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

Section 7. Order of Business

The Chair or a majority vote of the Advisory Body may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Advisory Body and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at their discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend

must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Advisory Body, or to avoid public input on an agenda item under consideration by the Advisory Body.

Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., “The motion passes by a vote of five to two.”

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.” No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that “no person shall make or participate in a governmental decision which s/he knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.”

Any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for their vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where they have a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Advisory Body staff shall call the roll and each member shall state their vote for the record.

Section 4. Sealed Ballot Votes

No Advisory Body shall take a sealed ballot vote in open session.

Section 5. Adoption of

Adoption of a motion shall be made by a simple majority of the members present, except as otherwise provided. The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie Votes

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Advisory Body, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Advisory Body, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Advisory Body

All agenda items require a written report or an oral report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Oral and written reports shall include recommendation(s) and background. If a report is initiated by an Advisory Body member, a draft of that report shall be provided to staff for formatting at least 10 business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda reports. Items initiated by a committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

Section 3. Preparation of Advisory Body-Generated City Council Agenda Reports

All resolutions and recommendations adopted by the Advisory Body and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Advisory Body shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Advisory Body disagree, an analysis of both recommendations shall be included.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

Section 2. Action Agenda

Action agendas are required for Standing Advisory Bodies as referenced in Council policy 5.14. An action agenda is an unofficial record of the meeting and shall consist of attendance, meeting start and adjourn time and a brief description of action taken. The action agenda shall be made available online within four working days of the meeting.

Section 3. Minutes

Action-only minutes will be produced for all Advisory Body meetings in the same format as that used for City Council meetings. Advisory Body members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Advisory Body at a subsequent meeting. Minutes are a permanent document and shall be maintained in hard copy in addition to an electronic version.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Audio and Video Recording of Meetings

Proceedings for all Advisory Body meetings shall be recorded electronically whenever possible. The electronic media shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule.

As appropriate and/or when requested by the Advisory Body or City Council, a meeting of the Advisory Body may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by an Advisory Body to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the appointing Advisory Body. Ad hoc committees shall bring back information to the Advisory Body in either oral or written form.

Following ad hoc committee input, the Advisory Body shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Advisory Body at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Advisory Body. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

Section 3. Staff Support to Committees

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Advisory Body.

Section 4. Appointments

The Commission may establish Standing Subcommittees and Temporary Subcommittees in accordance with Council Policy 5.12. The Chair of the Advisory Body may designate or solicit participation for standing and ad hoc committees.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Advisory Body may amend these bylaws, subject to the approval of the City Council.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than four sevenths (4/7) of the full membership of the Parks and Recreation Commission of the City of Santa Cruz and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are hereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Advisory Body may direct its activities.

Approved: _____
 Jane Mio, Chair Date

Attest: _____
 Tremain Hedden-Jones, Secretary to the Commission Date



BYLAWS

of the

**Planning Commission
City of Santa Cruz, California**

Under authority of applicable statutes of the State of California, and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Planning Commission of the City of Santa Cruz, CA

Adopted (June 18, 2009)

Approved by City Council (July 28, 2009)

Planning Commission Bylaws

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Planning Commission Bylaws

ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization shall be the Planning Commission of the City of Santa Cruz, California; hereinafter referred to as the Planning Commission, or the Commission.

ARTICLE II – PURPOSE

The Planning Commission will advise City Council on matters pertaining to land use after receiving public input. The Planning Commission will be final decision maker for certain land use actions unless appealed to the City Council.

ARTICLE III – DUTIES AND RESPONSIBILITIES

The Planning Commission shall have the ability, as vested by the City Council, and be required to:

- Recommend to the City Council, after public input, the adoption, amendment or repeal of the general plan or any part thereof; specific, master or area plans; or the local coastal land use plan, for the physical development of the City;
- Make recommendations concerning the consistency of public works with the General Plan and the clearance and rebuilding of blighted or substandard areas within the City;
- Undertake studies in the area of planning and zoning and make recommendations to the City Council and other city organizations;
- Act in an advisory capacity to the City Council in all matters pertaining to future planning matters in the City of Santa Cruz and its Sphere of Influence;
- Make recommendations to the City Council on any matter relating to proposed changes to the City's Zoning and Subdivision Ordinances and zoning map;
- Hear and decide matters relating to the application of the Zoning Ordinance, as assigned or appealed to the Commission;
- Hear and decide matters relating to the application of the Subdivision Ordinance, as assigned or appealed to the Commission;
- Annually review the City's capital improvement program for consistency with the General Plan;
- Perform other duties as may from time to time be prescribed by the City Council.

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The Planning Commission shall consist of seven Planning Commission members, hereinafter referred to as members.

Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by City Ordinance or by the City Council.

Section 2. Qualifications

The seven members of the Planning Commission shall be qualified electors of the City of Santa Cruz pursuant to 2.40.011 of the Municipal Code and City Council Policy, Section 5.

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk.

Section 4. Method of Appointment

The City Council will appoint members to the Planning Commission by an at-large vote.

Section 5. Good Standing and Reporting of Absences

Councilmembers and the chairperson of each permanent city advisory body shall receive annual attendance reports prepared in the City Clerk's Department. Absences will be identified as "with notification" or "without notification." An absence is considered as "with notification" if the member notifies the chairperson or the staff prior to the meeting. If there has been no prior notification, the absence is considered "without notification." It is important to notify staff of any absences for the purposes of determining a quorum. Planning Commission members are expected to attend meetings regularly.

Planning Commission members are allowed six absences per year.

It is the responsibility of staff of an advisory body to bring serious attendance issues to the attention of the Mayor or City Clerk prior to reaching the limit, if possible. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member or chairperson, that action may be initiated by Council to remove the member from the advisory body. The Mayor may choose to postpone or withhold notification to Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

Section 6. Termination

After three meetings following appointment to the Planning Commission, each member shall be subject to removal by motion of any Councilmember, adopted by at least four affirmative votes.

Section 7. Ex-Officio Membership “Optional”

The Planning Commission may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Planning Commission to serve as non-voting ex-officio members to lend other opinions or expertise to the work of the Planning Commission. The City Council

will authorize the Chair of the Planning Commission to nominate member(s)-at-large for Council approval to be non-voting ex-officio members for a determined period of time.

ARTICLE V – TERM OF OFFICE

Section 1. Term

Term of office for each member shall be four years. A member may be appointed to complete an unexpired term. A Member may continue to serve until their successor has been appointed.

Section 2. Membership Year

A membership year shall be from February 1st to January 31st of each year.

Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Members who have six years or less at the time their term expires are eligible for reappointment.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Officers of the Planning Commission shall consist of a Chair and Vice Chair.

Section 2. Election of Officers

As soon as is practicable following the first day of January of every year, there shall be elected from among the membership of the Planning Commission a Chair and Vice Chair.

Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw their name if placed in nomination, announcing that, if elected, they would not be able to serve; but they shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair.

The same procedure is followed for the election of Vice Chair.

New officers shall assume office at the next meeting.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Planning Commission at a regularly scheduled meeting of the Planning Commission, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings.

The Chair shall decide upon all points of order and procedure during the meeting; their decision shall be final unless overruled by a vote of the Planning Commission, in compliance with Article IX, Section 2, "General Conduct of Meetings."

The Chair may not make motions, but may second motions on the floor.

The Chair acts as primary contact for staff and shall represent the Planning Commission before City Council whenever the Commission or Council considers it necessary unless the Chair designates an alternative.

The Chair and staff shall jointly set the meeting agendas.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The Director of Planning and Community Development shall designate appropriate staff to act as staff person(s) to assist and support the Planning Commission. Staff shall attend all regular and special Planning Commission meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Planning Commission in the conduct of its business according to City Council policy and the Brown Act. Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Planning Commission meetings.

Staff shall record the minutes of the meetings in accordance with the guidelines established in the "Preparation of Minutes" section of the City Councilmembers' Handbook, shall supervise volunteers and interns, shall work closely with the Chair between meetings, shall make recommendations, prepare reports and proposals to the Planning Commission, may represent the Planning Commission at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks.

Staff shall be responsible for the maintenance of proper records and files pertaining to Planning Commission business. Staff shall receive and record all exhibits, petitions, documents, or other materials presented to the Planning Commission in support of, or in opposition to, any question before the Planning Commission. Staff shall sign all notices prepared in connection with Planning Commission business, shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. Staff Relationship to the Planning Commission

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Planning Commission. If a member has a research or report request, it shall be brought to the Planning Commission for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Planning Commission, the individual member shall be responsible for their own research or report.

Staff and the Chair shall jointly set meeting agendas.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Planning Commission will hold its regular meetings on the first and third Thursdays of each month at the City Council Chambers. If the Council Chambers are not available another City facility that is accessible to persons with disabilities will be used. The meetings shall be in the evening beginning at 7:00 pm and will adjourn no later than 11:00 pm, unless the Chair, with concurrence of the Planning Commission, extends the time of adjournment.

If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership or staff deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Planning Commission, staff, or a majority of the membership of the Planning Commission may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Planning Commission on item(s) on the agenda.

Section 4. Communications

All oral communications between Planning Commissioners and applicants and the public regarding any application pending before the Commission shall take place at public meetings of the Commission. Written communications from the applicants and the public on an application must be submitted to the Planning and Community Development Department by 5:00 pm seven calendar days before Commission consideration, to allow for inclusion in the agenda packet. The late submittal of written communications will need to be summarized at the public hearing before the Planning Commission because there may be insufficient time for the Planning Commission to review such submittals the night of the hearing.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Planning Commission shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Planning Commission. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Councilmembers' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Planning Commission member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on a Planning Commission agenda. Issues may be referred to an advisory body by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, "Agenda Reports to Advisory Body."

Section 4. Quorum

A quorum of the Planning Commission shall consist of four members, whether or not there are vacancies on the Planning Commission.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

The normal order of the agenda shall be as follows:

- A. Call to Order.
- B. Roll Call
- C. Statement of Disqualification.
- D. Oral Communications
- E. Announcements
- F. Approval of Minutes
- G. Consent Calendar
- H. Public Hearings
- I. General Business
- J. Informational Items
- K. Subcommittee/Advisory Body Oral Reports
- L. Items Referred to Future Agendas
- M. Adjournment

The order of presentation of applications and petitions shall be as follows:

- A. Presentation of application by staff, staff report, and preliminary recommendations.
- B. Questions by members of the Commissioners.
- C. Presentation by applicant, if any.

- D. Public hearing opened by Chair.
- E. Statements by members of the public, if any.
- F. Rebuttal by applicant.
- G. Public hearing closed by Chair.
- H. Questions and comments by members of the Commission.
- I. Motions and voting.

The public shall have an opportunity to speak to any agenda item. Therefore, at the beginning of the General Business section of the agenda, the Chair will announce that persons in the audience will have an opportunity to speak to any item in that section. At the beginning of each item, the Chair will ask the audience if there is a desire to speak on that item. The Chair may set parameters for the nature and length of any comments.

Section 7. Order of Business

The Chair or a majority vote of the Planning Commission may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Planning Commission and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at their discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend

must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Planning Commission, or to avoid public input on an agenda item under consideration by the Planning Commission. A tabled item may be placed back on the agenda per the procedures in Article IX, Section 3, "How Items are Placed on the Agenda."

Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., "The motion passes by a vote of five to two."

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

Section 607 of the City Charter states that "...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made." No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that "no person shall make or participate in a governmental decision which they knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally."

Any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for his or her vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where they have a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Planning Commission staff shall call the roll and each member shall state their vote for the record.

Section 4. Sealed Ballot Votes

The Planning Commission shall not take a sealed ballot vote in open session.

Section 5. Adoption of a Motion

Adoption of a motion shall be made by a simple majority of the members present, except as provided below.

Adoption of a motion recommending adoption or amendment of the General Plan or elements thereof, Zoning Ordinance text and map amendments or the Local Coastal Land Use Program shall be by a majority vote of the entire Planning Commission, four affirmative votes.

The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie Votes

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Planning Commission, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Planning Commission, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Planning Commission

All agenda items require a written report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Reports shall include recommendation(s) and background. If a report is initiated by a Planning Commission member, an electronic draft of that report shall be provided to staff for formatting at least eight business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda

reports. Items initiated by a committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

Section 3. Preparation of Planning Commission-Generated City Council Agenda Reports

All resolutions and recommendations adopted by the Planning Commission and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Planning Commission shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Planning Commission disagree, an analysis of both recommendations shall be included.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

Section 2. Action Agenda

Action agendas are required for the Planning Commission. An action agenda is an unofficial record of the meeting and shall consist of attendance; motion maker and seconder of the motion; and an actual tally of the votes for all actions taken. The action agenda shall be made available to the Planning Commission, the public and Staff within four working days of the meeting.

Section 3. Minutes

Action-only minutes will be produced for all Planning Commission meetings in the same format as that used for City Council meetings. Planning Commission members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Planning Commission at a subsequent meeting.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Audio and Video Recording of Meetings

Proceedings for all Planning Commission meetings shall be recorded on audiotapes whenever possible. The audiotapes shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule unless a greater length of time is necessary, a determined by the Director of Planning and Community Development.

As appropriate and/or when requested by the Planning Commission or City Council, a meeting of the Planning Commission may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by the Planning Commission to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Planning Commission. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the appointing Planning Commission. Ad hoc committees shall bring back information to the Planning Commission in either oral or written form.

Following ad hoc committee input, the Planning Commission shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Planning Commission at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Planning Commission in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carry out the functions and purpose of the Planning Commission. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Planning Commission. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

Section 3. Staff Support to Committees

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Planning Commission in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Planning Commission.

Section 4. Appointments

The Chair of the Planning Commission may designate or solicit participation for standing and ad hoc committees.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

Section 6. Outside Communications

On matters relating to planning policy, Planning Commissioners must necessarily communicate with interested citizens, including at times other than at meetings. However, no Planning Commissioner may represent the Commission except by direction of the Chair or the Commission.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Planning Commission may amend these bylaws, four affirmative votes, subject to the approval of the City Council.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than four affirmative votes of the full membership of the Planning Commission of the City of Santa Cruz, and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are thereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Planning Commission may direct its activities.



BYLAWS

of the

**Sister Cities Committee
City of Santa Cruz, California**

Under authority of applicable statutes of the State of California, and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Sister Cities Committee of the City of Santa Cruz, CA

Adopted February 28, 2011

Approved by City Council March 22, 2011

Amended March 28, 2011

Sister Cities Committee Bylaws

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Sister Cities Committee Bylaws

ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization shall be the Sister Cities Committee of the City of Santa Cruz, California; hereinafter referred to as the Committee or the Advisory Body.

ARTICLE II – PURPOSE

The Sister Cities Committee was first established to coordinate activities with the Sister Cities of Santa Cruz per Resolution NS-13,962, adopted on August 5, 1980. The Sister Cities Committee was re-established to coordinate activities with the Sister Cities of Santa Cruz per Resolution NS-15,537A, adopted on October 25, 1983. The objects and purposes of the Committee shall be:

1. To encourage the people of the City of Santa Cruz and the people of its Sister Cities to understand one another as individuals, as members of their community, as citizens of their country, and as part of the family of nations.
2. To foster continuing relationships of mutual concern between the people of the City of Santa Cruz and the people of its Sister Cities.

ARTICLE III – DUTIES AND RESPONSIBILITIES

The Sister Cities Committee shall have the ability, as vested by the City Council, and be required to:

- Make recommendations concerning proposed Sister Cities;
- Undertake studies in the area of international relations;
- Act in an advisory capacity to the City Council in all matters pertaining to Sister Cities;
- Receive complaints pertaining to Sister Cities;
- Review and make recommendations to the City Council pertaining to Sister Cities;
- Review, monitor, and make long-range recommendations concerning Sister Cities;
- Hear and decide matters relating to Sister Cities; and
- Perform other duties as may from time to time be prescribed by the City Council.

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The Sister Cities Committee shall consist of eleven (11) Sister Cities Committee members, hereinafter referred to as members.

Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by City Ordinance or by the City Council.

Section 2. Qualifications

Committee members shall be residents of the City of Santa Cruz with the exception of a maximum of three (3) members who may be non-residents of the City provided that the non-

resident committee members have experience in international affairs, business, education or cultural pursuits.

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk.

Section 4. Method of Appointment

Committee members shall be appointed at-large by the City Council.

Section 5. Good Standing and Reporting of Absences

Councilmembers shall receive annual attendance reports prepared in the City Clerk's Department. Absences will be identified as "with notification" or "without notification." An absence is considered as "with notification" if the member notifies the chairperson or the staff prior to the meeting. If there has been no prior notification, the absence is considered "without notification." It is important to notify staff of any absences for the purposes of determining a quorum. Advisory body members are expected to attend meetings regularly.

Each member of the Committee is allowed one absence per calendar year, with the exception of meetings missed while conducting Sister Cities business.

It is the responsibility of staff of an advisory body to bring serious attendance issues to the attention of the Mayor or City Clerk prior to reaching the limit, if possible. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member or chairperson, that action may be initiated by Council to remove the member from the advisory body. The Mayor may choose to postpone or withhold notification to Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

Section 6. Termination

After three meetings following appointment to the Advisory Body, each member shall be subject to removal by motion of any Councilmember, adopted by at least four affirmative votes.

Section 7. Ex-Officio Membership "Optional"

The Sister Cities Committee may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Advisory Body to serve as non-voting ex-officio members to lend other opinions or expertise to the work of the Advisory Body. The City Council will authorize the Chair of the Advisory Body to nominate member(s)-at-large for Council approval to be non-voting ex-officio members for a determined period of time.

ARTICLE V – TERM OF OFFICE

Section 1. Term

Term of office for each member shall be four years. A member may be appointed to complete an unexpired term. A Member may continue to serve until their successor has been appointed.

Section 2. Membership Year

A membership year shall be from February 1st to January 31st of each year.

Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Members who have six years or less at the time their term expires are eligible for reappointment.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Officers of the Advisory Body shall consist of a Chair and Vice Chair.

Section 2. Election of Officers

As soon as is practicable following the first day of February of every year, there shall be elected from among the membership of the Advisory Body a Chair and Vice Chair.

Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw their name if placed in nomination, announcing that, if elected, s/he would not be able to serve; but s/he shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair, and will immediately chair the remainder of the meeting.

The same procedure is followed for the election of Vice Chair.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Advisory Body at a regularly scheduled meeting of the Advisory Body, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendaized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall decide upon all points of order and procedure during the meeting; their decision shall be final unless overruled by a vote of the Advisory Body, in compliance with Article IX, Section 2, "General Conduct of Meetings." The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Advisory Body before City Council whenever the Advisory Body or Council considers it necessary. The Chair and staff shall jointly set the meeting agenda.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The Director of Parks and Recreation, or their designee, shall act as Liaison on behalf of the City and shall designate a secretary to the commission (Secretary) to assist and support the Advisory Body. Staff shall attend all regular and special Advisory Body meetings.

The Liaison shall:

- work closely with the Chair between meetings to identify and schedule agenda topics;
- be responsible for coordination of reports, studies, and recommendations as are necessary to assist the Advisory Body in the conduct of its business;
- enlist the assistance of other departments as required;
- make recommendations, prepare reports and proposals to the Advisory Body;
- represent the Advisory Body at meetings, presentations, and other public functions as requested; and
- oversee administrative tasks.

The Secretary shall:

- ensure compliance with all Brown Act postings and noticing requirements;
- record minutes of the meetings in accordance with the guidelines established in the “Preparation of Minutes” section of the City Councilmembers' Handbook;
- maintain proper records and files pertaining to Advisory Body business;
- receive and record all exhibits, petitions, documents, or other materials presented to the Advisory Body in support of, or in opposition to, any question before the Advisory Body; sign all notices prepared in connection with Advisory Body business;
- attest to all records of actions, transmittals, and referrals as may be necessary or required by law.

Section 2. Staff Relationship to the Advisory Body

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Advisory Body. If a member has a research or report request, it shall be brought to the Advisory Body for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Advisory Body, the individual member shall be responsible for their own research or report.

The Liaison and the Chair shall jointly set the meeting agenda. The Secretary shall schedule appeals and public hearings according to legal requirements.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Advisory Body will hold its regular meeting on the 2nd Monday of January, March, May, July, September and November, which shall begin at 7:00 p.m. in the Council Chambers and will adjourn no later than 9:00 p.m., unless the Chair, with concurrence of the Advisory Body, extends the time of adjournment.

If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Advisory Body, staff, or a majority of the membership of the Advisory Body may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Advisory Body on item(s) on the agenda.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Advisory Body shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Advisory Body. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Councilmembers' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Advisory Body member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on an Advisory Body agenda. Issues can be referred to an advisory body by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, "Agenda Reports to Advisory Body."

Section 4. Quorum

A quorum of the Sister Cities Committee shall consist of six (6) whether or not there are vacancies on the Advisory Body.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

Section 7. Order of Business

The Chair or a majority vote of the Advisory Body may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Advisory Body and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at their discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Advisory Body, or to avoid public input on an agenda item under consideration by the Advisory Body.

Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., “The motion passes by a vote of five to two.”

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.” No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that “no person shall make or participate in a governmental decision which s/he knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.”

Any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;

- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for their vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where they have a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Advisory Body staff shall call the roll and each member shall state their vote for the record.

Section 4. Sealed Ballot Votes

No Advisory Body shall take a sealed ballot vote in open session.

Section 5. Adoption of

Adoption of a motion shall be made by a simple majority of the members present, except as otherwise provided. The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie Votes

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Advisory Body, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Advisory Body, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Advisory Body

All agenda items require a written report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Reports shall include recommendation(s) and background. If a report is initiated by an Advisory Body member, a draft of that report shall be provided to staff for formatting at least 10 business days prior to the meeting. Staff shall then format reports

to be consistent with content, style, and formatting of City Council agenda reports. Items initiated by a committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

Section 3. Preparation of Advisory Body-Generated City Council Agenda Reports

All resolutions and recommendations adopted by the Advisory Body and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Advisory Body shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Advisory Body disagree, an analysis of both recommendations shall be included.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

Section 2. Action Agenda

Action agendas are required for standing Advisory Bodies. An action agenda is an unofficial record of the meeting and shall consist of attendance; meeting start and adjourn times, and a brief description of actions taken. The action agenda shall be made available online within four working days of the meeting.

Section 3. Minutes

Action-only minutes will be produced for all Advisory Body meetings in the same format as that used for City Council meetings as referenced in Council Policy 5.14. Minutes, when approved by the advisory body, are the official record of the meeting and shall consist of attendance, meeting start and adjourn times, a brief description of actions taken, the motion maker and seconder of the motion; and an actual tally of the votes for all actions taken. Advisory Body members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Advisory Body at a subsequent meeting. Approved minutes are a permanent document and shall be maintained in hard copy in perpetuity in addition to in electronic version.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Electronic Recording of Meetings

Proceedings for all standing Brown-Act Advisory Body meetings shall be recorded on CDs or DVRs. The electronic media shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule.

As appropriate and/or when requested by the Advisory Body or City Council, a meeting of the Advisory Body may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by an Advisory Body to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the appointing Advisory Body. Ad hoc committees shall bring back information to the Advisory Body in either oral or written form.

Following ad hoc committee input, the Advisory Body shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Advisory Body at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Advisory Body. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

Section 3. Staff Support to Committees

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Advisory Body.

Section 4. Appointments

The Chair of the Advisory Body may designate or solicit participation for standing and ad hoc committees, unless overruled by a majority vote of the Advisory Body.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Advisory Body may amend these bylaws, subject to the approval of the City Council.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than six (6) of the full membership of the Sister Cities Committee of the City of Santa Cruz and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are hereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Advisory Body may direct its activities.

Attest: _____
Tremain Hedden-Jones, Secretary to the Committee

Date



BYLAWS

of the

**Transportation and Public Works Commission
City of Santa Cruz, California**

Under authority of applicable statutes of the State of California, and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Transportation and Public Works Commission of the City of Santa Cruz, CA

Originally Adopted by Council May 17, 2010

Amended by the Commission October 18, 2021

Approved by City Council TBD

Transportation and Public Works Commission Bylaws

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Transportation and Public Works Commission Bylaws

ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization shall be the Transportation and Public Works Commission of the City of Santa Cruz, California; hereinafter referred to as the Transportation and Public Works Commission, or the Advisory Body.

ARTICLE II – PURPOSE

Established by Ordinance No. 2010-05 in 2010, the Transportation and Public Works Commission is generally responsible for advising Council in matters pertaining to transportation and public works as defined in this ordinance (Section 2.40.081). Its duties include advising Council on planning, design, construction, reconstruction, installation, operation and maintenance of transportation and public works. It makes recommendations to Council concerning the capital improvement program and the annual budget of the Public Works Department.

ARTICLE III – DUTIES AND RESPONSIBILITIES

The Transportation and Public Works Commission shall have the ability, as vested by the City Council, and be required to:

- (a) Act as the advisory commission to the city council for planning, design, installation and maintenance of public works;
- (b) Review and make recommendations to the city council concerning the capital improvement program;
- (c) Review, monitor and make long-range recommendations concerning the construction, reconstruction, operation and maintenance of public works;
- (d) Consider the annual budget of the public works department during its preparation and make recommendations with respect thereto to the city council;
- (e) Receive complaints pertaining to traffic and transportation patterns;
- (f) Review, monitor and suggest recommendations for city transportation matters including, but not limited to: automotive, rail, bicycle, and pedestrian traffic within the city;
- (g) Review additional transportation matters such as transportation system management, travel demand management and other related issues;
- (h) Review and suggest recommendations for placement and enforcement of warning, regulatory and guide signs on city streets;
- (i) Make recommendations to Council regarding the allocation of funds for capital expenditures related to roadway and transportation improvements; and
- (j) Perform other duties as may from time to time be prescribed by the City Council.

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The Transportation and Public Works Commission will be comprised of 7 members

Section 2. Qualifications

Per Ordinance No. 87-10, Section 1, Chapter 2.40.011:

- a. Each member of the Transportation and Public Works Commission shall be a qualified elector of the city;

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk.

Section 4. Method of Appointment

Per Ordinance 87-10, Section 1, Chapter 2.40.011:

Unless the ordinance, or an amendment, establishing and setting forth the authority of the board or commission provides otherwise:

- a. Each board or commission member shall be appointed by motion of the city council adopted by at least four affirmative votes;
- b. If additional members must be appointed to fill the complement of a board or commission, such appointments shall be made at the earliest reasonable date.

Section 5. Good Standing and Reporting of Absences

Absences will be identified as “with notification” and “without notification.” An absence is considered as “with notification” if the member notifies the Staff or the Chair prior to a regular or special meeting. If there has been no prior notification, the absence is considered “without notification.”

Each member is allowed three absences with notification per calendar year. Should a member exceed the allowed absences from regular and special meetings, Staff shall notify the City Clerk. Excessive absences shall result in termination of membership. A leave of absence, approved by the City Council according to Council Policy is not subject to termination.

It is the responsibility of staff of an advisory body to bring serious attendance issues to the attention of the Mayor or City Clerk prior to reaching the limit, if possible. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member or chairperson, that action may be initiated by Council to remove the member from the advisory body. The Mayor may choose to postpone or withhold notification to Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

Section 6. Termination

After three meetings following appointment to the Advisory Body, each member shall be subject to removal by motion of any Councilmember, adopted by at least four affirmative votes.

Section 7. Ex-Officio Membership “Optional”

The Transportation and Public Works Commission may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Advisory Body to serve as non-voting ex-officio members to lend other opinions or expertise to the work of the Advisory Body. The City Council will authorize the Chair of the Advisory Body to nominate member(s)-at-large for Council approval to be non-voting ex-officio members for a determined period of time.

ARTICLE V – TERM OF OFFICE

Section 1. Term

Term of office for each member shall be four years. A member may be appointed to complete an unexpired term. A member may continue to serve until their successor has been appointed.

Section 2. Membership Year

A membership year shall be February 1st to January 31st of each year.

Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Members who have served six years or less at the time their term expires are eligible for reappointment.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Officers of the Advisory Body shall consist of a Chair and Vice Chair.

Section 2. Election of Officers

As soon as is practicable following the first day of February of every year, there shall be elected from among the membership of the Advisory Body a Chair and Vice Chair.

Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw their name if placed in nomination, announcing that, if elected, they would not be able to serve; but they shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair, and will immediately chair the remainder of the meeting.

The same procedure is followed for the election of Vice Chair.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Advisory Body at a regularly scheduled meeting of the Advisory Body, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall decide upon all points of order and procedure during the meeting; their decision shall be final unless overruled by a vote of the Advisory Body, in compliance with Article IX, Section 2, "General Conduct of Meetings." The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Advisory Body before City Council whenever the Advisory Body or Council considers it necessary. The Chair and staff shall jointly set the meeting agenda.

The Chair, in consultation with staff, shall create an Annual Work Plan for the following fiscal year pursuant to the language contained in the "Work Program" section of the "Handbook for City Advisory Bodies" prepared by the City Clerk's Office. The Chair may move that a Work Plan development subcommittee be formed, and the Work Plan shall be adopted by the full Commission by a majority vote. Such adoption ideally shall occur at a meeting prior to the onset of the City's fiscal year which the plan coincides.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The Director of Public Works shall designate appropriate staff to act as staff person(s) to assist and support the Advisory Body. Staff shall attend all regular and special Advisory Body meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Advisory Body in the conduct of its business according to City Council policy and the Brown Act. Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Advisory Body meetings.

Staff shall record the minutes of the meetings in accordance with the guidelines established in the "Preparation of Minutes" section of the City Councilmembers' Handbook, shall supervise volunteers and interns, shall work closely with the Chair between meetings, shall make recommendations, prepare reports and proposals to the Advisory Body, may represent the Advisory Body at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks.

Staff shall be responsible for the maintenance of proper records and files pertaining to Advisory Body business. Staff shall receive and record all exhibits, petitions, documents, or other materials presented to the Advisory Body in support of, or in opposition to, any question before

the Advisory Body. Staff shall sign all notices prepared in connection with Advisory Body business, shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. Staff Relationship to the Advisory Body

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Advisory Body. If a member has a research or report request, it shall be brought to the Advisory Body for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Advisory Body, the individual member shall be responsible for their own research or report.

Staff and the Chair shall jointly set the meeting agenda.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Advisory Body will hold its regular meeting on the third Monday of each month, excluding July and December. The meetings shall begin at 6:00 p.m in the City Council Chambers and will adjourn at 9:00 p.m., unless the Chair, with concurrence of the Advisory Body, extends the time of adjournment.

If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Advisory Body, staff, or a majority of the membership of the Advisory Body may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Advisory Body on item(s) on the agenda.

If desired by a majority of the Commission, one of the ten annual meetings may be a “project open house” meeting organized and hosted by Public Works staff, with a purpose of informing the public of current and future projects and to allow for greater public comment on such projects. The date of such open house, if desired, shall be set by the Commission when it adopts its annual Meeting Calendar.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Advisory Body shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Advisory Body. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Councilmembers' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Advisory Body member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on an Advisory Body agenda. Issues can be referred to an advisory body by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, "Agenda Reports to Advisory Body."

Section 4. Quorum

A quorum of the Transportation and Public Works Commission shall consist a majority of the total number of members while there are greater than seven members. At such time that the Transportation and Public Works Commission becomes a seven-member commission, a quorum shall consist of four (4) members, whether or not there are vacancies on the Advisory Body.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

Section 7. Order of Business

The Chair or a majority vote of the Advisory Body may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Advisory Body and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at their discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Advisory Body, or to avoid public input on an agenda item under consideration by the Advisory Body.

Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., “The motion passes by a vote of five to two.”

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.” No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that “no person shall make or participate in a governmental decision which s/he knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.”

Any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for their vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where they have a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Advisory Body staff shall call the roll and each member shall state their vote for the record.

Section 4. Sealed Ballot Votes

No Advisory Body shall take a sealed ballot vote in open session.

Section 5. Adoption of Motions

Adoption of a motion shall be made by a simple majority of the members present, except as otherwise provided. The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie Votes

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Advisory Body, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Advisory Body, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Advisory Body

All agenda items require a written report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Reports shall include recommendation(s) and background. If a report is initiated by an Advisory Body member, a draft of that report shall be provided to staff for formatting at least 10 business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda reports. Items initiated by a committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

Section 3. Preparation of Advisory Body-Generated City Council Agenda Reports

All recommendations adopted by the Advisory Body and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Advisory Body shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Advisory Body disagree, an analysis of both recommendations shall be included.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

Section 2. Action Agenda

Action agendas are required for standing Advisory Bodies. An action agenda is an unofficial record of the meeting and shall consist of attendance; meeting start and adjourn times, and a brief description of actions taken. The action agenda shall be made available online within four working days of the meeting.

Section 3. Minutes

Action-only minutes will be produced for all Advisory Body meetings in the same format as that used for City Council meetings as referenced in Council Policy 5.14. Minutes, when approved by the advisory body, are the official record of the meeting and shall consist of attendance, meeting start and adjourn times, a brief description of actions taken, the motion maker and seconder of the motion; and an actual tally of the votes for all actions taken. Advisory Body members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Advisory Body at a subsequent meeting. Approved minutes are a permanent document and shall be maintained in hard copy in perpetuity in addition to in electronic version.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Electronic Recording of Meetings

Proceedings for all standing Brown-Act Advisory Body meetings shall be recorded on CDs or DVRs. The electronic media shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule.

As appropriate and/or when requested by the Advisory Body or City Council, a meeting of the Advisory Body may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by an Advisory Body to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the appointing Advisory Body. Ad hoc committees shall bring back information to the Advisory Body in either oral or written form.

Following ad hoc committee input, the Advisory Body shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Advisory Body at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Advisory Body. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

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City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Advisory Body.

Section 4. Appointments

The Chair of the Advisory Body may designate or solicit participation for standing and ad hoc committees.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Advisory Body may amend these bylaws, subject to the approval of the City Council.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than a majority of the full membership of the Transportation and Public Works Commission of the City of Santa Cruz and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are hereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Advisory Body may direct its activities.



BYLAWS

of the

Water Commission

City of Santa Cruz, California

Under authority of applicable statutes of the State of California and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Water Commission of the City of Santa Cruz, CA

Adopted June 27, 1977

Amended May 26, 1992

Amended May 5, 2003

Amended October 6, 2014

Amended October 4, 2021

Approved by the City Council on October 28, 2014

Water Commission Bylaws

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Water Commission Bylaws

ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization shall be the Water Commission of the City of Santa Cruz, California; hereinafter referred to as the Advisory Body.

ARTICLE II – PURPOSE

The Water Commission will act in an advisory capacity to the City Council in all matters pertaining to the Santa Cruz water system and the maintenance and management thereof.

ARTICLE III – DUTIES AND RESPONSIBILITIES

The Water Commission shall have the ability, as vested by the City Council, and be required to:

- Recommend to the City Council, after public input, the adoption, amendment or repeal of ordinances relating to Chapter 16 Water, Sewers and other Public Services of the Santa Cruz Municipal Code;
- Make recommendations concerning proposed annual Water Department budget, Capital Improvement Program, Water Rate Resolutions and Water Resale Applications;
- Undertake studies and make recommendations in the area of Water Conservation and Water Supply Planning;
- Act in an advisory capacity to the City Council in all matters pertaining to the Santa Cruz water system and the maintenance and management thereof;
- Review and make recommendations to the City Council pertaining to the improvement and extension of the water system of the City, including sources, storage, quality, transmission and distribution of water to the inhabitants, and all subjects related thereto, including estimated costs of carrying out such recommendations;
- Review, monitor, and make long-range recommendations concerning securing sources of domestic water supply for the City; including re-examination of prior reports thereon to ascertain the value thereof if any at this time;
- Receive complaints pertaining to the Santa Cruz water system;
- Perform other duties as may from time to time be prescribed by the City Council.

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The Water Commission shall consist of seven Water Commissioners, hereinafter referred to as members.

Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by City Ordinance or by the City Council.

Section 2. Qualifications

The Water Commission shall be comprised of seven members. Six members of the Water Commission shall be qualified electors of the city, and one member shall be a qualified elector of the county who resides outside of the city limits but within the city's water service area. (Ord. 2003-32 § 1, Ord. 2000-08 § 1, 2000: Ord. 92-26 § 1, 1992; Ord. 87-10 § 1 (part), 1987).

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk.

Section 4. Method of Appointment

Each City Resident member shall be appointed by motion of the City Council adopted by at least four affirmative votes. The non-resident member shall be appointed by a four-member majority of the city council and nominations for that appointment may be made by any Councilmember.

Section 5. Good Standing and Reporting of Absences

Absences will be identified as “with notification” and “without notification.” An absence is considered as “with notification” if the member notifies the Staff or the Chair prior to a regular or special meeting. If there has been no prior notification, the absence is considered “without notification.”

Each member is allowed three absences with notification per calendar year. Should a member exceed the allowed absences from regular and special meetings, Staff shall notify the City Clerk. Excessive absences shall result in termination of membership. A leave of absence, approved by the City Council according to Council Policy is not subject to termination.

Section 6. Termination

Each member shall be subject to removal by motion of any Councilmember, adopted by at least four affirmative votes.

ARTICLE V – TERM OF OFFICE

Section 1. Term

The term of office for each member shall be one four-year term. A member may be appointed to complete an unexpired term. A member may continue to serve until their successor has been appointed.

Section 2. Membership Year

A membership year shall be from February 1st to January 31st of each year.

Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Upon completion of a member's second full four-year term, that member will be ineligible for reappointment for a period of two years.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months. Members of the Commission may serve for more than 13 months, if necessary, on advisory bodies whose charge is directly related to their service on the Water Commission when appointed to do so by the City Council.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Officers of the Advisory Body shall consist of a Chair and Vice Chair.

Section 2. Election of Officers

As soon as is practicable following the first day of February of every year, there shall be elected from among the membership of the Advisory Body a Chair and Vice Chair.

Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw their name if placed in nomination, announcing that, if elected, they would not be able to serve; but they shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair, and will immediately chair the remainder of the meeting.

The same procedure is followed for the election of Vice Chair.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Advisory Body at a regularly scheduled meeting of the Advisory Body, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings. The Chair shall

decide upon all points of order and procedure during the meeting; their decision shall be final unless overruled by a vote of the Advisory Body, in compliance with Article IX, Section 2, “General Conduct of Meetings.” The Chair may not make motions, but may second motions on the floor. The Chair acts as primary contact for staff and shall represent the Advisory Body before City Council whenever the Advisory Body or Council considers it necessary unless another member(s) is (are) appointed by the Advisory Body. The Chair and staff shall jointly set the meeting agenda.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The Director of the Water Department shall designate appropriate staff to act as staff person(s) to assist and support the Advisory Body. Staff shall attend all regular and special Advisory Body meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Advisory Body in the conduct of its business according to City Council policy and the Brown Act. Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Advisory Body meetings.

Staff shall record the minutes of the meetings in accordance with these bylaws. Staff shall supervise volunteers and interns, shall work closely with the Chair between meetings, shall make recommendations, prepare reports and proposals to the Advisory Body, may represent the Advisory Body at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks.

Staff shall be responsible for the maintenance of proper records and files pertaining to Advisory Body business. Staff shall receive and record all exhibits, petitions, documents, or other materials presented to the Advisory Body in support of, or in opposition to, any question before the Advisory Body. Staff shall sign all notices prepared in connection with Advisory Body business, shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. Staff Relationship to the Advisory Body

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Advisory Body. If a member has a research or report request, it shall be brought to the Advisory Body for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Advisory Body, the individual member shall be responsible for their own research or report.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Advisory Body will hold its regular meeting on the first Monday of each month, which shall begin at 7:00 p.m. in the City Council Chambers and will adjourn no later than 11:00 p.m., unless the Chair, with concurrence of the Advisory Body, extends the time of adjournment.

If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Advisory Body, staff, or a majority of the membership of the Advisory Body may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Advisory Body on item(s) on the agenda.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Advisory Body shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities that which are accessible to persons with disabilities. The public shall have the opportunity to speak on any item on the agenda. During oral communications, the public may speak on any water related matter not on the agenda. Comments shall be limited to three minutes for any speaker unless the chair decides otherwise.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Advisory Body. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Councilmembers' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Advisory Body member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on an Advisory Body agenda. Issues can be referred to an advisory body by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, “Agenda Reports to Advisory Body.”

Section 4. Quorum

A quorum of the Water Commission shall consist of four (4) members, whether or not there are vacancies on the Advisory Body.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall generally conform to the template provided in the Handbook for City Advisory Bodies.

Section 7. Order of Business

The Chair or a majority vote of the Advisory Body may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Advisory Body and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at their discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Advisory Body, or to avoid public input on an agenda item under consideration by the Advisory Body.

Section 9. Results of Voting

Except in the case of unanimous votes, the chair shall state the results of a vote by providing the names of the Commissioners voting for and those voting against.

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

Section 607 of the City Charter states that “...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.” No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that “no person shall make or participate in a governmental decision which s/he knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally.”

Any member who has a disqualifying interest on a particular matter shall do the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for

uncontested matters;

- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for their vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where they have a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Advisory Body staff shall call the roll and each member shall state their vote for the record.

Section 4. Sealed Ballot Votes

No Advisory Body shall take a sealed ballot vote in open session.

Section 5. Adoption of

Adoption of a motion shall be made by a simple majority of the members present, except as otherwise provided. The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie Votes

Tie votes will be resolved as follows:

Full Commission Attendance (seven members): A vote resulting in a tie when the full commission is in attendance shall constitute a defeat of the motion.

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Advisory Body, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Advisory Body, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Advisory Body

All agenda items require a written report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Reports shall include recommendation(s) and background. If a report is initiated by an Advisory Body member, a draft of that report shall be provided to staff for formatting at least five (5) business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda reports. Items initiated by a committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

Section 3. Preparation of Advisory Body-Generated City Council Agenda Reports

All resolutions and recommendations adopted by the Advisory Body and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Advisory Body shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Advisory Body disagree, an analysis of both recommendations shall be included.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

Section 3. Minutes

Minutes shall briefly summarize comments made by members of the public and the Commission as well as actions taken by the Commission. “For the record” statements may be made by Commissioners when they desire that specific language be included in the minutes. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Advisory Body at a subsequent meeting.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Audio and Video Recording of Meetings

Proceedings for all Advisory Body meetings shall be recorded on audiotapes whenever possible. The audiotapes shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule.

As appropriate and/or when requested by the Advisory Body or City Council, a meeting of the Advisory Body may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by an Advisory Body to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the appointing Advisory Body. Ad hoc committees shall bring back information to the Advisory Body in either oral or written form.

Following ad hoc committee input, the Advisory Body shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Advisory Body at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Advisory Body. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Advisory Body. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

Section 3. Staff Support to Committees

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Advisory Body in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Advisory Body.

Section 4. Appointments

The Chair of the Advisory Body may designate or solicit participation for standing and ad hoc committees, unless overruled by a majority vote of the Advisory Body.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Advisory Body may amend these bylaws, subject to the approval of the City Council.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than four (4) of the full membership of the Water Commission the City of Santa Cruz and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are hereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Advisory Body may direct its activities.

Attest: _____
Staff – Katy Fitzgerald



City Council AGENDA REPORT

DATE: 11/30/2021

AGENDA OF: 12/14/2021

DEPARTMENT: City Manager

SUBJECT: Green Economy Resolution (CM)

RECOMMENDATION: Resolution to take action for a just transition to a green economy.

BACKGROUND: The City prioritized bolstering the green economy and green jobs through dual efforts: the development of the City's [Climate Action Plan 2030](https://www.cityofsantacruz.com/government/city-departments/city-manager/climate-action-program/climate-action-plan) (CAP 2030) (<https://www.cityofsantacruz.com/government/city-departments/city-manager/climate-action-program/climate-action-plan>) and implementation of the City's [Re Envision Santa Cruz Interim Recovery Plan](#) workforce development initiative. Since both efforts launched in 2020, the City has made progress on several fronts to advance a green economy. These efforts are being guided by an internal workforce development team meeting monthly and a city council member green economy working group meeting three times in 2021.

- During 2021 the City hosted 10 listening sessions with various green economy stakeholders groups to ascertain the state of and opportunities for green workforce development and developed a working stakeholder ecosystem mapping.
- In the spring and late summer of 2021, the City of Santa Cruz conducted two Mayoral Roundtables on the Green Economy, featuring community dialogue on the topic of job prospects related to natural lands and the built environment;
- A survey of over 300 residents conducted in the fall 2021 for the CAP 2030 indicates that the green economy and green jobs are identified by the community, particularly front-line groups (i.e., BIPOC and youth), as a priority.
- In the fall of 2021, through a Monterey Bay climate project funding charrette hosted by the City, jurisdictional representatives throughout the Monterey Bay region identified equitable green workforce development as a high priority area to address in a collective and coordinated way to yield transformative impact on job training, job quality, and job availability.
- In the late fall of 2021, the City's consulting team completed the first phase 1 of a two-part green economy analysis as part of the CAP 2030 project.

DISCUSSION: From these efforts City of Santa Cruz has developed a broad, working definition of the green economy as one which is low to no carbon, resource-efficient and socially inclusive, encompassing jobs related to environmental quality and resource protection. These jobs may include but are not limited to clean renewable energy, public transportation, waste management and recycling, ecotourism, sustainable agriculture, urban forestry, land conservation and remediation, and environmental monitoring. The CAP 2030 Green Economy and Jobs analysis conducted by Hatch, subconsultant to Rincon, aims to provide an understanding of economic outcomes and opportunities presented by the City's pathway to carbon neutrality through the CAP 2030. The two part analysis examines the policies and transformative climate investments in the context of the City's existing economy to understand which sectors and industries may experience growth and what new industries may emerge. Specifically, the analysis addresses equitable green jobs opportunities that could result from the CAP 2030 actions including potential skill and training gaps. The first part of the CAP 2030 green economy analysis delivered in the fall of 2021 focused on the City's green economy and jobs situated in the existing economic context as well as larger trends in the green economy and their relevance to the CAP 2030 project.

As of 2021, there are over 3,500 businesses within the City limits that provide about 39,000 jobs. Of all employed in the City, 75% are employed in white collar jobs, 10% in blue collar occupations and 15% in service occupations. The top four employing industries are educational services, retail trade and accommodation and food services; and health care and social assistance, providing over 50% of employment in Santa Cruz. The fifth and sixth top rated industries for jobs, manufacturing and professional, scientific and tech services, employ 14% of jobs and offer unique opportunities. These trends are similar for the County. The Santa Cruz metro area is also projected to see increased job growth in personal care and food preparation and service. These industries expected to grow in the Santa Cruz metro area also those with low median annual wage falling below the national median compensation.

The green economy analysis identified over 3,500 existing green jobs in the local economy, representing 10% of total employment in the City of Santa Cruz. Nationally, the green economy employs over 4% of the working age population and represents \$1.3 trillion in annual sales revenue, about 7% of annual GDP. In California \$76 billion has budgeted for clean energy efficiency project investments per year between 2021 and 2030 and \$62 billion in manufacturing, infrastructure and land restoration agriculture per year between 2021 and 2030. Together these investments will yield over 1 million jobs per year in the state. The analysis provides demographic information in terms of racial and gender composition of green jobs in California. The second part of the Green Economy and Jobs analysis will be delivered with the CAP 2030 action (e.g., programs, policies and infrastructure required to meet CAP 2030 targets) development in early 2022. The community will have an opportunity to provide feedback on these actions as part of a virtual community dialogue platform.

In addition to the CAP 2030 and workforce development efforts in planning, the City will also implement three other actions specified in the [Health in All Policies' current workplan](#) adopted in November, 2021: (1) the development of a list of pre-qualified local vet, BIPOC, small and women contractors for residents to reference; (2) exploration and integration of Sustainability and Equity into budgeting; and (3) explore and pursue job opportunities and grant funding related to building electrification efforts with regional partners. The City will also add equity based green economy/community well-being indicator metrics to become part of the existing quarterly [Re Envision Santa Cruz](#) reporting and future annual CAP 2030 reporting.

FISCAL IMPACT: None. However, there will be costs associated with any future green economy workforce development program(s) and CAP 2030 green economy focused action implementation. Staff are exploring and pursuing grant funding for these efforts.

Prepared By:
Tiffany Wise-West
Sustainability & Climate
Action Manager

Submitted By:
Laura Schmidt
Assistant City Manager

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ TO TAKE ACTION FOR A JUST TRANSITION TO A GREEN ECONOMY

WHEREAS, the City of Santa Cruz has developed a broad, working definition of the green economy as one which is low to no carbon, resource-efficient and socially inclusive, encompassing jobs related to environmental quality and resource protection; and

WHEREAS, the City Council identified equity and the green economy as focal areas of the Interim Recovery Plan, Re Envision Santa Cruz' implementation; and

WHEREAS, through the City's Climate Action Plan 2030 development process, Resilient Together, the green economy and green jobs are identified by the community, particularly frontline groups (e.g., BIPOC and youth), as a priority; and

WHEREAS, jurisdictional representatives throughout the Monterey Bay region have identified equitable green workforce development as a high priority area to address in a collective and coordinated way to yield transformative impact on job training, job quality, and job availability; and

WHEREAS the City of Santa Cruz has conducted two Mayoral Roundtables on the Green Economy, featuring community dialogue on the topic of job prospects related to natural lands and the built environment; and

WHEREAS, the City of Santa Cruz has conducted listening sessions with relevant stakeholders and completed the first phase of a green economy analysis identified over 3,600 existing green jobs in the local economy, representing 10% of total employment in the City of Santa Cruz.

NOW, THEREFORE, BE IT RESOLVED, that the City Council, of the City of Santa Cruz, hereby:

1. Directs City of Santa Cruz staff to identify and implement green economy and workforce development measures as part of the Climate Action Plan 2030 process and the Interim Recovery Plan, Re Envision Santa Cruz, workforce development initiative including identifying outcome indicator metrics for tracking the progress of these efforts.
2. Directs City of Santa Cruz staff to apply for, accept, and execute, in the name of the City of Santa Cruz all necessary applications, contracts and agreements and amendments thereto, and obtain funds from state and federal funding sources to carry out the green economy measures and actions developed.

RESOLUTION NO.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

Rosemary Balsley

From: Garrett <garrettphilipp@aol.com>
Sent: Thursday, December 09, 2021 7:49 PM
To: City Council
Subject: 12/14/21 Green Economy Resolution

12/14/21 Green Economy Resolution

Dear Council,

Climate Action is probably one of two the the greatest scams in progress, Covid response being the other, in existence.

While it true climate does change, as it always has, the idea mankind can alter or actually control climate through CO2 emissions, has no science behind it. Climate is among the most complicated and beyond human power mechanisms known, and the prediction of it even 20-80 years out is a fools errand at this point.

CO2 is estimated to contribute about 2% to the climate, and most of that is a natural process. There are \$\$ to me made ringing the alarmist bell, as it has rung in error so many, many times before, and this is no different.

I am totally 100% behind anti-pollution efforts. I am 100% behind an effort to replace fossil fuels. My reasons are we will if nothing else run out eventually. Energy is the thing that transforms an inhospitable Earth into a more hospitable one, but sometimes the wind doesn't blow, and the sun doesn't shine. The premature abandonment of fossil fuels sans a reliable replacement of fossil fuel energy is foolish.

The council showed it's ignorance by banning natural gas connections when natural gas is the most clean fossil fuel, and other far more nasty fuels exist that it could totally replace, and the USA is not in control of the worlds habits as to fossil fuel production and will have nil effect. You cannot scientifically prove what effect on climate ANY of your green proposals have had to date, I dare you.

As with most of the leftist garbage dogma, it has a fragment of legitimacy to it, but expenditures such as even having a highly compensated Sustainability & Climate Action Manager, is a waste of funds.

Get real, if it doesn't make economic sense, has no provable scientific value, don't bother. The Earth will be fine with people on it for as long as they last, and beyond, doing what they need to exist without unfounded sacrifice and expense.

Garrett Philipp - West side



City Council AGENDA REPORT

DATE: 12/06/2021

AGENDA OF: 12/14/2021

DEPARTMENT: City Council

SUBJECT: Appointment of Representatives to the Santa Cruz County Homeless Action Partnership, the Santa Cruz County Continuum of Care Governing Entity (CN)

RECOMMENDATION: Motion to appoint incoming Vice Mayor Martine Watkins and Deputy City Manager and Director of Planning and Community Development and Homeless Response Lee Butler to be the City of Santa Cruz's representatives on the newly restructured Santa Cruz County Homeless Action Partnership.

BACKGROUND: The City of Santa Cruz has long been an active participant in the County sponsored and supported Homeless Action Partnership (HAP)¹. The HAP acts as the federally designated Continuum of Care for Santa Cruz County and coordinates resources, programs and services focused on preventing and ending homelessness. Employees from the County of Santa Cruz Health Services Department Housing for Health Division provide staffing support for the HAP.

The HAP is a collaboration of five public jurisdictions in Santa Cruz County (the County and the cities of Santa Cruz, Watsonville, Capitola and Scotts Valley) along with housing and service providers, people with lived experience of homelessness and other stakeholders. The US Department of Housing and Urban Development provides over \$4 million per year to the Santa Cruz County community through the work of the HAP. The HAP also plays a role in receiving and coordinating other resources from federal and state government agencies.

As part of the County's reorganization and strategic planning work related to homelessness, the existing HAP membership has been involved in a process to review and establish a new governance structure for the future HAP and this new governance structure becomes effective at the beginning of 2022. The recommendations for a change to the HAP's structure target improving the efficiency and effectiveness of deploying local, state and federal resources to address homelessness in Santa Cruz County.

DISCUSSION: Under the new governance structure, the City of Santa Cruz has two appointees to the new HAP Board. There is no requirement for appointees to be elected officials, and some other local governments are appointing senior staff members to serve as HAP Board members. In thinking about appointees to this newly reconfigured entity, staff recognized the importance

¹ See <http://homelessactionpartnership.org/About/WhatisHAP.aspx>

and potential organizational benefits of both building continuity over time through appointing individuals who would serve at least for two years and linking HAP appointments to the other City-County collaborative efforts related to homelessness, namely the 2x2 Committee.

Continuity is a critically important criterion in considering appointees to the HAP because of the complexity of decision-making related to homelessness response initiatives and programmatic content. An appointee to the HAP for only a one-year term, for example, will just be getting up to speed on the group's work when their assignment terminates. Linking to the 2x2 Committee is also an important bridge because the 2x2 Committee provides a policy level forum for senior City and County staff and elected officials to coordinate and work together on homelessness issues that may ultimately need to go to the HAP for funding.

Based on these criteria, the recommended appointees for two-year appointments to the HAP are incoming Vice-Mayor, Martine Watkins and Deputy City Manager and Planning and Community Development and Homeless Response Director, Lee Butler.

FISCAL IMPACT: None.

Prepared By:
Rosemary Menard
Interim City Manager

Submitted By:
Donna Meyers
Mayor

ATTACHMENTS:
None.



City Council AGENDA REPORT

DATE: 11/29/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Finance

SUBJECT: FY 2021 Year-End Budget Adjustment (FN)

RECOMMENDATION: Resolution amending the FY 2021 budget where annual expenditures need adjustments in various funds.

BACKGROUND: In accordance with Council Policy 12.6, new appropriations, transfers of appropriations between departments, and/or transfers of appropriations in between funds must be approved by the City Council. At the end of the fiscal year, an analysis is prepared to determine expenditures within funds and departments that have exceeded appropriations, or need budget adjustments from other funds or departments. An annual budget adjustment is presented to the City Council to reconcile those differences.

DISCUSSION: In the closing process for FY 2021 budget, analysis on department level expenditures showed that Human Resources, Police, and the Redevelopment Successor Agency exceeded their budget appropriations.

Human Resources (HR)

The HR department currently houses several Internal Service Funds that support citywide benefits, and are separate from the HR department's operational budget.

- Fund 843 Group Health Insurance was over by \$1,070,457, due to higher than estimated medical premium costs. At the time that budgets are prepared and approved by Council, health premium costs have not been updated, and must be estimated following historic trends.
- Fund 844 Unemployment Insurance was over by \$179,952 due to higher than expected unemployment claims.

Redevelopment Successor Agency

The Successor Agency Debt Service Fund (946) was over by \$13,277,230 due to payoff of the principal on its Tax Allocation Bond for \$13,136,950, issued prior to the dissolution of the Redevelopment Agency. Originally scheduled to be paid off by 2033, in May 2021, the State extended an opportunity to pay off its obligation early, and therefore save on interest.

Police Department

The Police Department exceeded their budget appropriation by \$7,686 due to unanticipated replacement of a water heater.

FISCAL IMPACT: No impact to the General Fund. Police Department adjustment will be offset by fund balance. Likewise, fund balance will be utilized to adjust funds 843, 844 and an interfund transfer within the Redevelopment Successor Agency will be used to balance fund 946.

Prepared By:
Lupita Alamos
Budget Manager

Submitted By:
Bobby Magee
Interim Finance Director

Approved By:
Rosemary Menard
City Manager

ATTACHMENTS:

1. BUDGET ADJUSTMENT.PDF

**City of Santa Cruz
BUDGET ADJUSTMENT REQUEST**

- Council Approval
- Administrative Approval

CM/FN Use Only:

Fiscal Year: 2020-2021
Date: 11/30/2021

Reso #:
BA Ref #:

Purpose: To adjust appropriations for Fiscal Year ending June 30, 2021 for the General Fund, Group Health, Unemployment Insurance, and Successor Agency Debt Service Fund.

ACCOUNT	PROJECT	REVENUE EDEN ACCOUNT TITLE	AMOUNT
946-00-00-0000-49191		Intra-entity fund transfer in	13,277,230
TOTAL REVENUE			13,277,230

ACCOUNT	PROJECT	EXPENDITURE EDEN ACCOUNT TITLE	AMOUNT
101-20-20-2101-52199		Professional Services	7,686
843-12-07-7823-52922		Medical active premium	986,356
843-12-07-7823-52925		Health retired premiums	84,101
844-12-07-7824-52923		Insurance claim payments	179,952
943-00-00-0000-59191		Intra-entity fund transfer out	13,277,230
946-52-80-8110-58110		Bond principal	13,136,950
TOTAL EXPENDITURE			27,672,275

NET: \$ -14,395,045

REQUESTED BY	DEPARTMENT HEAD APPROVAL	BUDGET/ACCOUNTING REVIEWED	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
Tracy Cole <small>Digitally signed by Tracy Cole Date: 2021.12.01 09:11:09 -08'00'</small>	Kim Wigley <small>Digitally signed by Kim Wigley DN: cn=Kim Wigley, o=City of Santa Cruz, ou=Finance Department, email=kwigley@cityofsantacruz.com, c=US Date: 2021.12.06 15:23:26 -08'00'</small>	Tracy Cole <small>Digitally signed by Tracy Cole Date: 2021.12.06 15:30:03 -08'00'</small>	Lupita Alamos <small>Digitally signed by Lupita Alamos DN: cn=Lupita Alamos, o=City of Santa Cruz, ou=Finance, email=latamos@cityofsantacruz.com, c=US Date: 2021.12.06 15:37:13 -08'00'</small>	



City Council AGENDA REPORT

DATE: 12/02/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Finance/Planning

SUBJECT: FY 2021 Annual Report for Traffic Impact Fee, Childcare Impact Fee, and Public Safety Impact Fee (FN/PL)

RECOMMENDATION: Motion to accept and approve the attached FY 2021 Impact Fee Annual Report.

BACKGROUND: In April, 2004, the City Council adopted the Beach /South of Laurel Traffic Impact Fee Ordinance and in June, 2005, the City Council adopted the Citywide Traffic Impact Fee Ordinance. In November, 2012 the City Council amended the Traffic Impact Fee Ordinances to combine the Beach/South of Laurel and Citywide areas resulting in a single Traffic Impact Fee as of FY2013. In addition, the fee is now based on PM peak hour trips rather than daily trips. This fee complies with California Government Code Section 66006.

In April 2021, the City Council also adopted the Childcare and Public Safety Impact fees. The fees were effective as of June 26, 2021.

Section 66006 provides the annual reporting requirements for development impact fees. It requires that within 180 days after the close of the fiscal year the City shall produce a report on the developer im-pact fees and make it public at least 15 days prior to the regularly scheduled City Council meeting. In addition, for anyone who provided a written request to be notified, the City shall mail them notice of the time and place of the meeting at least 15 days prior to the meeting. Staff has compiled and made available at the Finance Public Counter 15 days prior to the meeting the FY 2021 Traffic Impact Fee Annual Report, which is attached. The report for the Childcare and Public Safety Impact Fee were made available as of December 7th, and will remain throughout the end of January 2022 if the public wishes to view the material. Staff recommends acceptance and approval of the report.

DISCUSSION: The City began collecting Traffic Impact fees in FY 2006. The amount collected in FY 2021 is \$420,464 and is detailed in the attached report. Total fees collection for the childcare impact fees from June 28th-30th totals \$973 for Childcare and \$4,205 for the Public Safety Impact Fee.

FISCAL IMPACT: No fiscal impact.

Prepared By:
Nicholas Gong
Accountant II

Submitted By:
Bobby Magee
Interim Finance Director

Approved By:
Rosemary Menard
Interim City Manager

Sara De Leon
Principal Management
Analyst

ATTACHMENTS:

1. 2021 TRAFFIC IMPACT FEE ANNUAL REPORT – DEVELOPMENT IMPACT FEES.DOC
2. EXPLANATION OF REFUNDS MEMO DATED 12-2-21.PDF

City of Santa Cruz
2021 Impact Fee Annual Reports
Development Impact Fees
For Fiscal Year Ending June 30, 2021

Government Code Sec. 66006(a) requires local agencies to produce an annual report, within 180 days of the fiscal year end. The annual report must be made available to the public and be presented to the public agency (City Council) at least fifteen days after it is made available to the public.

This report summarizes the following information for each of the development fee programs:

1. Description of fee
2. Amount of fee
3. Beginning and ending fund balances
4. Amount of fees collected and interest earned
5. Identification of projects on which fees were expended and the amount for each improvement that was expended
6. The total percentage of the cost of the public improvement that was funded with fees
7. The approximate date by which construction of the improvements will commence for any incomplete improvements for which sufficient funds to complete financing for the improvements have been collected
8. The amount of refunds paid
9. Description of each interfund transfer or loan made from the fund, if any

The following fee programs are included in this report:

- Section A – Citywide Traffic Impact Fee
- Section B – Citywide Childcare Impact Fee
- Section C – Citywide Public Safety Impact Fee (Police and Fire)

Section A – Citywide Traffic Impact Fee
For Fiscal Year Ending June 30, 2021

Description: A Traffic Impact Fee is assessed in connection with the issuance of any development permit for development in areas of the City designated by City Council Resolution NS-26,943 on June 28, 2005. 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. On November 27, 2012 City Council adopted Resolution NS-28,574 rescinding Resolution NS-26,943, combining the Beach/South of Laurel and Citywide areas and revising the Traffic Impact Fee Estimate Form to include new uses and PM peak hour rates.

Amount of Fee: The Traffic Impact Fee in FY 2021 was defined to be \$3,850 per peak hour trip as determined on the Traffic Impact Fee Estimate Form.

Refund: The refund amount in FY 2021 was \$0.

Beginning Balance, July 1, 2020	2,004,109 ¹	
<u>Receipts</u>		
Fees Collected	301,236	
Interest Earned	12,211	
Transfer-in	<u>107,017</u>	
Total	420,464	
<u>Disbursements</u>		
C401410 Ocean/Water Intersection Impr.	(429,045)	100%
Admin Expenses	<u>(51,723)</u>	100%
Total Disbursements	(480,768)	
Ending Balance, June 30, 2021	1,943,805 ²	

¹ Beginning fund balance does not include allowance for FV of invest w/City-cur unrstr

² Ending fund balance does not include allowance for FV of invest w/City-cur unrstr

**Section B – Citywide Childcare Impact Fee
For Fiscal Year Ending June 30, 2021**

Description: A Childcare Impact Fee is assessed in connection with the issuance of certain development permits for development in the City designated by City Council Resolution NS-29,812. This fee was effective on June 26, 2021. While the education of children has been acknowledged as a public responsibility, the pre-school and after-school care of children traditionally has been seen as a private problem of families, especially women, and not of public concern; however, consideration for the needs of children is a critical part of community planning and is part of an integrated system that supports human development, labor force participation, and job opportunities. The benefits of early childcare development and care in the community speak to the labor market, business recruitment, and retention; improved school readiness and success; and reduced public cost for remediation, prison and welfare. As such, the City’s General Plan calls for accessible, high-quality childcare facilities and services and includes objectives and policies to encourage an adequate and diverse supply of childcare facilities and services citywide, and includes a Childcare Impact fee on new residential and nonresidential development due to its impacts on childcare needs.

Amount of Fee: The Childcare Impact Fee in FY 2021 was defined to as:

Residential Use	Cost Per Square Foot
Single Family	\$.028
Multi Family	\$0.21
Commercial Use	
Retail	\$0.77
Office	\$0.89
Industrial	\$0.36
Hotel	\$0.27

Refund: The refund amount in FY 2021 was \$1,035.74. See Attachment 2 for details.

Beginning Balance, July 1, 2020	0 ³	
<u>Receipts</u>		
Fees Collected	954	
2% Administrative Fee Revenue	19	
Interest	-	
Total	973	
<u>Disbursements</u>		
Admin Expenses	0	100%
Total Disbursements	0	
Ending Balance, June 30, 2021	973 ⁴	

³ Beginning fund balance does not include allowance for FV of invest w/City-cur unrstr

⁴ Ending fund balance does not include allowance for FV of invest w/City-cur unrstr

**Section C – Citywide Public Safety Impact Fee
For Fiscal Year Ending June 30, 2021**

Description: A Public Safety Impact Fee (Fire and Police) is assessed in connection with the issuance of certain development permits in the City as designated by City Council Resolution NS-29,813. The fees were effective on June 26, 2021. The City’s General Plan includes objectives and policies to ensure adequate fire and police training and resources and to maintain rapid and timely response to all emergencies and services. A developer voluntarily choosing to create new development will place new, additional, and cumulatively overwhelming burdens on public safety services, a network of integrated services that serves existing and planned residential and non-residential development. New development in the City will increase the service population and therefore the need for new fire and police facilities, apparatuses, vehicles, and equipment to adequately serve new residents and employees. In accordance with the General Plan, the fees shall be used to pay costs associated with the mitigation of fire and police impacts attributable to the development that is the subject of the permit.

Amount of Fee: The Public Safety Impact Fee in FY 2021 was defined as:

Fire:

Police:

FY20/21		
RESIDENTIAL USE	Maximum Per Dwelling Unit	
		Cost Per Sq. Ft.
Single-Family	\$ 420	\$ 0.27
Multi Family	\$ 313	\$ 0.45
Note: If the Per Sq. Ft. cost is high		
FY20/21		
NONRESIDENTIAL USE	Cost Per 1,000 Sq. Ft.	Cost Per Sq. Ft.
Retail	\$ 254	\$ 0.254
Office	\$ 297	\$ 0.297
Industrial	\$ 119	\$ 0.119
Hotel	\$ 89	\$ 0.089

FY20/21		
RESIDENTIAL USE	Maximum Per Dwelling Unit	
		Cost Per Sq. Ft.
Single-Family	\$ 426	\$ 0.27
Multi-Family	\$ 318	\$ 0.46
Note: If the Per Sq. Ft. cost is high		
FY20/21		
NONRESIDENTIAL USE	Cost Per 1,000 Sq. Ft.	Cost Per Sq. Ft.
Retail	\$ 258	\$ 0.258
Office	\$ 301	\$ 0.301
Industrial	\$ 120	\$ 0.120
Hotel	\$ 90	\$ 0.090

Refund: The refund amount in FY 2021 was \$480.22 for Fire Impact Fees and \$10,360.40 for the Police Impact Fee. See Attachment 2 for details.

FIRE IMPACT FEE

Beginning Balance, July 1, 2020 0⁵

Receipts

Fees Collected	2,036
2% Administrative Fee	41
Interest Earned	<u>0</u>
Total	2,077

<u>Disbursements</u>		<u>% of Cost Funded</u>
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Admin Expenses	<u>0</u>	100%
Total Disbursements	0	

Ending Balance, June 30, 2021 2,077⁶

POLICE IMPACT FEE

Beginning Balance, July 1, 2020 0⁷

Receipts

Fees Collected	2,086
2% Administrative Fee	42
Interest Earned	<u>0</u>
Total	2,128

<u>Disbursements</u>		<u>% of Cost Funded</u>
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Admin Expenses	0	100%
Total Disbursements	<u>0</u>	

Ending Balance, June 30, 2021 2,128⁸

Total Public Safety Impact Fee Ending Balance, June 30, 2021 4,205

⁵ Beginning fund balance does not include allowance for FV of invest w/City-cur unrstr

⁶ Ending fund balance does not include allowance for FV of invest w/City-cur unrstr

⁷ Beginning fund balance does not include allowance for FV of invest w/City-cur unrstr

⁸ Ending fund balance does not include allowance for FV of invest w/City-cur unrstr



MEMORANDUM

DATE: 12/2/2021

TO: Michael Manno, Accounting

FROM: Sara De Leon, Principal Analyst, Planning & Community Development

SUBJECT: FY21 Impact Fee Revenue Corrections, Collection Began 6/28/2021

This memo explains errors recently discovered in the Childcare and Public Safety Impact Fee (impact fees) funds that require additional refunds; and corrects a misplaced journal entry that was made in an attempt to correct a refund from my 7/19/21 memo (See Revised Table 1).

Additional Refunds: Our department officially began collecting revenues for all permits issued as of June 28, 2021. The impact fees were effective as of 6/26/2021; however, this start date fell over a weekend. Prior to 6/28/2021, impact fees should not have been charged and collected from any applicants; however, upon preparation of the Annual Impact Fee Report with Accounting/Finance, several revenue collections were found that were paid prior to the fee start date. In FY 21, two building permits were issued (B21-0113 and B19-0684) and received impact fee charges. These permits were issued and paid on 6/21/21 and 6/24/21 and should not have been charged. The corrections submitted from the 7/19/21 memo still stand, and the changes below should be made in addition to the corrections already made by Finance per the 7/19/21 memo (Attachment 1).

Correction to Actions from 7/19/21 Memo: Additionally, a correction from the 7/19/21 was mistakenly applied to the wrong account. B20-0404 required a refund of \$9,870.94. This amount is reflected correctly in the table below; however, the reduction was accidentally applied to the Fire Fund. A journal entry is required to add \$9,870.94 back to the Fire Impact Fee Fund and reduce the amount from the Police Fund.

After the refund of \$1,111.41(for B21-0113) and refund of \$364.34 for B19-0684, final revenues for FY 21 for childcare, police, and fire impact fees should be:

Revised Table 1 Refund – (R) Journal Entry – (J)

7/19/21 Memo Correction +Refund							12/2/2021 Refunds			
Fee Description	Account	Revenue Balance per Eden as of 6/30/21	Corrections B20-0404	Corrections B21-0095	Revised Balance	Total Revised Balance By Fee	Refund B21-0113	Refund B19-0684	Revised Balance By Account	Total Revised Balance By Fee (12/2/21)
Childcare Impact Fee	218-50-72-1303-46347	1979.67	-529.58 (R)	+9.88 (J)	\$1,459.97	\$1,479.05	-381.13(R)	-124.94(R)	953.90	\$972.98
2% Admin Charge – Childcare	101-00-00-0000-46906	29.05	-.09(R)	-9.88 (J)	\$19.08		-	-	19.08	
Fire Impact Fee	217-21-31-2207-46348	1741.94	+774.20 (J)	-.18 (J)	\$2,515.96	\$2,556.66	-361.66(R)	-118.56(R)	2076.44	\$2,117.14
2% Admin Charge – Fire	101-00-00-0000-46907	40.52		+ .18 (J)	\$40.70		-	-	40.70	
Police Impact Fee	215-20-22-2111-46349	13211.46	-774.20 (J) -9870.94 (R)	+9.54 (J)	\$2575.86	\$2,617.58	-368.62 (R)	-120.84 (R)	2128.12	\$2,169.84
2% Admin Charge - Police	101-00-00-0000-46908	51.26		-9.54 (J)	\$41.72		-	-	41.72	
Total Impact Fee Revenues FY21						\$6,653.29				\$5,259.96

CC: Patricia Dodge, Principal Analyst, Police
 Kelly Kumec, Fire Prevention Technician
 Robert Oatey, Deputy Chief, Fire
 Robert Young, Deputy Chief, Fire



City Council AGENDA REPORT

DATE: 11/30/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Finance

SUBJECT: Liability Claim Filed Against City of Santa Cruz (FN)

RECOMMENDATION: Motion to reject the liability claim of a) Rebecca Barraza, based on staff recommendation.

BACKGROUND: N/A

DISCUSSION: Claim to be rejected:

a. Claimant: Rebecca Barraza

Date of occurrence: August 2021 – September 2021

Date of claim: 10/18/2021

Amount of claim: \$5-10 Million

Claimant seeks compensation for alleged damages related to actions of multiple City departments.

FISCAL IMPACT: No fiscal impact.

Prepared By:
Ross Brandon
Risk and Safety Manager

Submitted By:
Bobby Magee
Interim Finance Director

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

None.



City Council AGENDA REPORT

DATE: 12/02/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Human Resources

SUBJECT: Resolution Amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans and the FY 2022 Budget: Implementation of California State Minimum Wage Law for 2022 – All Departments (HR)

RECOMMENDATION: Resolution amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans and the FY 2022 Budget by implementing the California State Minimum Wage Law for 2022 by adjusting the salary ranges of affected temporary unclassified positions in addition to those within their classification series and others to keep internal pay parity.

BACKGROUND: Effective January 1, 2017 the state of California enacted legislation raising the minimum wage for all industries annually through year 2022 at \$15 per hour. Effective January 1, 2022 the California minimum wage will increase from \$14 per hour to \$15 per hour. There are eight job classifications in the City of Santa Cruz which have a bottom pay step under the new minimum wage of \$15 per hour. All classifications are in the Temporary Service Employees Union which include the following: Recreation I, Professional and Technical Assistant, Maintenance Worker Aide I, Recreation Area Aide, Office Assistant, Pool Lifeguard and Aquatic Instructor/Coach, and Library Aide.

The Maintenance Worker Aide I and Recreation I classifications are primarily utilized in the Parks and Recreation Department, the Recreation Area Aide classification is utilized in the Water Department, the Office Assistant and Professional and Technical Assistant classifications may be utilized in any City Department and the Library Aide is used in the Library. The Aquatics Instructor/Coach and Pool Lifeguard classification are used in the Parks and Recreation Department although have not been active in several years.

DISCUSSION: There are eight temporary classification which will be below the new minimum wage of \$15.00 per hour on January 1, 2022. Therefore, these classifications will be brought up to the new minimum wage requirement and the subsequent pay ranges will be adjusted. The Maintenance Worker Aide I and Recreation I classifications are in a classification series, therefore the Human Resources Department recommends that the classifications within those series also be adjusted to maintain the existing pay structure and separation. Those additional classifications include Maintenance Worker Aide II, Recreation II, Recreation III, Recreation IV and Recreation V.

Due to the automatic State minimum wage increases since 2017, the Beach Lifeguard I and II classification series and Beach Lieutenant, and Beach Captain classifications fell behind the Recreation I through V classifications with whom they were previously at equity at the third step in the salary range.

The Beach Lifeguard classifications fell behind the Recreation classifications because at the time, they were at the same pay at the third step, but because the first step of the Recreation series was below minimum wage, the Recreation series kept increasing while the Beach Lifeguards, Beach Lieutenant and Beach Captain pay did not. During the 2021 Temporary Service Negotiations, the Recreation Series and Beach Lifeguard I and II series, Beach Lieutenant and Beach Captain classifications were brought back in parity with the Recreation classifications. Therefore when State minimum wage increases affect the Recreation classifications, the Lifeguard series, Beach Lieutenant and Beach Captain pay series are increased the same amount to keep parity.

The amount of increase to all adjustments is 3.52% with one classification at 3.5%.

Classification Below Minimum Wage	Current 2021 hourly	New 2022 hourly
Maintenance Worker Aide I	\$14.49 -\$17.6127	\$15.00 - \$18.2326
Pool Lifeguard	\$14.49 -\$17.6127	\$15.00 - \$18.2326
Office Assistant	\$12.60 -\$15.32	\$13.00 - \$15.80
Professional and Technical Assistant	\$14.4900 -\$39.0114	\$15.00 - \$40.3845
Recreation Area Aide	\$14.49 -\$17.6127	\$15.00 - \$18.2326
Recreation I	\$14.9000 -\$16.7740	\$15.00 - \$17.3644
Aquatic Instructor/Coach	\$14.49 -\$17.6127	\$15.00 - \$18.2326
Library Aide	\$14.4980 -\$17.6149	\$15.00 - \$18.2326
Classification Adjusted Within Series		
Maintenance Worker Aide II	Maintain 15% differential between classifications	
Recreation II-V	Maintain 10% differential between classifications	
Lifeguard Classifications to maintain parity with Recreation I-V	Current 2021 hourly	New 2022 hourly
Beach Lifeguard I	\$18.4038 - \$22.3637	\$19.0516 - \$23.1573
Beach Lifeguard II	\$20.2500 - \$24.6173	\$20.9628 - \$25.4804
Beach Lieutenant	\$22.1538 - \$26.9308	\$22.9336 - \$27.8759
Beach Captain	\$22.5173 - \$27.3692	\$23.3100 - \$28.3335

The existing and new pay range changes for all affected classifications are outlined in the attached resolution.

FISCAL IMPACT: For current FY 2022, Department use of these classifications fluctuates due to the temporary nature of the classifications. Cost increases will be absorbed into Department budgets.

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. DRAFT AGENDA REPORT.PDF

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING THE CITY OF SANTA CRUZ PERSONNEL COMPLEMENT AND CLASSIFICATION AND COMPENSATION PLANS AND THE FY2022 BUDGET; IMPLEMENTATION OF THE CA STATE MINIMUM WAGE LAW FOR 2022 – ALL DEPARTMENTS

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 December 25, 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>
Change From Change To	920	various	Recreation I	\$14.49/hr. - \$16.7740/hr. \$15.00/hr. - \$17.3644/hr.
Change From Change To	921	various	Recreation II	\$15.939/hr. - \$19.3740/hr. \$16.50/hr. - \$20.0559/hr.
Change From Change To	922	various	Recreation III	\$17.5329/hr. - \$21.3114/hr. \$18.150/hr. - \$22.0614/hr.
Change From Change To	923	various	Recreation IV	\$19.2862/hr. - \$23.4424/hr. \$19.9650/hr. - \$24.2676/hr.
Change From Change To	924-	various	Recreation V	\$21.2148/hr. - \$25.7867/hr. \$21.9615/hr. - \$26.6943/hr.
Change From Change To	917	various	Professional and Technical Assistant	\$14.49/hr. - \$39.0114/hr. \$15.00/hr. - \$40.3845/hr.
Change From Change To	911	various	Maintenance Worker Aide I	\$14.49/hr. - \$17.6127/hr. \$15.00/hr. - \$18.2326/hr.
Change From Change To	913	various	Maintenance Worker Aide II	\$16.6635/hr. - \$20.2546/hr. \$17.250/hr. - \$20.9675/hr.
Change From Change To	919	various	Recreation Area Aide	\$14.49/hr. - \$17.6127/hr. \$15.00/hr. - \$18.2326/hr.

	<u>Class No.</u>	<u>Activity</u>	<u>Classification Title</u>	<u>Salary</u>
Change From				\$14.49/hr. - \$17.6127/hr.
Change To	914	various	Office Assistant	\$15.00/hr. - \$18.2326/hr.
Change From	915	various	Pool Lifeguard	\$14.490/hr. - \$17.6127/hr.
Change To				\$15.00/hr. - \$18.2326/hr.
Change From	901		Aquatic Instructor/Coach	\$14.4900/hr.-\$17.6127/hr.
Change To				\$15.000/hr.- \$18.2326/hr.
Change From	925		Library Aide	\$14.498/hr.- \$17.6149/hr.
Change To				\$15.000/hr.- \$18.2326/hr.
Change From	904		Beach Lifeguard I	\$18.4038/hr.- \$22.3673/hr.
Change To				\$19.0516/hr.- \$23.1573/hr.
Change From	905		Beach Lifeguard II	\$20.250/hr.- \$24.6173/hr.
Change To				\$20.9628/hr.- \$25.4804/hr.
Change From	903		Beach Lieutenant	\$22.1538/hr.- \$26.9308/hr.
Change To				\$22.9336/hr.- \$27.8759/hr.
Change From	902		Beach Captain	\$22.5173/hr.- \$27.3692/hr.
Change To				\$23.3100/hr.- \$28.3335/hr.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

Rosemary Balsley

From: Garrett <garrettphilipp@aol.com>
Sent: Thursday, December 09, 2021 8:03 PM
To: City Council
Subject: 12/14/21 Item #18 Minimum Wage

12/14/21 Item #18 Minimum Wage

I see you have used the States Minimum wage edict to raise the wage for low city pay workers and even workers paid above that to keep a differential between them.

This is a perfunctory letter to remind that Capitalism involves providing what people need, want, and are willing to pay for. There is NO minimum wage for that. The government is an exception and unfortunate aberration to capitalism in that the people may not wish to (pay) purchase or need the services of government, and the transaction is not voluntary.

Finland for instance has no minimum wage and gets along just fine.

In the private sector minimum wage just means entry level workers will have trouble finding jobs because they might not be worth the price. The government though, can pay whatever since they do not obey market forces of value.

I know, common sense is hard sometimes.

People are different, they are worth different amount of wages depending on the market. There is no minimum. Some peoples work is worth nearly nothing so won't have a job.

Long ago I heard the maxim "government work is the best if you can find it". Still true.

Garrett Philipp - Westside



City Council AGENDA REPORT

DATE: 11/30/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Information Technology

SUBJECT: Microsoft Enterprise Agreement for Office 365 Product Licenses and Support Services (IT)

RECOMMENDATION: Motion authorizing the City Manager to execute and join a competitively procured contract with Dell Marketing L.P., of Round Rock, TX, for delivering Microsoft Office 365 (O365) product licenses and support services for up to 950 subscribers across multiple fiscal years. Agreement would utilize the same terms and conditions afforded to the County of Riverside, California under Licensing Solution Provider Agreement Number PSA-0001524 and Riverside County Master Microsoft Enterprise Agreement No. 8084445.

BACKGROUND: As the City of Santa Cruz (City) requires the ability to communicate and collaborate effectively, efficiently and securely with email and other tools, Microsoft's O365 has been a reliable, scalable, secure and effective solution. Microsoft's O365 Office Suite (Outlook Email, Word, Excel, PowerPoint, Teams, OneDrive and more) is a necessary tool set for daily activities and workflow, and the City needs to stay current and secure with these productivity tools.

Microsoft's O365 cloud based solution will replace the City's legacy versions of the Microsoft Office Suite and deliver additional necessary value to the City that includes:

- Improved productivity, collaboration and accessibility – Microsoft's fully cloud-based O365 offering can be accessed by any device from anywhere in the world.
- Always up to date with application versions and updates – subscription based model allows employees to automatically receive application updates. This will allow City employees to stay current, licensed, and secure with any O365 product currently included.
- Improved security – O365 will run on Microsoft's Government Community Cloud (GCC) platform that meets public safety Criminal Justice Information Services (CJIS) requirements and provides improved security of critical City data. Latest security updates and patches automatically are deployed to employees using O365.
- Reduced ownership of computer infrastructure – City's Information Technology (IT) department will be able to utilize Microsoft secure GCC platform for increased email storage and file storage. This will reduce the need for storing and backing up data in the City's on premise datacenters, and further reduce the need to purchase and support this hardware infrastructure.

DISCUSSION: The City has used Microsoft systems and programs for more than twenty years. During that time, the City has procured products from many different Microsoft purchasing programs ranging from retail, original equipment manufacturer (OEM), and Microsoft volume licensing agreements. Currently the City’s Microsoft Office licensing model is a one-time purchase for each device and requires the City to acquire a license for both new and replaced devices. With the move to more collaborative versions of the products in the Office suite and the secure GCC, the current approach, while economically effective, cannot keep pace with the needs of City employee and project needs. The pace of project implementation, need for anywhere access, and sharing of information across multi-organizational and multi-location teams all require the modern functionality of O365.

The IT Department staff investigated procurement options for Microsoft products and services and discovered that the County of Riverside completed an open, fair, transparent, and competitive procurement process. By entering into this cooperative purchase agreement, the City will gain a stable, low-cost option to keeping all Microsoft licensing and applications current and supported. This same cooperative agreement is used by more than 900 organizations in the State of California and offers significant discounts over Microsoft’s list pricing. City departments are encouraged to utilize cooperative purchasing like the Riverside EA to save time and money.

Staff analyzed vendors that have been approved as authorized resellers of the Riverside Enterprise Agreement cooperative contract and determined Dell Marketing L.P., of Round Rock, TX, offered the best pricing for the O365 product. Dell offered pricing that was 0.56 percent below Microsoft’s list price.

FISCAL IMPACT: The total amount for the 3-year Microsoft EA agreement allowing for the purchase of O365 product licenses and support services is not to exceed \$581,620. This cost includes licensing and maintenance for 950 full time equivalent (FTE) and temporary employees. The City will be implementing O365 in a phased approach and will only purchase licenses as needed during the implementation. Because of this phased implementation, year one (1) costs will be less than year two (2) and year three (3). Additionally, the second and third years will include a five (5) percent annual contingency fee of \$9,726. Contingency fees are for costs associated with an annual process known as “True Up”. “True Up” allows the City to increase or decrease the unscheduled license subscription counts that occur throughout each year.

FY 2022 \$173,128

FY 2023 *\$204,246

FY 2024 *\$204,246

TOTAL \$581,620

*Includes 5% contingency

There are sufficient funds in the IT budget to cover the FY 2022 cost of the recommendation. Future fiscal years will include sufficient funds in IT’s operating budget to cover the remaining costs.

Prepared/Submitted By:
Ken Morgan
Information Technology
Director

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. RIVERSIDE COUNTY MICROSOFT EA EXTENSION (DELL MARKETING L.P.).PDF
2. 2019 RIVERSIDE EA MASTER EXTENSION.PDF
3. MICROSOFT PROGRAM SIGNATURE & ENTERPRISE ENROLLMENT.PDF
4. DELL O365 LICENSE QUOTE.PDF

Licensing Solution Provider Agreement Number PSA-0001524

This Licensing Solution Provider Agreement is made and entered into this 22nd day of October 2019, by and between Dell Marketing L.P., a Texas corporation ("CONTRACTOR"), and the COUNTY OF RIVERSIDE, a political subdivision of the State of California, ("COUNTY").

WHEREAS, COUNTY and Microsoft Corporation ("Microsoft") have entered into that certain Microsoft Enterprise Agreement (Master Agreement No. 8084445; the "Master Agreement"), effective August 23, 2019, under which COUNTY has the ability to enter into one or more enrollments to order certain Microsoft product licenses;

WHEREAS, CONTRACTOR desires to provide support to COUNTY and its Enrolled Affiliates (as defined in the Master Agreement) for said licenses under this Agreement and hereby represents that it has the skills, experience, and knowledge necessary to perform under this Agreement; and

WHEREAS, COUNTY desires to accept CONTRACTOR's services under this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. This Agreement covers all enrollments for all products licensed under the Master Agreement. All terms and conditions of the Master Agreement, attached as Exhibit E of this Agreement and incorporated by reference, shall apply to the purchase of related products and services.
2. This Agreement is available for use by all government entities within the State of California (an "Enrolled Affiliate") for the duration of the Term (defined below in section 4). Enrollment documents will contain the terms and conditions specific to each entity.
3. CONTRACTOR agrees to extend the same pricing, terms, and conditions as stated in this agreement to each and every government entity in the State of California. Terms and conditions are governed by this Agreement, the Master Agreement, and the applicable enrollment documents for each entity. Entities shall make purchases in their own name, make direct payment to CONTRACTOR, and be liable directly to CONTRACTOR for all obligations.
 - 3.1 COUNTY shall in no way be responsible to CONTRACTOR for Enrolled Affiliates' purchases and obligations. COUNTY shall in no way be responsible to other entities for their purchases or any acts or omissions of CONTRACTOR, including but not limited to product selection or implementation, services or other related matters.
 - 3.2 CONTRACTOR shall notify Enrolled Affiliate in writing of the terms and conditions stated in Section 11.
4. This Agreement shall be effective from November 1, 2019 through October 31, 2021, unless terminated earlier (the "Term").
5. Hold Harmless/Indemnification:
 - 5.1 CONTRACTOR shall indemnify and hold harmless the County of Riverside, its Agencies, Districts, Special Districts and Departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives (individually and collectively hereinafter referred to as Indemnitees) from any liability, action, claim or damage

Licensing Solution Provider Agreement Number PSA-0001524

whatsoever, based or asserted upon any services, or acts or omissions, of CONTRACTOR, its officers, employees, subcontractors, agents or representatives arising out of or in any way relating to this Agreement, including but not limited to property damage, bodily injury, or death or any other element of any kind or nature. CONTRACTOR shall defend the Indemnitees at its sole expense including all costs and fees (including, but not limited, to attorney fees, cost of investigation, defense and settlements or awards) in any claim or action based upon such acts, omissions or services.

- 5.2 With respect to any action or claim subject to indemnification herein by CONTRACTOR, CONTRACTOR shall, at their sole cost, have the right to use counsel of their own choice and shall have the right to adjust, settle, or compromise any such action or claim without the prior consent of COUNTY; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes CONTRACTOR indemnification to Indemnitees as set forth herein.
 - 5.3 CONTRACTOR'S obligation hereunder shall be satisfied when CONTRACTOR has provided to COUNTY the appropriate form of dismissal relieving COUNTY from any liability for the action or claim involved.
6. Contractor Responsibilities: CONTRACTOR will offer the following services to each Enrolled Affiliate at no additional charge. It is the responsibility of the Enrolled Affiliate to determine which products and/or services, if any, meet their needs and communicate that to the CONTRACTOR.
 - 6.1 Provide reports showing year to date annual spend according to Enrolled Affiliate's specifications. Frequency will be determined by each Enrolled Affiliate (monthly, quarterly, etc.).
 - 6.2 Provide a short synopsis of why an amendment is needed and the ramification of each amendment to an enrollment at the time of such amendment.
 - 6.3 Provide an updated price list on an annual basis or when requested by Enrolled Affiliate.
 7. CONTRACTOR's Microsoft Enterprise Agreement license subscription price attached hereto as Exhibit A and service rates attached hereto as Exhibit B.
 8. CONTRACTOR's Microsoft Enterprise Agreement Participation Form attached hereto as Exhibit C and incorporated herein by reference.
 9. Usage Reporting: CONTRACTOR will provide to COUNTY the Licensed Support Provider (LSP) Reporting of Active Enrollments to Master Microsoft Enterprise Agreement No. 8084445, Select Plus Agreement No. 7756479, Microsoft Premier, Unified, and MCS Support services, showing a list of enrollments by February 15th of each year. Forms shall be submitted electronically to MasterMicrosoftAdmin@rivco.org. A copy of the form is attached hereto as Exhibit D and incorporated herein by reference.
 10. Administrative fees: CONTRACTOR will be charged .5% of the annual enrollment amount to leverage the Riverside County Master Microsoft Agreement No. 8084445, Select Plus Agreement No. 7756479, Microsoft Premier, Unified, and MCS Support services. This will be an annual fee, per enrollment inclusive of Affiliates Shadow Enrollments. Example: A three-year aggregated agreement with a contract

Licensing Solution Provider Agreement Number PSA-0001524

amount of \$300K, divisible by three years will result in an LSP Participation Fee of \$500 annually (100K*.5%). RCIT will invoice the Awarded LSP annually based on the enrollments verified from the "Reporting of Active Enrollments" list submitted by December 15th of each year. Payment is due to Riverside County Information Technology thirty (30) days from invoice date.

10.1 Riverside County Information Technology (RCIT) will invoice the CONTRACTOR annually based on the enrollments verified. Payment is due to RCIT within thirty (30) days of invoice date. The COUNTY will not accept credit as a form of payment.

10.2 Failure to meet the administrative fee requirements herein and submit fees on a timely basis may constitute grounds for immediate termination of this Agreement.

11. Contract Management: The contacts for this Agreement for COUNTY shall be both RCIT and Purchasing as listed below.

COUNTY Primary Contact:
Jim Smith
3450 14th Street
Riverside, CA 92501

COUNTY Secondary Contact:
Rick Hai
2980 Washington Street
Riverside, CA 92504

CONTRACTOR contact:
Alisson Harrington
One Dell Way
Round Rock, TX 78682

11.1 Should Contract Management contact information change, the CONTRACTOR shall provide written notice with the updated information to the COUNTY no later than 10 business days after the change.

12. Termination:

12.1 COUNTY may terminate this Agreement without cause upon thirty (30) days written notice served upon the CONTRACTOR stating the extent and effective date of termination.

12.2 COUNTY may, upon five (5) days written notice terminate this Agreement for CONTRACTOR's default, if CONTRACTOR refuses or fails to comply with the terms of this Agreement or fails to make progress that may endanger performance and does not immediately cure such failure. In the event of such termination, the COUNTY may proceed with the work in any manner deemed proper by COUNTY.

12.3 CONTRACTOR's rights under this Agreement shall terminate (except for fees accrued prior to the date of termination) upon dishonesty or a willful or material breach of this Agreement by CONTRACTOR; or in the event of CONTRACTOR's unwillingness or inability for any reason whatsoever to perform the terms of this Agreement.

13. Conduct of Contractor:

13.1 The CONTRACTOR covenants that it presently has no interest, including, but not limited to, other projects or contracts, and shall not acquire any such interest, direct or indirect, which would

Licensing Solution Provider Agreement Number PSA-0001524

conflict in any manner or degree with CONTRACTOR's performance under this Agreement. The CONTRACTOR further covenants that no person or subcontractor having any such interest shall be employed or retained by CONTRACTOR under this Agreement. The CONTRACTOR agrees to inform the COUNTY of all the CONTRACTOR's interests, if any, which are or may be perceived as incompatible with the COUNTY's interests.

- 13.2 The CONTRACTOR shall not, under circumstances which could be interpreted as an attempt to influence the recipient in the conduct of his/her duties, accept any gratuity or special favor from individuals or firms with whom the CONTRACTOR is doing business or proposing to do business, in accomplishing the work under this Agreement.
- 13.3 The CONTRACTOR or its employees shall not offer gifts, gratuity, favors, and entertainment directly or indirectly to COUNTY employees.
- 13.4 CONTRACTOR shall establish adequate procedures for self-monitoring and quality control and assurance to ensure proper performance under this Agreement; and shall permit a COUNTY representative or other regulatory official to monitor, assess, or evaluate CONTRACTOR's performance under this Agreement at any time, upon reasonable notice to the CONTRACTOR.

14. Independent Contractor/Employment Eligibility/Non-Discrimination:

- 14.1 The CONTRACTOR is, for purposes relating to this Agreement, an independent contractor and shall not be deemed an employee of the COUNTY. It is expressly understood and agreed that the CONTRACTOR (including its employees, agents, and subcontractors) shall in no event be entitled to any benefits to which COUNTY employees are entitled, including but not limited to overtime, any retirement benefits, worker's compensation benefits, and injury leave or other leave benefits. There shall be no employer-employee relationship between the parties; and CONTRACTOR shall hold COUNTY harmless from any and all claims that may be made against COUNTY based upon any contention by a third party that an employer-employee relationship exists by reason of this Agreement. It is further understood and agreed by the parties that CONTRACTOR in the performance of this Agreement is subject to the control or direction of COUNTY merely as to the results to be accomplished and not as to the means and methods for accomplishing the results.
- 14.2 CONTRACTOR warrants that it shall make its best effort to fully comply with all federal and state statutes and regulations regarding the employment of aliens and others and to ensure that employees performing work under this Agreement meet the citizenship or alien status requirement set forth in federal statutes and regulations. CONTRACTOR shall obtain, from all employees performing work hereunder, all verification and other documentation of employment eligibility status required by federal or state statutes and regulations including, but not limited to, the Immigration Reform and Control Act of 1986, 8 U.S.C. §1324 et seq., as they currently exist and as they may be hereafter amended. CONTRACTOR shall retain all such documentation for all covered employees, for the period prescribed by the law.
- 14.3 CONTRACTOR shall not discriminate in the provision of services, allocation of benefits, accommodation in facilities, or employment of personnel on the basis of ethnic group identification, race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status or sex in the performance of this Agreement; and, to the extent they shall

Licensing Solution Provider Agreement Number PSA-0001524

be found to be applicable hereto, shall comply with the provisions of the California Fair Employment and Housing Act (Gov. Code 12900 et. seq), the Federal Civil Rights Act of 1964 (P.L. 88-352), the Americans with Disabilities Act of 1990 (42 U.S.C. S1210 et seq.) and all other applicable laws or regulations.

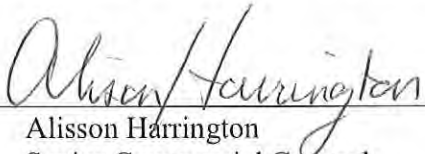
15. Entire Agreement: This Agreement, including any attachments or exhibits, constitutes the entire agreement of the parties with respect to its subject matter and supersedes all prior and contemporaneous representations, proposals, discussions and communications, whether oral or in writing. This Agreement may be changed or modified only by a written amendment signed by authorized representatives of both parties.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute this Agreement.

COUNTY OF RIVERSIDE, a political subdivision of the State of California

Dell Marketing L.P., a Texas corporation

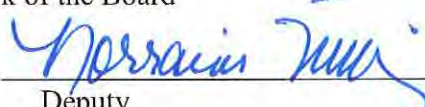
By: 
Kevin Jeffries, Chairman
Board of Supervisors

By: 
Alison Harrington
Senior Commercial Counsel

Dated: OCT 22 2019

Dated: October 11, 2019

ATTEST:
Kecia Harper
Clerk of the Board

By: 
Deputy

APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

By: 
Susanna Oh, Deputy County Counsel

Licensing Solution Provider Agreement Number PSA-0001524

**Exhibit A
Microsoft Enterprise license subscription and services**

Line	Description	Price Level	Markup %
1	Enterprise Online Services** (including Full USLs, From SA USLs, Add-ons and Step Ups) M365 E3 and E5, Enterprise Mobility + Security E3 and E5, Office 365 Enterprise E1 or E3, Windows 10 Enterprise E3 or E5.	Level D Minus 2%	-0.56
2	Enterprise Products Office 365 Pro Plus, Windows 10 Enterprise, Core CAL Suite, Enterprise CAL Suite.	Level D	-0.43
3	Additional Products M365 F1, M365 E5 Compliance, M365 E5 Security, Office 365 Enterprise F1, Project Online, Visio Online Plan 1 or Plan 2, Dynamics 365, Azure, SQL Server, Windows Server, etc.	Level D	-0.43
4	Server and Tools Product (applies to Server and Cloud Enrollments only) SharePoint Server, SQL Server, BizTalk Server, Visual Studio, Core Infrastructure Suites, etc.	Level D	-0.43
5	All products for Select Plus Agreement No.7756479.		0.55
6	Microsoft Premier Support		2.00
7	Microsoft Unified Support Services		2.00
8	Microsoft Consulting Services		2.00

Licensing Solution Provider Agreement Number PSA-0001524

**Exhibit B
License Support Provider (LSP) service rates**

Line	Description	Certified Competency (Yes/No)	Hourly Rate
	Data and Artificial Intelligent		
1	Build Intelligent Apps	Yes	\$425
2	Build Intelligent Agents	Yes	\$425
3	Machine Learning	Yes	\$425
4	Internet of Things	Yes	\$425
5	Globally distributed data	Yes	\$425
6	OSS Databases	Yes	\$425
7	Cloud Scale Analytics	Yes	\$425
8	Data Platform Modernization to Azure	Yes	\$425
9	Windows Server on Azure	Yes	\$425
10	Security & Management	Yes	\$425
11	Datacenter Migration	Yes	\$425
12	Modern Business Intelligence	Yes	\$425
	Biz Apps		
1	Customer Service	Yes	\$425
2	Field Service	Yes	\$425
3	Marketing	Yes	\$425
4	Talent	Yes	\$425
5	Finance and Operations	Yes	\$425
6	Business Central	Yes	\$425
7	Power Apps	Yes	\$425
8	Power BI	Yes	\$425
	Apps and Infrastructure		
1	Azure Stack	Yes	\$425
2	High Performance Compute	Yes	\$425
3	Cloud Native Apps using Serverless	Yes	\$425
4	Modernize Apps	Yes	\$425
5	SAP on Azure	No	\$425
6	Linux on Azure	Yes	\$425
7	Dev Ops	Yes	\$425
8	Business Continuity & Disaster Recovery	Yes	\$425
9	Windows Server on Azure	Yes	\$425
10	Security & Management	Yes	\$425
11	Datacenter Migration	Yes	\$425

Licensing Solution Provider Agreement Number PSA-0001524

**Exhibit B (cont.)
License Support Provider (LSP) service rates**

Line	Description	Certified Competency (Yes/No)	Hourly Rate
	Modern Workplace		
1	User Adoption & Change Management	Yes	\$425
2	Security	Yes	\$425
3	GDPR & Compliance	Yes	\$425
4	Teamwork	Yes	\$425
5	Calling & Meetings	Yes	\$425
6	Modern Dcsktop	Yes	\$425
7	Office 365 Migration Assistance	Yes	\$425
7a	Mail	Yes	\$425
7b	Teams	Yes	\$425
7c	SharePoint	Yes	\$425
7d	OneDrive	Yes	\$425

Licensing Solution Provider Agreement Number PSA-0001524

Exhibit C
Microsoft LSP Participation Form

DAVE ROGERS
Assistant Chief Executive Officer
Chief Information Officer

JIM SMITH
Chief Technology Officer



JENNIFER HILBER, ACIO
Enterprise Applications Bureau

GUSTAVO VAZQUEZ, ACIO
Converged Communications Bureau
Public Safety Enterprise Communications

GIL MEJIA, ACIO
Technology Services Bureau

Microsoft LSP Participation Form
(RFQ #RIVCO-2020-RFQ-0000048 Attachment 3)

<p>Complete this form and return to:</p> <p>Attention: Rick Har E-mail: RHar@rivco.org</p>	<p>Payment should be made to Riverside County Information Technology 3450 14th Street, Fourth Floor Riverside, CA 92501</p> <p>County of Riverside TIN # 95-6000930</p>
--	---

Company Name Dell Marketing L.P.

Name Stacie Becker Title Proposal Manager

Address One Dell Way

City Round Rock Zip Code 78682 Telephone # 512-725-3007

Fax # n/a Email Stacie.Becker@Dell.com

The County of Riverside is the host of the Microsoft Master Agreement No. 8084445. All questions regarding the products and licensing should be directed to Microsoft.

By signing below, I am agreeing to pay the participation fees for each enrollment that is established by leveraging the County of Riverside Master Agreement in accordance to the schedule referenced on RFQ #RIVCO-2020-RFQ-0000048 and any subsequent contracts and / or amendments.

By signing below, I also agree that all enrollments will be submitted to Microsoft direct, to report enrollment activity and comply to the payment schedule per RFQ #RIVCO-2020-RFQ-0000048 to Riverside County Information Technology.

Please reference the remittance information above for where to send the payment. Failure to comply may result in the award being rescinded.

Signature
Stacie Becker
Printed Name

September 19, 2019
Date
Proposal Manager
Title

Licensing Solution Provider Agreement Number PSA-0001524

Exhibit D
Microsoft LSP Reporting of Active Enrollments Form

LSP Name	<i>Company name</i>							
RIVCO Contract ID	<i>RIVCO-20800-00x-xx/xx</i>							
Microsoft Agreement Numbers	01E69633, 01E73134, AND NEW							
Master Enrollment	Enrollment Number:	Enrollment Entity:	Start Date:	End Date:	Annual Spend	Enrollment Contact:	Enrollment Contact Email:	Enrollment Contact Tel:
8084445	87654321	Riverside County Information Technology	1/01/12	12/31/16	\$645,000.00	John Doe	John.Doe@riverside.org	951-555-1212
							-	
							-	
							-	

Licensing Solution Provider Agreement Number PSA-0001524

**Exhibit E
Master Agreement**

Attached include the followings:

- 1) Signature Form
- 2) Microsoft Enterprise Agreement
- 3) Microsoft Enterprise Agreement Amendment

Microsoft Document Headersheet

** This is for informational purposes only **

MSE#:

5-0000004275258

(MSLI
Tracking
Number)

Doc Type:

Signature Form

Do not modify the formatting or spacing of this Form above this text

Subsidiary:

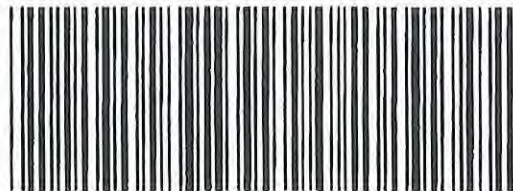
Country:

United States

Account Manager Name / Alias:

LAR/LAD/ESA:

Insight Direct USA, Inc.



Program/Version

EA 6 2016

(Scanning Code)

ACCOUNT: County of Riverside

3

Outsourcer Name:

Business Agreement Number:

Master Agreement Number: **8084445**

Agreement Number:

Purchase Order Number:

Comments:

8/23/2019 9:42:56 PM

Program Signature Form

MBA/MBSA number

Agreement number 8084445

004-kaylead-S-04

Note: Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Number or Code
Enterprise Agreement	X20-10209
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
Amendment to Contract Documents	CTM-CPT-OPT-FWK (new)

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer

Name of Entity (must be legal entity name)* County of Riverside

Signature* *[Handwritten Signature]*

Printed First and Last Name* Richard R. Hai



Printed Title Sr. Procurement Contract Specialist

Signature Date* 08/22/2019

Tax ID

* indicates required field

FORM APPROVED COUNTY COUNSEL
 BY: *[Signature]* 8/22/19
 SUSANNA N. OH DATE

Microsoft Affiliate	
Microsoft Corporation	
Signature 	 Microsoft Microsoft Corporation AUG 23 2019 Chance Krail Duly Authorized on behalf of Microsoft Corporation
Printed First and Last Name	
Printed Title	
Signature Date <small>(date Microsoft Affiliate countersigns)</small>	
Agreement Effective Date <small>(may be different than Microsoft's signature date)</small>	8/23/2019

Optional 2nd Customer signature or Outsourcer signature (if applicable)

Customer	
Name of Entity (must be legal entity name)*	
Signature* _____	
Printed First and Last Name*	
Printed Title	
Signature Date*	

* indicates required field

Outsourcer	
Name of Entity (must be legal entity name)*	
Signature* _____	
Printed First and Last Name*	
Printed Title	
Signature Date*	

* indicates required field

If Customer requires physical media, additional contacts, or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

Microsoft Corporation
 Dept 551, Volume Licensing
 6100 Neil Road, Suite 210
 Reno, Nevada 89511-1137
 USA

Microsoft Document Headersheet

* This is for informational purposes only *

MSE#:

(MSLI
Tracking
Number)

5-0000004275258

Doc Type:

[REDACTED] Agreement

Do not modify the formatting or spacing of this Form above this text

Subsidiary:

Country:

United States

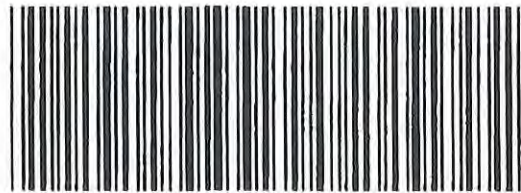
Account Manager Name / Alias:

LAR/LAD/ESA:

Insight Direct USA, Inc.

Program/Version

EA 6 2016



(Scanning Code)

ACCOUNT: County of Riverside

Outsourcer Name:

Business Agreement Number:

Master Agreement Number: **8084445**

Agreement Number:

Purchase Order Number:

15

Comments:

8/23/2019 9:42:31 PM

Enterprise Agreement

State and Local

Not for Use with Microsoft Business Agreement or Microsoft Business and Services Agreement

This Microsoft Enterprise Agreement ("Agreement") is entered into between the entities identified on the signature form.

Effective date. The effective date of this Agreement is the earliest effective date of any Enrollment entered into under this Agreement or the date Microsoft accepts this Agreement, whichever is earlier.

This Agreement consists of (1) these Agreement terms and conditions, including any amendments and the signature form and all attachments identified therein, (2) the Product Terms applicable to Products licensed under this Agreement, (3) the Online Services Terms, (4) any Affiliate Enrollment entered into under this Agreement, and (5) any order submitted under this Agreement.

Please note: Documents referenced in this Agreement but not attached to the signature form may be found at <http://www.microsoft.com/licensing/contracts> and are incorporated in this Agreement by reference, including the Product Terms and Use Rights. These documents may contain additional terms and conditions for Products licensed under this Agreement and may be changed from time to time. Customer should review such documents carefully, both at the time of signing and periodically thereafter, and fully understand all terms and conditions applicable to Products licensed.

Terms and Conditions

1. Definitions.

"Affiliate" means

- a. with regard to Customer,
 - (i) any government agency, department, office, instrumentality, division, unit or other entity of the state or local government that is supervised by or is part of Customer, or which supervises Customer or of which Customer is a part or which is under common supervision with Customer;
 - (ii) any county, borough, commonwealth, city, municipality, town, township, special purpose district, or other similar type of governmental instrumentality established by the laws of Customer's state and located within Customer's state jurisdiction and geographic boundaries; and
 - (iii) any other entity in Customer's state expressly authorized by the laws of Customer's state to purchase under state contracts; provided that a state and its Affiliates shall not, for purposes of this definition, be considered to be Affiliates of the federal government and its Affiliates; and
- b. with regard to Microsoft, any legal entity that Microsoft owns, that owns Microsoft, or that is under common ownership with Microsoft.

"Customer" means the legal entity that has entered into this Agreement with Microsoft.

"Customer Data" means all data, including all text, sound, software, image, or video files that are provided to Microsoft by, or on behalf of, an Enrolled Affiliate and its Affiliates through use of Online Services.

"day" means a calendar day, except for references that specify "business day".

"Enrolled Affiliate" means an entity, either Customer or any one of Customer's Affiliates that has entered into an Enrollment under this Agreement.

"Enrollment" means the document that an Enrolled Affiliate submits under this Agreement to place orders for Products.

"Enterprise" means an Enrolled Affiliate and the Affiliates for which it is responsible and chooses on its Enrollment to include in its enterprise.

"Fixes" means Product fixes, modifications or enhancements, or their derivatives, that Microsoft either releases generally (such as Product service packs) or provides to Customer to address a specific issue.

"License" means the right to download, install, access and use a Product. For certain Products, a License may be available on a fixed term or subscription basis ("Subscription License"). Licenses for Online Services will be considered Subscription Licenses.

"Microsoft" means the Microsoft Affiliate that has entered into this Agreement or an Enrollment and its Affiliates, as appropriate.

"Online Services" means the Microsoft-hosted services identified as Online Services in the Product Terms.

"Online Services Terms" means the additional terms that apply to Customer's use of Online Services published on the Volume Licensing Site and updated from time to time.

"Product" means all products identified in the Product Terms, such as all Software, Online Services and other web-based services, including pre-release or beta versions.

"Product Terms" means the document that provides information about Microsoft Products and Professional Services available through volume licensing. The Product Terms document is published on the Volume Licensing Site and is updated from time to time.

"SLA" means Service Level Agreement, which specifies the minimum service level for Online Services and is published on the Volume Licensing Site.

"Software" means licensed copies of Microsoft software identified on the Product Terms. Software does not include Online Services, but Software may be part of an Online Service.

"Software Assurance" is an offering by Microsoft that provides new version rights and other benefits for Products as further described in the Product Terms.

"Trade Secret" means information that is not generally known or readily ascertainable to the public, has economic value as a result, and has been subject to reasonable steps under the circumstances to maintain its secrecy.

"use" or "run" means to copy, install, use, access, display, run or otherwise interact.

"Use Rights" means the use rights or terms of service for each Product published on the Volume Licensing Site and updated from time to time. The Use Rights supersede the terms of any end user license agreement that accompanies a Product. The Use Rights for Software are published by Microsoft in the Product Terms. The Use Rights for Online Services are published in the Online Services Terms.

"Volume Licensing Site" means <http://www.microsoft.com/licensing/contracts> or a successor site.

2. How the Enterprise program works.

- a. **General.** The Enterprise program consists of the terms and conditions on which an Enrolled Affiliate may acquire Product Licenses. Under the Enterprise program, Customer and its Affiliates may order Licenses for Products by entering into Enrollments.
- b. **Enrollments.** The Enterprise program gives Customer and/or its Affiliates the ability to enter into one or more Enrollments to order Products. Subscription Enrollments may be available for some of these Enrollments. Notwithstanding any other provision of this Agreement, only Enrolled Affiliates identified in an Enrollment will be responsible for complying with the terms of that Enrollment, including the terms of this Agreement incorporated by reference in that Enrollment.

- c. **Licenses.** The types of Licenses available are (1) Licenses obtained under Software Assurance (L&SA), and (2) Subscription Licenses. These License types, as well as additional License Types, are further described in the Product List.

3. Licenses for Products.

- a. **License Grant.** Microsoft grants the Enterprise a non-exclusive, worldwide and limited right to download, install and use software Products, and to access and use the Online Services, each in the quantity ordered under an Enrollment. The rights granted are subject to the terms of this Agreement, the Use Rights and the Product Terms. Microsoft reserves all rights not expressly granted in this Agreement.
- b. **Duration of Licenses.** Subscription Licenses and most Software Assurance rights are temporary and expire when the applicable Enrollment is terminated or expires, unless the Enrolled Affiliate exercises a buy-out option, which is available for some Subscription Licenses. Except as otherwise noted in the applicable Enrollment or Use Rights, all other Licenses become perpetual only when all payments for that License have been made and the initial Enrollment term has expired.
- c. **Applicable Use Rights.**
 - (i) **Products (other than Online Services)** The Use Rights in effect on the effective date of the applicable Enrollment term will apply to Enterprise's use of the version of each Product that is current at the time. For future versions and new Products, the Use Rights in effect when those versions and Products are first released will apply. Changes Microsoft makes to the Use Rights for a particular version will not apply unless the Enrolled Affiliate chooses to have those changes apply. The Use Rights applicable to perpetual Licenses that were acquired under a previous agreement or Enrollment are determined by the Agreement or Enrollment under which they were acquired. Renewal of Software Assurance does not change which Use Rights apply to those Licenses.
 - (ii) **Online Services.** For Online Services, the Use Rights in effect on the subscription start date will apply for the subscription term as defined in the Product Terms.
- d. **Downgrade rights.** Enrolled Affiliate may use an earlier version of a Product other than Online Services than the version that is current on the effective date of the Enrollment. For Licenses acquired in the current Enrollment term, the Use Rights for the current version apply to the use of the earlier version. If the earlier Product version includes features that are not in the new version, then the Use Rights applicable to the earlier version apply with respect to those features.
- e. **New Version Rights under Software Assurance.** Enrolled Affiliate must order and maintain continuous Software Assurance coverage for each License ordered. With Software Assurance coverage, Enterprise automatically has the right to use a new version of a licensed Product as soon as it is released, even if Enrolled Affiliate chooses not to use the new version immediately.
 - (i) Except as otherwise permitted under an Enrollment, use of the new version will be subject to the new version's Use Rights.
 - (ii) If the License for the earlier version of the Product is perpetual at the time the new version is released, the License for the new version will also be perpetual. Perpetual Licenses obtained through Software Assurance replace any perpetual Licenses for the earlier version.
- f. **License confirmation.** This Agreement, the applicable Enrollment, Enrolled Affiliate's order confirmation, and any documentation evidencing transfers of perpetual Licenses, together with proof of payment, will be Enrolled Affiliate's evidence of all Licenses obtained under an Enrollment.

- g. **Reorganizations, consolidations and privatizations.** If the number of Licenses covered by an Enrollment changes by more than ten percent as a result of (1) a reorganization, consolidation or privatization of an entity or an operating division, (2) a privatization of an Affiliate or an operating division of Enrolled Affiliate or any of its Affiliates, or (3) a consolidation including a merger with a third party that has an existing agreement or Enrollment, Microsoft will work with Enrolled Affiliate in good faith to determine how to accommodate its changed circumstances in the context of this Agreement

4. **Making copies of Products and re-imaging rights.**

- a. **General.** Enrolled Affiliate may make as many copies of Products, as it needs to distribute them within the Enterprise. Copies must be true and complete (including copyright and trademark notices) from master copies obtained from a Microsoft approved fulfillment source. Enrolled Affiliate may use a third party to make these copies, but Enrolled Affiliate agrees it will be responsible for any third party's actions. Enrolled Affiliate agrees to make reasonable efforts to notify its employees, agents, and any other individuals who use the Products that the Products are licensed from Microsoft and subject to the terms of this Agreement.
- b. **Copies for training/evaluation and back-up.** For all Products other than Online Services, Enrolled Affiliate may (1) use up to 20 complimentary copies of any licensed Product in a dedicated training facility on its premises for purposes of training on that particular Product, (2) use up to 10 complimentary copies of any Products for a 60-day evaluation period, and (3) use one complimentary copy of any licensed Product for back-up or archival purposes for each of its distinct geographic locations. Trials for Online Services may be available if specified in the Use Rights.
- c. **Right to re-image.** In certain cases, re-imaging is permitted using the Product media. If the Microsoft Product is licensed (1) from an original equipment manufacturer (OEM), (2) as a full packaged Product through a retail source, or (3) under another Microsoft program, then media provided under this Agreement may generally be used to create images for use in place of copies provided through that separate source. This right is conditional upon the following:
 - (i) Separate Licenses must be acquired from the separate source for each Product that is re-imaged.
 - (ii) The Product, language, version, and components of the copies made must be identical to the Product, language, version, and all components of the copies they replace and the number of copies or instances of the re-imaged Product permitted remains the same.
 - (iii) Except for copies of an operating system and copies of Products licensed under another Microsoft program, the Product type (e.g., Upgrade or full License) re-imaged must be identical to the Product type licensed from the separate source.
 - (iv) Enrolled Affiliate must adhere to any Product-specific processes or requirements for re-imaging identified in the Product Terms.

Re-imaged Products remain subject to the terms and use rights of the License acquired from the separate source. This subsection does not create or extend any Microsoft warranty or support obligation.

5. **Transferring and reassigning Licenses.**

- a. **License transfers.** License transfers are not permitted, except that Customer or an Enrolled Affiliate may transfer only fully-paid perpetual Licenses to:
 - (i) an Affiliate, or
 - (ii) a third party solely in connection with the transfer of hardware or employees to whom the Licenses have been assigned as part of (A) a privatization of an Affiliate or agency or of an

operating division of Enrolled Affiliate or an Affiliate (B) a reorganization, or (C) a consolidation.

Upon such transfer, Customer or Enrolled Affiliate must uninstall and discontinue using the licensed Product and render any copies unusable.

- b. **Notification of License Transfer.** Enrolled Affiliate must notify Microsoft of a License transfer by completing a license transfer form, which can be obtained from <http://www.microsoft.com/licensing/contracts> and sending the completed form to Microsoft before the License transfer. No License transfer will be valid unless Enrolled Affiliate provides to the transferee, and the transferee accepts in writing, documents sufficient to enable the transferee to ascertain the scope, purpose and limitations of the rights granted by Microsoft under the licenses being transferred (including the applicable Use Rights, use and transfer restrictions, warranties and limitations of liability). Any License transfer not made in compliance with this section will be void.
- c. **Internal Assignment of Licenses and Software Assurance.** Licenses and Software Assurance must be assigned to a single user or device within the Enterprise. Licenses and Software Assurance may be reassigned within the Enterprise as described in the Use Rights.

6. *Term and termination.*

- a. **Term.** The term of this Agreement will be 36 full calendar months from the effective date unless terminated by either party as described below. Each Enrollment will have the term provided in that Enrollment.
- b. **Termination without cause.** Either party may terminate this Agreement, without cause, upon 60 days' written notice. In the event of termination, new Enrollments will not be accepted, but any existing Enrollment will continue for the term of such Enrollment and will continue to be governed by this Agreement.
- c. **Mid-term termination for non-appropriation of Funds.** Enrolled Affiliate may terminate this Agreement or an Enrollment without liability, penalty or further obligation to make payments if funds to make payments under the Agreement or Enrollment are not appropriated or allocated by the Enrolled Affiliate for such purpose.
- d. **Termination for cause.** Without limiting any other remedies it may have, either party may terminate an Enrollment if the other party materially breaches its obligations under this Agreement, including any obligation to submit orders or pay invoices. Except where the breach is by its nature not curable within 30 days, the terminating party must give the other party 30 days' notice of its intent to terminate and an opportunity to cure the breach.

If Microsoft gives such notice to an Enrolled Affiliate, Microsoft also will give Customer a copy of that notice and Customer agrees to help resolve the breach. If the breach affects other Enrollments and cannot be resolved between Microsoft and Enrolled Affiliate, together with Customer's help, within a reasonable period of time, Microsoft may terminate this Agreement and all Enrollments under it. If an Enrolled Affiliate ceases to be Customer's Affiliate, it must promptly notify Microsoft, and Microsoft may terminate the former Affiliate's Enrollment. If an Enrolled Affiliate terminates its Enrollment as a result of a breach by Microsoft, or if Microsoft terminates an Enrollment because Enrolled Affiliate ceases to be Customer's Affiliate, then Enrolled Affiliate will have the early termination rights described in the Enrollment.

- e. **Early termination.** If (1) an Enrolled Affiliate terminates its Enrollment as a result of a breach by Microsoft, or (2) if Microsoft terminates an Enrollment because the Enrolled Affiliate has ceased to be an Affiliate of Customer, or (3) Enrolled Affiliate terminates an Enrollment for non-appropriation of funds, or (4) Microsoft terminates an Enrollment for non-payment due to non-appropriation of funds, then the Enrolled Affiliate will have the following options:
 - (i) It may immediately pay the total remaining amount due, including all installments, in which case, the Enrolled Affiliate will have perpetual rights for all Licenses it has ordered, or

(ii) It may pay only amounts due as of the termination date, in which case the Enrolled Affiliate will have perpetual Licenses for:

- 1) all copies of Products (including the latest version of Products ordered under SA coverage in the current term) for which payment has been made in full, and
- 2) the number of copies of Products it has ordered (including the latest version of Products ordered under Software Assurance coverage in current term) that is proportional to the total of installment payments paid versus total amounts due (paid and payable) if the early termination had not occurred

(iii) In the case of early termination under subscription Enrollments, Enrolled Affiliate will have the following options:

- 1) For eligible Products, Enrolled Affiliate may obtain perpetual Licenses as described in the section of the Enrollment titled "Buy-out option," provided that Microsoft receives the buy-out order for those Licenses within 60 days after Enrolled Affiliate provides notice of termination
- 2) In the event of a breach by Microsoft, if Customer chooses not to exercise a buy-out option, Microsoft will issue Enrolled Affiliate a credit for any amount paid in advance for Subscription Licenses that the Enterprise will not be able to use to do the termination of the Enrollment.

Nothing in this section shall affect perpetual License rights acquired either in a separate agreement or in a prior term of the terminated Enrollment.

f. Effect of termination or expiration. When an Enrollment expires or is terminated,

(i) Enrolled Affiliate must order Licenses for all copies of Products it has run for which it has not previously submitted an order. Any and all unpaid payments for any order of any kind remain due and payable, Except as provided in the subsection titled "Early termination," all unpaid payments for Licenses immediately become due and payable.

(ii) Enrolled Affiliate's right to Software Assurance benefits under this Agreement ends if it does not renew Software Assurance

g. Modification or termination of an Online Service for regulatory reasons. Microsoft may modify or terminate an Online Service where there is any current or future government requirement or obligation that: (1) subjects Microsoft to any regulation or requirement not generally applicable to businesses operating in the jurisdiction; (2) presents a hardship for Microsoft to continue operating the Online Service without modification; and/or (3) causes Microsoft to believe these terms or the Online Service may conflict with any such requirement or obligation.

h. Program updates. Microsoft may make changes to this program that will make it necessary for Customer and its Enrolled Affiliates to enter into new agreements and Enrollments at the time of an Enrollment renewal

7. Use, ownership, rights, and restrictions.

a. Products. Unless otherwise specified in a supplemental agreement use of any Product is governed by the Use Rights specific to each Product and version and by the terms of the applicable supplemental agreement.

b. Fixes. Each Fix is licensed under the same terms as the Product to which it applies. If a Fix is not provided for a specific Product, any use rights Microsoft provides with the Fix will apply

c. Non-Microsoft software and technology. Enrolled Affiliate is solely responsible for any non-Microsoft software or technology that it installs or uses with the Products or Fixes

- d. **Restrictions.** Enrolled Affiliate must not (and is not licensed to) (1) reverse engineer, decompile, or disassemble any Product or Fix, (2) install or use non-Microsoft software or technology in any way that would subject Microsoft's intellectual property or technology to any other license terms; or (3) work around any technical limitations in a Product or Fix or restrictions in Product documentation. Customer must not (and is not licensed to) (i) separate and run parts of a Product or Fix on more than one device, upgrade or downgrade parts of a Product or Fix at different times, or transfer parts of a Product or Fix separately; or (ii) distribute, sublicense, rent, lease, lend any Products or Fixes in whole or in part, or use them to offer hosting services to a third party.
- e. **Reservation of rights.** Products and Fixes are protected by copyright and other intellectual property rights laws and international treaties. Microsoft reserves all rights not expressly granted in this agreement. No rights will be granted or implied by waiver or estoppel. Rights to access or use Software on a device do not give Customer any right to implement Microsoft patents or other Microsoft intellectual property in the device itself or in any other software or devices.

8. Confidentiality.

"Confidential Information" is non-public information that is designated "confidential" or that a reasonable person should understand is confidential, including Customer Data. Confidential Information does not include information that (a) becomes publicly available without a breach of this agreement, (b) the receiving party received lawfully from another source without a confidentiality obligation, (c) is independently developed, or (d) is a comment or suggestion volunteered about the other party's business products or services.

Each party will take reasonable steps to protect the other's Confidential Information and will use the other party's Confidential Information only for purposes of the parties' business relationship. Neither party will disclose that Confidential Information to third parties, except to its employees, Affiliates, contractors, advisors and consultants ("Representatives") and then only on a need-to-know basis under nondisclosure obligations at least as protective as this agreement. Each party remains responsible for the use of the Confidential Information by its Representatives and, in the event of discovery of any unauthorized use or disclosure, must promptly notify the other party.

A party may disclose the other's Confidential Information if required by law, but only after it notifies the other party (if legally permissible) to enable the other party to seek a protective order.

Neither party is required to restrict work assignments of its Representatives who have had access to Confidential Information. Each party agrees that the use of information retained in Representatives' unaided memories in the development or deployment of the parties' respective products or services does not create liability under this Agreement or trade secret law, and each party agrees to limit what it discloses to the other accordingly.

These obligations apply (i) for Customer Data until it is deleted from the Online Services, and (ii) for all other Confidential Information, for a period of five years after a party receives the Confidential Information.

9. Privacy and compliance with laws.

- a. Enrolled Affiliate consents to the processing of personal information by Microsoft and its agents to facilitate the subject matter of this Agreement. Enrolled Affiliate will obtain all required consents from third parties under applicable privacy and data protection law before providing personal information to Microsoft.
- b. Personal information collected under this agreement (i) may be transferred, stored and processed in the United States or any other country in which Microsoft or its service providers maintain facilities and (ii) will be subject to the privacy terms specified in the Use Rights. Microsoft will abide by the requirements of European Economic Area and Swiss data protection

law regarding the collection, use, transfer, retention, and other processing of personal data from the European Economic Area and Switzerland.

- c. **U.S. export.** Products and Fixes are subject to U.S. export jurisdiction. Enrolled Affiliate must comply with all applicable international and national laws, including the U.S. Export Administration Regulations and International Traffic in Arms Regulations, and end-user, end-use and destination restrictions issued by U.S. and other governments related to Microsoft products, services and technologies.

10. **Warranties.**

a. **Limited warranties and remedies.**

- (i) **Software.** Microsoft warrants that each version of the Software will perform substantially as described in the applicable Product documentation for one year from the date the Enterprise is first licensed for that version. If it does not and the Enterprise notifies Microsoft within the warranty term, then Microsoft will, at its option (1) return the price Enrolled Affiliate paid for the Software license, or (2) repair or replace the Software.
- (ii) **Online Services.** Microsoft warrants that each Online Service will perform in accordance with the applicable SLA during the Enterprise's use. The Enterprise's remedies for breach of this warranty are in the SLA.

The remedies above are the Enterprise's sole remedies for breach of the warranties in this section. Customer waives any breach of warranty claims not made during the warranty period.

- b. **Exclusions.** The warranties in this agreement do not apply to problems caused by accident, abuse, or use in a manner inconsistent with this Agreement, including failure to meet minimum system requirements. These warranties do not apply to free, trial, pre-release, or beta products, or to components of Products that Enrolled Affiliate is permitted to redistribute.
- c. **Disclaimer.** Except for the limited warranties above, Microsoft provides no other warranties or conditions and disclaims any other express, implied, or statutory warranties, including warranties of quality, title, non-infringement, merchantability, and fitness for a particular purpose.

11. **Defense of third party claims.**

The parties will defend each other against the third-party claims described in this section and will pay the amount of any resulting adverse final judgment or approved settlement, but only if the defending party is promptly notified in writing of the claim and has the right to control the defense and any settlement of it. The party being defended must provide the defending party with all requested assistance, information, and authority. The defending party will reimburse the other party for reasonable out-of-pocket expenses it incurs in providing assistance. This section describes the parties' sole remedies and entire liability for such claims.

- a. **By Microsoft.** Microsoft will defend Enrolled Affiliate against any third-party claim to the extent it alleges that a Product or Fix made available by Microsoft for a fee and used within the scope of the license granted (unmodified from the form provided by Microsoft and not combined with anything else) misappropriates a trade secret or directly infringes a patent, copyright, trademark or other proprietary right of a third party. If Microsoft is unable to resolve a claim of infringement under commercially reasonable terms, it may, at its option, either (1) modify or replace the Product or Fix with a functional equivalent, or (2) terminate Enrolled Affiliate's license and refund any prepaid license fees (less depreciation on a five-year, straight-line basis) for perpetual licenses and any amount paid for Online Services for any usage period after the termination date. Microsoft will not be liable for any claims or damages due to Enrolled Affiliate's continued use of a Product or Fix after being notified to stop due to a third-party claim.
- b. **By Enrolled Affiliate.** To the extent permitted by applicable law, Enrolled Affiliate will defend Microsoft against any third-party claim to the extent it alleges that: (1) any Customer Data or

non-Microsoft software hosted in an Online Service by Microsoft on Enrolled Affiliate's behalf misappropriates a trade secret or directly infringes a patent, copyright, trademark, or other proprietary right of a third party, or (2) Enrolled Affiliate's use of any Product or Fix, alone or in combination with anything else, violates the law or damages a third party

12. Limitation of liability.

For each Product, each party's maximum, aggregate liability to the other under this Agreement is limited to direct damages finally awarded in an amount not to exceed the amounts Enrolled Affiliate was required to pay for the applicable Products during the term of this Agreement, subject to the following:

- a. **Online Services.** For Online Services, Microsoft's maximum liability to Enrolled Affiliate for any incident giving rise to a claim will not exceed the amount Enrolled Affiliate paid for the Online Service during the 12 months before the incident.
- b. **Free Products and Distributable Code.** For Products provided free of charge and code that Enrolled Affiliate is authorized to redistribute to third parties without separate payment to Microsoft, Microsoft's liability is limited to direct damages finally awarded up to US\$5,000.
- c. **Exclusions.** In no event will either party be liable for indirect, incidental, special, punitive, or consequential damages, or for loss of use, loss of business information, loss of revenue, or interruption of business, however caused or on any theory of liability.
- d. **Exceptions.** No limitation or exclusions will apply to liability arising out of either party's (1) confidentiality obligations (except for all liability related to Customer Data, which will remain subject to the limitations and exclusions above), (2) defense obligations; or (3) violation of the other party's intellectual property rights.

13. Verifying compliance.

- a. **Right to verify compliance.** Enrolled Affiliate must keep records relating to all use and distribution of Products by Enrolled Affiliate and its Affiliates. Microsoft has the right, at its expense, to the extent permitted by applicable law, to verify compliance with the Product's license terms. Enrolled Affiliate must promptly provide the independent auditor with any information the auditor reasonably requests in furtherance of the verification, including access to systems running the Products and evidence of Licenses for Products Enrolled Affiliate hosts, sublicenses, or distributes to third parties. Enrolled Affiliate agrees to complete Microsoft's self-audit process, which Microsoft may require as an alternative to a third party audit.
- b. **Remedies for non-compliance.** If verification or self-audit reveals any unlicensed use or distribution, then within 30 days, (1) Enrolled Affiliate must order sufficient Licenses to cover that use or distribution, and (2) if unlicensed use or distribution is 5% or more, Enrolled Affiliate must reimburse Microsoft for the cost Microsoft has incurred in verification and acquire the necessary additional licenses at 125% of the price based on the then-current price list and Enrolled Affiliate price level. The unlicensed use percentage is based on the total number of licenses purchased compared to actual install base. If there is no unlicensed use, Microsoft will not subject Enrolled Affiliate to another verification for at least one year. By exercising the rights and procedures described above, Microsoft does not waive its rights to enforce this Agreement or to protect its intellectual property by any other means permitted by law.
- c. **Verification process.** Microsoft will notify Enrolled Affiliate at least 30 days in advance of its intent to verify Enrolled Affiliate's compliance with the license terms for the Products Enrolled Affiliate and its Affiliates use or distribute. Microsoft will engage an independent auditor, which will be subject to a confidentiality obligation. Any information collected in the self-audit will be used solely for purposes of determining compliance. This verification will take place during normal business hours and in a manner that does not interfere unreasonably with Enrolled Affiliate's operations.

14. *Miscellaneous.*

- a. **Use of contractors.** Microsoft may use contractors to perform services, but will be responsible for their performance subject to the terms of this Agreement.
- b. **Microsoft as independent contractor.** The parties are independent contractors. Enrolled Affiliate and Microsoft each may develop products independently without using the other's Confidential Information.
- c. **Notices.** Notices to Microsoft must be sent to the address on the signature form. Notices must be in writing and will be treated as delivered on the date shown on the return receipt or on the courier or fax confirmation of delivery. Microsoft may provide information to Enrolled Affiliate about upcoming ordering deadlines, services, and subscription information in electronic form, including by email to contacts provided by Enrolled Affiliate. Emails will be treated as delivered on the transmission date.
- d. **Agreement not exclusive.** Customer is free to enter into agreements to license, use or promote non-Microsoft products.
- e. **Amendments.** Any amendment to this Agreement must be executed by both parties, except that Microsoft may change the Product Terms and the Use Rights from time to time in accordance with the terms of this Agreement. Any conflicting terms and conditions contained in an Enrolled Affiliate's purchase order will not apply. Microsoft may require Customer to sign a new agreement or an amendment before an Enrolled Affiliate enters into an Enrollment under this agreement.
- f. **Assignment.** Either party may assign this Agreement to an Affiliate, but must notify the other party in writing of the assignment. Any other proposed assignment must be approved by the non-assigning party in writing. Assignment will not relieve the assigning party of its obligations under the assigned agreement. Any attempted assignment without required approval will be void.
- g. **Applicable law; dispute resolution.** The terms of this Agreement will be governed by the laws of Customer's state, without giving effect to its conflict of laws. Disputes relating to this Agreement will be subject to applicable dispute resolution laws of Customer's state.
- h. **Severability.** If any provision in this agreement is held to be unenforceable, the balance of the agreement will remain in full force and effect.
- i. **Waiver.** Failure to enforce any provision of this agreement will not constitute a waiver. Any waiver must be in writing and signed by the waiving party.
- j. **No third-party beneficiaries.** This Agreement does not create any third-party beneficiary rights.
- k. **Survival.** All provisions survive termination or expiration of this Agreement except those requiring performance only during the term of the Agreement.
- l. **Management and Reporting.** Customer and/or Enrolled Affiliate may manage account details (e.g., contacts, orders, Licenses, software downloads) on Microsoft's Volume Licensing Service Center ("VLSC") web site (or successor site) at <https://www.microsoft.com/licensing/servicecenter>. Upon the effective date of this Agreement and any Enrollments, the contact(s) identified for this purpose will be provided access to this site and may authorize additional users and contacts.
- m. **Order of precedence.** In the case of a conflict between any documents in this Agreement that is not expressly resolved in those documents, their terms will control in the following order from highest to lowest priority: (1) this Enterprise Agreement, (2) any Enrollment, (3) the Product Terms, (4) the Online Services Terms, (5) orders submitted under this Agreement, and (6) any other documents in this Agreement. Terms in an amendment control over the amended document and any prior amendments concerning the same subject matter.

- n. **Free Products.** It is Microsoft's intent that the terms of this Agreement and the Use Rights be in compliance with all applicable federal law and regulations. Any free Product provided to Enrolled Affiliate is for the sole use and benefit of the Enrolled Affiliate, and is not provided for use by or personal benefit of any specific government employee.
- o. **Voluntary Product Accessibility Templates.** Microsoft supports the government's obligation to provide accessible technologies to its citizens with disabilities as required by Section 508 of the Rehabilitation Act of 1973, and its state law counterparts. The Voluntary Product Accessibility Templates ("VPATs") for the Microsoft technologies used in providing the Online Services can be found at Microsoft's VPAT page. Further information regarding Microsoft's commitment to accessibility can be found at <http://www.microsoft.com/enable>
- p. **Natural disaster.** In the event of a "natural disaster," Microsoft may provide additional assistance or rights by posting them on <http://www.microsoft.com> at such time.
- q. **Copyright violation.** Except as set forth in the section above entitled "Transferring and reassigning Licenses", the Enrolled Affiliate agrees to pay for, and comply with the terms of this Agreement and the Use Rights, for the Products it uses. Except to the extent Enrolled Affiliate is licensed under this Agreement, it will be responsible for its breach of this contract and violation of Microsoft's copyright in the Products, including payment of License fees specified in this Agreement for unlicensed use.

Supplemental Contact Information Form

This form can be used in combination with MBSA, Agreement, and Enrollment/Registration. However, a separate form must be submitted for each enrollment/registration, when more than one is submitted on a signature form. For the purposes of this form, "entity" can mean the signing entity, Customer, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement. Primary and Notices contacts in this form will not apply to enrollments or registrations.

- This form applies to:
- MBSA
 - Agreement
 - Enrollment/Affiliate Registration Form

Insert primary entity name if more than one Enrollment/Registration Form is submitted

Contact information.

Each party will notify the other in writing if any of the information in the following contact information page(s) changes. The asterisks (*) indicate required fields; if the entity chooses to designate other contact types, the same required fields must be completed for each section. By providing contact information, entity consents to its use for purposes of administering the Enrollment by Microsoft and other parties that help Microsoft administer this Enrollment. The personal information provided in connection with this agreement will be used and protected according to the privacy statement available at <https://licensing.microsoft.com>.

1. Additional notices contact.

This contact receives all notices that are sent from Microsoft. No online access is granted to this individual.

Name of entity* County of Riverside
 Contact name*: First Regina Last Funderburk
 Contact email address* RFunderburk@rivco.org
 Street address* 3450 14th Street, 4th Floor
 City* Riverside State/Province* California Postal code* 92501-3861
 Country* USA
 Phone* 951-955-2265 Fax

This contact is a third party (not the entity). Warning: This contact receives personally identifiable information of the entity.

2. Software Assurance manager.

This contact will receive online permissions to manage the Software Assurance benefits under the Enrollment or Registration.

Name of entity* County of Riverside
 Contact name*: First Regina Last Funderburk
 Contact email address* RFunderburk@rivco.org
 Street address* 3450 14th Street, 4th Floor
 City* Riverside State/Province* California Postal code* 92501-3861

Country* USA

Phone* 951-955-2265 Fax

This contact is a third party (not the entity). Warning: This contact receives personally identifiable information of the entity.

3. *Subscriptions manager.*

This contact will assign MSDN, Expression, and TechNet Plus subscription licenses to the individual subscribers under this Enrollment or Registration. Assignment of the subscription licenses is necessary for access to any of the online benefits, such as subscription downloads. This contact will also manage any complimentary or additional media purchases related to these subscriptions.

Name of entity* County of Riverside

Contact name*: First Regina Last Funderburk

Contact email address* RFunderburk@rivco.org

Street address* 3450 14th Street, 4th Floor

City* Riverside State/Province* California Postal code* 92501-3861

Country* USA

Phone* 951-955-2265 Fax

This contact is a third party (not the entity). Warning: This contact receives personally identifiable information of the entity.

4. *Online services manager.*

This contact will be provided online permissions to manage the online services ordered under the Enrollment or Registration.

Name of entity* County of Riverside

Contact name*: First Luis Last Flores

Contact email address* LFFlores@rivco.org

Street address* 3450 14th Street, 4th Floor

City* Riverside State/Province* California Postal code* 92501-3861

Country* USA

Phone* 951-955-8114 Fax

This contact is a third party (not the entity). Warning: This contact receives personally identifiable information of the entity.

5. *Customer Support Manager (CSM).*

This person is designated as the Customer Support Manager (CSM) for support-related activities.

Name of entity* County of Riverside

Contact name*: First Luis Last Flores

Contact email address* LFFlores@rivco.org

Street address* 3450 14th Street, 4th Floor

City* Riverside State/Province* California Postal code* 92501-3861

Country* USA

Phone* 951-955-8114 Fax

6. *Primary contact information.*

An individual from inside the organization must serve as the primary contact. This contact receives online administrator permissions and may grant online access to others. This contact also receives all notices unless Microsoft is provided written notice of a change.

Name of entity* County of Riverside

Contact name*: First Jim Last Smith
Contact email address* jimsmith@rivco.org
Street address* 3450 14th Street, 4th Floor
City* Riverside State/Province* CA Postal code* 92501-3861
Country* US
Phone* 951-231-5909 Fax

7. Notices contact and online administrator information.

This individual receives online administrator permissions and may grant online access to others. This contact also receives all notices

Same as primary contact

Name of entity*

Contact name*: First Last

Contact email address*

Street address*

City* State/Province* Postal code*

Country*

Phone* Fax

This contact is a third party (not the entity) Warning This contact receives personally identifiable information of the entity

Microsoft Document Headersheet

* This is for informational purposes only *

MSE#:

(MSLI
Tracking
Number)

5-0000004275258

Doc Type:

Amendments

Do not modify the formatting or spacing of this Form above this text

Subsidiary:

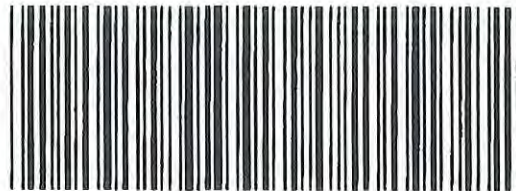
Country:

United States

Account Manager Name / Alias:

LAR/LAD/ESA:

Insight Direct USA, Inc.



Program/Version

EA 6 2016

(Scanning Code)

ACCOUNT: County of Riverside

3

Outsourcer Name:

Business Agreement Number:

Master Agreement Number: **8084445**

Agreement Number:

Purchase Order Number:

Comments:

8/23/2019 9:42:40 PM

Amendment to Contract Documents

Agreement Number:

808445

004-kayleed-S-04

This amendment ("Amendment") is entered into between the parties identified on the attached program signature form. It amends the Enrollment or Agreement identified above. All terms used but not defined in this Amendment will have the same meanings provided in that Enrollment or Agreement.

Enterprise Agreement Custom Terms CTM

1. Section 6a, "Term", is hereby amended and restated as follows:
 - a. **Term.** The term of this Agreement will remain in effect unless terminated by either party as described below. Each Enrollment will have the term provided in that Enrollment.
2. The pricing that Microsoft will offer Enrolled Affiliate's Reseller for Enrollments effective between November 1, 2019 through October 31, 2021, and that will apply for the entire initial term of such Enrollments, is as follows:

Product	Price Level	Examples include but are not limited to the following*:
Enterprise Online Services** (including Full USLs, From SA USLs, Add ons and Step Ups)	Level D minus 2%	M365 E3 and E5, Enterprise Mobility + Security E3 and E5, Office 365 Enterprise E1 or E3, Windows 10 Enterprise E3 or E5
Enterprise Products	Level D	Office 365 Pro Plus, Windows 10 Enterprise, Core CAL Suite, Enterprise CAL Suite
Additional Products	Level D	M365 F1, M365 E5 Compliance, M365 E5 Security, Office 365 Enterprise F1, Project Online, Visio Online Plan 1 or Plan 2, Dynamics 365, Azure, SQL Server, Windows Server etc
Server and Tools Product (applies to Server and Cloud Enrollments only)	Level D	SharePoint Server, SQL Server, BizTalk Server, Visual Studio, Core Infrastructure Suites, etc.

*The examples include online services that are available in either the commercial or government cloud offerings.

**Qualifying Enterprise Online Services are identified in the Product Terms with the cell value of "EO" in the tables for "Program Availability". The scope of Enterprise Online Services is subject to change as Enterprise Online Services are added, updated/revised or removed from the Enterprise program offering.

Exclusions apply to the additional 2% discount on Enterprise Online Services as follows:

- The price list month that applies to an order is not a factor in determining whether the additional 2% discount on Enterprise Online Services may be applied to an order. The only applicable factor is the effective date of the Enrollment.
- The discount does not apply to any extensions of the initial Term or renewal Enrollments.
- The discount does not apply to any promotional SKUs. Enrolled Affiliate is entitled to the lower of the promotional price or discounted price.

The price level that applies to Enrollments effective on or after November 1, 2021 is Level D for all Products.

The Reseller and the Enrolled Affiliate will determine the Enrolled Affiliate's actual price and payment terms.

Except for changes made by this Amendment, the Enrollment or Agreement identified above remains unchanged and in full force and effect. If there is any conflict between any provision in this Amendment and any provision in the Enrollment or Agreement identified above, this Amendment shall control.

This Amendment must be attached to a signature form to be valid.

Microsoft Internal Use Only:

Riverside County EA Amend 8.7.docx	CTM	CIM-CPT-OPT-FWK	BD
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COUNTY OF RIVERSIDE
AMENDMENT NO. 1 TO THE LICENSING SOLUTION PROVIDER AGREEMENT
WITH
Dell Marketing L.P.

Original Contract Term:	11/01/2019 through 10/31/2021
Original Contract ID:	PSA-0001524
Effective Date of Amendment:	04/01/2020
Original Annual Maximum Contract Amount:	\$0
Amended Annual Maximum Contract Amount:	\$0

This AMENDMENT NO. 1 TO THE LICENSING SOLUTION PROVIDER AGREEMENT with Dell Marketing L.P. (“First Amendment”), dated as of 01 April 2020, is entered into by and between the County of Riverside (“COUNTY”), a political subdivision of the State of California, and Dell Marketing L.P. (“CONTRACTOR”), a Texas corporation, sometimes collectively referred to as the “Parties”.

RECITALS

WHEREAS, COUNTY and Microsoft Corporation (“Microsoft”) have entered into that certain Microsoft Enterprise Agreement (Master Agreement No. 8084445; the “Master Agreement”), effective August 23, 2019, under which COUNTY has the ability to enter into one or more enrollments to order certain Microsoft product licenses;

WHEREAS, CONTRACTOR and COUNTY entered into the aforementioned Licensing Solution Provider Agreement Number PSA-0001524 (the “Agreement”) to provide support services to COUNTY and its Enrolled Affiliates (as defined in the Master Agreement) for said licenses; and

WHEREAS, COUNTY and CONTRACTOR now desire to amend the Agreement for the first time to extend the period of performance of the Agreement.

NOW, THEREFORE, for good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. The above recitals are true and correct, and are incorporated herein by reference.
2. Section 4 of the Agreement is hereby deleted in its entirety and replaced with the following:

“This Agreement shall be effective from November 1, 2019 through October 31, 2024, unless terminated earlier (the “Term”).”
3. Section 9 of the Agreement is hereby deleted in its entirety and replaced with the following:

“Usage Reporting: CONTRACTOR will provide to COUNTY the Licensed Support Provider (LSP) Reporting of Active Enrollments to Master Microsoft Enterprise Agreement No. 8084445, Select Plus Agreement No. 7756479, Microsoft Premier, Unified, and MCS Support services, showing a list of enrollments by December 15th of each year. Forms shall be submitted electronically to MasterMicrosoftAdmin@rivco.org. A copy of the form is attached hereto as Exhibit D and incorporated herein by reference.”
4. Capitalized Terms/Amendment to Prevail. Unless defined herein or the context requires otherwise, all capitalized terms herein shall have the meaning defined in the Agreement, as heretofore

COUNTY OF RIVERSIDE
AMENDMENT NO. 1 TO THE LICENSING SOLUTION PROVIDER AGREEMENT
WITH
Dell Marketing L.P.

amended. The provisions of this First Amendment shall prevail over any inconsistency or conflicting provisions of the Agreement, as heretofore amended, and shall supplement the remaining provisions thereof.

5. Miscellaneous. Except as amended or modified herein, all the terms of the Agreement shall remain in full force and effect and shall apply with the same force and effect. Time is of the essence in this First Amendment and the Agreement and each and all of their respective provisions. Subject to the provisions of the Agreement as to assignment, the agreements, conditions and provisions herein contained shall apply to and bind the heirs, executors, administrators, successors and assigns of the parties hereto. If any provisions of this First Amendment or the Agreement shall be determined to be illegal or unenforceable, such determination shall not affect any other provision of the Agreement and all such other provisions shall remain in full force and effect. The language in all parts of the Agreement shall be construed according to its normal and usual meaning and not strictly for or against either COUNTY or CONTRACTOR.
6. Effective Date. This First Amendment shall not be binding or consummated until its approval by the Riverside County Board of Supervisors and fully executed by the Parties.

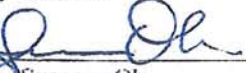
IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this First Amendment.

COUNTY OF RIVERSIDE, a political
subdivision of the State of California


By: 
Richard R. Hai
Senior Procurement Contract Specialist

Dated: 4/28/2020

APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

By: 
Susanna Oh
Deputy County Counsel

Dell Marketing L.P., a Texas corporation

By: 
Amanda E. Hudson
Contracts Manager

Dated: 4/17/20

Program Signature Form

MBA/MBSA number	<input type="text"/>	<input type="text"/>
Agreement number	8084445	

Note: Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.


This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
Enterprise Enrollment	X20-10635
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
<Choose Enrollment/Registration>	Document Number or Code
Document Description	Document Number or Code
Document Description	Document Number or Code
Product Selection Form	1137813.003 (New)
Document Description	Document Number or Code
Document Description	Document Number or Code

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer
Name of Entity (must be legal entity name)* City of Santa Cruz
Signature* _____
Printed First and Last Name* Rosemary Menard
Printed Title City Manager
Signature Date*
Tax ID

* indicates required field

Microsoft Affiliate	
Microsoft Corporation	
Signature	 <small>MaryAnn Holland (Nov 29, 2021 11:51 PST)</small>
Printed First and Last Name	MaryAnn Holland
Printed Title	Authorized Signer
Signature Date <small>(date Microsoft Affiliate countersigns)</small>	Nov 29, 2021
Agreement Effective Date <small>(may be different than Microsoft's signature date)</small>	

Optional 2nd Customer signature or Outsourcer signature (if applicable)

Customer	
Name of Entity (must be legal entity name)*	
Signature*	_____
Printed First and Last Name*	_____
Printed Title	_____
Signature Date*	_____

** indicates required field*

Outsourcer	
Name of Entity (must be legal entity name)*	
Signature*	_____
Printed First and Last Name*	_____
Printed Title	_____
Signature Date*	_____

** indicates required field*

If Customer requires additional contacts or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

Microsoft Corporation
 Dept. 551, Volume Licensing
 6880 Sierra Center Parkway
 Reno, Nevada 89511
 USA

Enterprise Enrollment

State and Local

Enterprise Enrollment number
(Microsoft to complete)

Framework ID
(if applicable)

--

Previous Enrollment number
(Reseller to complete)

This Enrollment must be attached to a signature form to be valid.

This Microsoft Enterprise Enrollment is entered into between the entities as identified in the signature form as of the effective date. Enrolled Affiliate represents and warrants it is the same Customer, or an Affiliate of the Customer, that entered into the Enterprise Agreement identified on the program signature form.

This Enrollment consists of: (1) these terms and conditions, (2) the terms of the Enterprise Agreement identified on the signature form, (3) the Product Selection Form, (4) the Product Terms, (5) the Online Services Terms, (6) any Supplemental Contact Information Form, Previous Agreement/Enrollment form, and other forms that may be required, and (7) any order submitted under this Enrollment. This Enrollment may only be entered into under a 2011 or later Enterprise Agreement. By entering into this Enrollment, Enrolled Affiliate agrees to be bound by the terms and conditions of the Enterprise Agreement.

All terms used but not defined are located at <http://www.microsoft.com/licensing/contracts>. In the event of any conflict the terms of this Agreement control.

Effective date. If Enrolled Affiliate is renewing Software Assurance or Subscription Licenses from one or more previous Enrollments or agreements, then the effective date will be the day after the first prior Enrollment or agreement expires or terminates. If this Enrollment is renewed, the effective date of the renewal term will be the day after the Expiration Date of the initial term. Otherwise, the effective date will be the date this Enrollment is accepted by Microsoft. Any reference to "anniversary date" refers to the anniversary of the effective date of the applicable initial or renewal term for each year this Enrollment is in effect.

Term. The initial term of this Enrollment will expire on the last day of the month, 36 full calendar months from the effective date of the initial term. The renewal term will expire 36 full calendar months after the effective date of the renewal term.

Terms and Conditions

1. Definitions.

Terms used but not defined in this Enrollment will have the definition in the Enterprise Agreement. The following definitions are used in this Enrollment:

"Additional Product" means any Product identified as such in the Product Terms and chosen by Enrolled Affiliate under this Enrollment.

"Community" means the community consisting of one or more of the following: (1) a Government, (2) an Enrolled Affiliate using eligible Government Community Cloud Services to provide solutions to a Government or a qualified member of the Community, or (3) a Customer with Customer Data that is subject to Government regulations for which Customer determines and Microsoft agrees that the use of Government Community Cloud Services is appropriate to meet Customer's regulatory requirements.

Membership in the Community is ultimately at Microsoft's discretion, which may vary by Government Community Cloud Service.

"Enterprise Online Service" means any Online Service designated as an Enterprise Online Service in the Product Terms and chosen by Enrolled Affiliate under this Enrollment. Enterprise Online Services are treated as Online Services, except as noted.

"Enterprise Product" means any Desktop Platform Product that Microsoft designates as an Enterprise Product in the Product Terms and chosen by Enrolled Affiliate under this Enrollment. Enterprise Products must be licensed for all Qualified Devices and Qualified Users on an Enterprise-wide basis under this program.

"Expiration Date" means the date upon which the Enrollment expires.

"Federal Agency" means a bureau, office, agency, department or other entity of the United States Government.

"Government" means a Federal Agency, State/Local Entity, or Tribal Entity acting in its governmental capacity.

"Government Community Cloud Services" means Microsoft Online Services that are provisioned in Microsoft's multi-tenant data centers for exclusive use by or for the Community and offered in accordance with the National Institute of Standards and Technology (NIST) Special Publication 800-145. Microsoft Online Services that are Government Community Cloud Services are designated as such in the Use Rights and Product Terms.

"Industry Device" (also known as line of business device) means any device that: (1) is not useable in its deployed configuration as a general purpose personal computing device (such as a personal computer), a multi-function server, or a commercially viable substitute for one of these systems, and (2) only employs an industry or task-specific software program (e.g. a computer-aided design program used by an architect or a point of sale program) ("Industry Program"). The device may include features and functions derived from Microsoft software or third-party software. If the device performs desktop functions (such as email, word processing, spreadsheets, database, network or Internet browsing, or scheduling, or personal finance), then the desktop functions: (1) may only be used for the purpose of supporting the Industry Program functionality; and (2) must be technically integrated with the Industry Program or employ technically enforced policies or architecture to operate only when used with the Industry Program functionality.

"Managed Device" means any device on which any Affiliate in the Enterprise directly or indirectly controls one or more operating system environments. Examples of Managed Devices can be found in the Product Terms.

"Qualified Device" means any device that is used by or for the benefit of Enrolled Affiliate's Enterprise and is: (1) a personal desktop computer, portable computer, workstation, or similar device capable of running Windows Pro locally (in a physical or virtual operating system environment), or (2) a device used to access a virtual desktop infrastructure ("VDI"). Qualified Devices do not include any device that is: (1) designated as a server and not used as a personal computer, (2) an Industry Device, or (3) not a Managed Device. At its option, the Enrolled Affiliate may designate any device excluded above (e.g., Industry Device) that is used by or for the benefit of the Enrolled Affiliate's Enterprise as a Qualified Device for all or a subset of Enterprise Products or Online Services the Enrolled Affiliate has selected.

"Qualified User" means a person (e.g., employee, consultant, contingent staff) who: (1) is a user of a Qualified Device, or (2) accesses any server software requiring an Enterprise Product Client Access License or any Enterprise Online Service. It does not include a person who accesses server software or an Online Service solely under a License identified in the Qualified User exemptions in the Product Terms.

"Reseller" means an entity authorized by Microsoft to resell Licenses under this program and engaged by an Enrolled Affiliate to provide pre- and post-transaction assistance related to this agreement;

"Reserved License" means for an Online Service identified as eligible for true-ups in the Product Terms, the License reserved by Enrolled Affiliate prior to use and for which Microsoft will make the Online Service available for activation.

"State/Local Entity" means (1) any agency of a state or local government in the United States, or (2) any United States county, borough, commonwealth, city, municipality, town, township, special purpose district, or other similar type of governmental instrumentality established by the laws of Customer's state and located within Customer's state's jurisdiction and geographic boundaries.

"Tribal Entity" means a federally-recognized tribal entity performing tribal governmental functions and eligible for funding and services from the U.S. Department of Interior by virtue of its status as an Indian tribe.

"Use Rights" means, with respect to any licensing program, the use rights or terms of service for each Product and version published for that licensing program at the Volume Licensing Site and updated from time to time. The Use Rights include the Product-Specific License Terms, the License Model terms, the Universal License Terms, the Data Protection Terms, and the Other Legal Terms. The Use Rights supersede the terms of any end user license agreement (on-screen or otherwise) that accompanies a Product.

"Volume Licensing Site" means <http://www.microsoft.com/licensing/contracts> or a successor site.

2. **Order requirements.**

- a. **Minimum order requirements.** Enrolled Affiliate's Enterprise must have a minimum of 250 Qualified Users or Qualified Devices. The initial order must include at least 250 Licenses for Enterprise Products or Enterprise Online Services.
 - (i) **Enterprise commitment.** Enrolled Affiliate must order enough Licenses to cover all Qualified Users or Qualified Devices, depending on the License Type, with one or more Enterprise Products or a mix of Enterprise Products and the corresponding Enterprise Online Services (as long as all Qualified Devices not covered by a License are only used by users covered with a user License).
 - (ii) **Enterprise Online Services only.** If no Enterprise Product is ordered, then Enrolled Affiliate need only maintain at least 250 Subscription Licenses for Enterprise Online Services.
- b. **Additional Products.** Upon satisfying the minimum order requirements above, Enrolled Affiliate may order Additional Products.
- c. **Use Rights for Enterprise Products.** For Enterprise Products, if a new Product version has more restrictive use rights than the version that is current at the start of the applicable initial or renewal term of the Enrollment, those more restrictive use rights will not apply to Enrolled Affiliate's use of that Product during that term.
- d. **Country of usage.** Enrolled Affiliate must specify the countries where Licenses will be used on its initial order and on any additional orders.
- e. **Resellers.** Enrolled Affiliate must choose and maintain a Reseller authorized in the United States. Enrolled Affiliate will acquire its Licenses through its chosen Reseller. Orders must be submitted to the Reseller who will transmit the order to Microsoft. The Reseller and Enrolled Affiliate determine pricing and payment terms as between them, and Microsoft will invoice the Reseller based on those terms. Throughout this Agreement the term "price" refers to reference price. Resellers and other third parties do not have authority to bind or impose any obligation or liability on Microsoft.
- f. **Adding Products.**
 - (i) **Adding new Products not previously ordered.** New Enterprise Products or Enterprise Online Services may be added at any time by contacting a Microsoft Account Manager or Reseller. New Additional Products, other than Online Services, may be used if an order is placed in the month the Product is first used. For Additional Products that are Online Services, an initial order for the Online Service is required prior to use.

- (ii) **Adding Licenses for previously ordered Products.** Additional Licenses for previously ordered Products other than Online Services may be added at any time but must be included in the next true-up order. Additional Licenses for Online Services must be ordered prior to use, unless the Online Services are (1) identified as eligible for true-up in the Product Terms or (2) included as part of other Licenses.
- g. True-up requirements.** Enrolled Affiliate must submit an annual true-up order that accounts for any changes since the initial order or last order. If there are no changes, then an update statement must be submitted instead of a true-up order.
- (i) **Enterprise Products.** For Enterprise Products, Enrolled Affiliate must determine the number of Qualified Devices and Qualified Users (if ordering user-based Licenses) at the time the true-up order is placed and must order additional Licenses for all Qualified Devices and Qualified Users that are not already covered by existing Licenses, including any Enterprise Online Services.
- (ii) **Additional Products.** For Additional Products that have been previously ordered under this Enrollment, Enrolled Affiliate must determine the maximum number of Additional Products used since the latter of the initial order, the last true-up order, or the prior anniversary date and submit a true-up order that accounts for any increase.
- (iii) **Online Services.** For Online Services identified as eligible for true-up in the Product Terms, Enrolled Affiliate may place a reservation order for the additional Licenses prior to use and payment may be deferred until the next true-up order. Microsoft will provide a report of Reserved Licenses ordered but not yet invoiced to Enrolled Affiliate and its Reseller. Reserved Licenses will be invoiced retrospectively to the month in which they were ordered.
- (iv) **Subscription License reductions.** Enrolled Affiliate may reduce the quantity of Subscription Licenses at the Enrollment anniversary date on a prospective basis if permitted in the Product Terms, as follows:
- 1) For Subscription Licenses that are part of an Enterprise-wide purchase, Licenses may be reduced if the total quantity of Licenses and Software Assurance for an applicable group meets or exceeds the quantity of Qualified Devices and Qualified Users (if ordering user-based Licenses) identified on the Product Selection Form, and includes any additional Qualified Devices and Qualified Users added in any prior true-up orders. Step-up Licenses do not count towards this total count.
 - 2) For Enterprise Online Services that are not a part of an Enterprise-wide purchase, Licenses can be reduced as long as the initial order minimum requirements are maintained.
 - 3) For Additional Products available as Subscription Licenses, Enrolled Affiliate may reduce the Licenses. If the License count is reduced to zero, then Enrolled Affiliate's use of the applicable Subscription License will be cancelled.
- Invoices will be adjusted to reflect any reductions in Subscription Licenses at the true-up order Enrollment anniversary date and effective as of such date.
- (v) **Update statement.** An update statement must be submitted instead of a true-up order if, since the initial order or last true-up order, Enrolled Affiliate's Enterprise: (1) has not changed the number of Qualified Devices and Qualified Users licensed with Enterprise Products or Enterprise Online Services; and (2) has not increased its usage of Additional Products. This update statement must be signed by Enrolled Affiliate's authorized representative.
- (vi) **True-up order period.** The true-up order or update statement must be received by Microsoft between 60 and 30 days prior to each Enrollment anniversary date. The third-year true-up order or update statement is due within 30 days prior to the Expiration Date, and any license reservations within this 30 day period will not be accepted. Enrolled Affiliate

may submit true-up orders more often to account for increases in Product usage, but an annual true-up order or update statement must still be submitted during the annual order period.

(vii) Late true-up order. If the true-up order or update statement is not received when due, Microsoft will invoice Reseller for all Reserved Licenses not previously invoiced and Subscription License reductions cannot be reported until the following Enrollment anniversary date (or at Enrollment renewal, as applicable).

- h. Step-up Licenses.** For Licenses eligible for a step-up under this Enrollment, Enrolled Affiliate may step-up to a higher edition or suite as follows:
 - (i)** For step-up Licenses included on an initial order, Enrolled Affiliate may order according to the true-up process.
 - (ii)** If step-up Licenses are not included on an initial order, Enrolled Affiliate may step-up initially by following the process described in the Section titled "Adding new Products not previously ordered," then for additional step-up Licenses, by following the true-up order process.
- i. Clerical errors.** Microsoft may correct clerical errors in this Enrollment, and any documents submitted with or under this Enrollment, by providing notice by email and a reasonable opportunity for Enrolled Affiliate to object to the correction. Clerical errors include minor mistakes, unintentional additions and omissions. This provision does not apply to material terms, such as the identity, quantity or price of a Product ordered.
- j. Verifying compliance.** Microsoft may, in its discretion and at its expense, verify compliance with this Enrollment as set forth in the Enterprise Agreement.

3. Pricing.

- a. Price Levels.** For both the initial and any renewal term Enrolled Affiliate's Price Level for all Products ordered under this Enrollment will be Level "D" throughout the term of the Enrollment.
- b. Setting Prices.** Enrolled Affiliate's prices for each Product or Service will be established by its Reseller. Except for Online Services designated in the Product Terms as being exempt from fixed pricing, As long as Enrolled Affiliate continues to qualify for the same price level, Microsoft's prices for Resellers for each Product or Service ordered will be fixed throughout the applicable initial or renewal Enrollment term. Microsoft's prices to Resellers are reestablished at the beginning of the renewal term.

4. Payment terms.

For the initial or renewal order, Microsoft will invoice Enrolled Affiliate's Reseller in three equal annual installments. . The first installment will be invoiced upon Microsoft's acceptance of this Enrollment and remaining installments will be invoiced on each subsequent Enrollment anniversary date. Subsequent orders are invoiced upon acceptance of the order and Enrolled Affiliate may elect to pay annually or upfront for Online Services and upfront for all other Licenses.

5. End of Enrollment term and termination.

- a. General.** At the Expiration Date, Enrolled Affiliate must immediately order and pay for Licenses for Products it has used but has not previously submitted an order, except as otherwise provided in this Enrollment.
- b. Renewal option.** At the Expiration Date of the initial term, Enrolled Affiliate can renew Products by renewing this Enrollment for one additional 36-month term or by signing a new Enrollment. Microsoft must receive a Renewal Form, Product Selection Form, and renewal order prior to or at the Expiration Date. Microsoft will not unreasonably reject any renewal.

Microsoft may make changes to this program that will make it necessary for Customer and its Enrolled Affiliates to enter into new agreements and Enrollments at renewal.

c. If Enrolled Affiliate elects not to renew.

(i) **Software Assurance.** If Enrolled Affiliate elects not to renew Software Assurance for any Product under its Enrollment, then Enrolled Affiliate will not be permitted to order Software Assurance later without first acquiring a new License with Software Assurance.

(ii) **Online Services eligible for an Extended Term.** For Online Services identified as eligible for an Extended Term in the Product Terms, the following options are available at the end of the Enrollment initial or renewal term.

1) **Extended Term.** Licenses for Online Services will automatically expire in accordance with the terms of the Enrollment. An extended term feature that allows Online Services to continue month-to-month ("Extended Term") is available. During the Extended Term, Online Services will be invoiced monthly at the then-current published price as of the Expiration Date plus a 3% administrative fee for up to one year. If Enrolled Affiliate wants an Extended Term, Enrolled Affiliate must submit a request to Microsoft at least 30 days prior to the Expiration Date.

2) **Cancellation during Extended Term.** At any time during the first year of the Extended Term, Enrolled Affiliate may terminate the Extended Term by submitting a notice of cancellation to Microsoft for each Online Service. Thereafter, either party may terminate the Extended Term by providing the other with a notice of cancellation for each Online Service. Cancellation will be effective at the end of the month following 30 days after Microsoft has received or issued the notice.

(iii) **Subscription Licenses and Online Services not eligible for an Extended Term.** If Enrolled Affiliate elects not to renew, the Licenses will be cancelled and will terminate as of the Expiration Date. Any associated media must be uninstalled and destroyed and Enrolled Affiliate's Enterprise must discontinue use. Microsoft may request written certification to verify compliance.

d. **Termination for cause.** Any termination for cause of this Enrollment will be subject to the "Termination for cause" section of the Agreement. In addition, it shall be a breach of this Enrollment if Enrolled Affiliate or any Affiliate in the Enterprise that uses Government Community Cloud Services fails to meet and maintain the conditions of membership in the definition of Community.

e. **Early termination.** Any early termination of this Enrollment will be subject to the "Early Termination" Section of the Enterprise Agreement.

For Subscription Licenses, in the event of a breach by Microsoft, or if Microsoft terminates an Online Service for regulatory reasons, Microsoft will issue Reseller a credit for any amount paid in advance for the period after termination.

6. Government Community Cloud.

a. **Community requirements.** If Enrolled Affiliate purchases Government Community Cloud Services, Enrolled Affiliate certifies that it is a member of the Community and agrees to use Government Community Cloud Services solely in its capacity as a member of the Community and, for eligible Government Community Cloud Services, for the benefit of end users that are members of the Community. Use of Government Community Cloud Services by an entity that is not a member of the Community or to provide services to non-Community members is strictly prohibited and could result in termination of Enrolled Affiliate's license(s) for Government Community Cloud Services without notice. Enrolled Affiliate acknowledges that only Community members may use Government Community Cloud Services.

b. All terms and conditions applicable to non-Government Community Cloud Services also apply

to their corresponding Government Community Cloud Services, except as otherwise noted in the Use Rights, Product Terms, and this Enrollment.

- c. Enrolled Affiliate may not deploy or use Government Community Cloud Services and corresponding non-Government Community Cloud Services in the same domain.
- d. **Use Rights for Government Community Cloud Services.** For Government Community Cloud Services, notwithstanding anything to the contrary in the Use Rights:
 - (i) Government Community Cloud Services will be offered only within the United States.
 - (ii) Additional European Terms, as set forth in the Use Rights, will not apply.
 - (iii) References to geographic areas in the Use Rights with respect to the location of Customer Data at rest, as set forth in the Use Rights, refer only to the United States.

Enrollment Details

1. Enrolled Affiliate's Enterprise.

- a. Identify which Agency Affiliates are included in the Enterprise. (Required) Enrolled Affiliate's Enterprise must consist of entire offices, bureaus, agencies, departments or other entities of Enrolled Affiliate, not partial offices, bureaus, agencies, or departments, or other partial entities. Check only one box in this section. If no boxes are checked, Microsoft will deem the Enterprise to include the Enrolled Affiliate only. If more than one box is checked, Microsoft will deem the Enterprise to include the largest number of Affiliates:

Enrolled Affiliate only

Enrolled Affiliate and all Affiliates

Enrolled Affiliate and the following Affiliate(s) (Only identify specific affiliates to be included if fewer than all Affiliates are to be included in the Enterprise):

Enrolled Affiliate and all Affiliates, with following Affiliate(s) excluded:

- b. Please indicate whether the Enrolled Affiliate's Enterprise will include all new Affiliates acquired after the start of this Enrollment: Exclude future Affiliates

2. Contact information.

Each party will notify the other in writing if any of the information in the following contact information page(s) changes. The asterisks (*) indicate required fields. By providing contact information, Enrolled Affiliate consents to its use for purposes of administering this Enrollment by Microsoft, its Affiliates, and other parties that help administer this Enrollment. The personal information provided in connection with this Enrollment will be used and protected in accordance with the privacy statement available at <https://www.microsoft.com/licensing/servicecenter>.

- a. **Primary contact.** This contact is the primary contact for the Enrollment from within Enrolled Affiliate's Enterprise. This contact is also an Online Administrator for the Volume Licensing Service Center and may grant online access to others. The primary contact will be the default contact for all purposes unless separate contacts are identified for specific purposes

Name of entity (must be legal entity name)* City of Santa Cruz
Contact name* First Michael Last Schmidt
Contact email address* mschmidt@cityofsantacruz.com
Street address* 809 Center St. Room #8
City* Santa Cruz

State* CA
Postal code* 95060-3826
(Please provide the zip + 4, e.g. xxxxx-xxxx)
Country* United States
Phone* (831) 420-5003
Tax ID
** indicates required fields*

- b. Notices contact and Online Administrator.** This contact (1) receives the contractual notices, (2) is the Online Administrator for the Volume Licensing Service Center and may grant online access to others, and (3) is authorized to order Reserved Licenses for eligible Online Services, including adding or reassigning Licenses and stepping-up prior to a true-up order.

Same as primary contact (default if no information is provided below, even if the box is not checked).

Contact name* First Last
Contact email address*
Street address*
City*
State*
Postal code*
(Please provide the zip + 4, e.g. xxxxx-xxxx)
Country*
Phone*

Language preference. Choose the language for notices English
 This contact is a third party (not the Enrolled Affiliate). Warning: This contact receives personally identifiable information of the Customer and its Affiliates.
** indicates required fields*

- c. Online Services Manager.** This contact is authorized to manage the Online Services ordered under the Enrollment and (for applicable Online Services) to add or reassign Licenses and step-up prior to a true-up order.

Same as notices contact and Online Administrator (default if no information is provided below, even if box is not checked)

Contact name*: First Last
Contact email address*
Phone*

This contact is from a third party organization (not the entity). Warning: This contact receives personally identifiable information of the entity.
** indicates required fields*

- d. Reseller information.** Reseller contact for this Enrollment is:

Reseller company name* Dell Inc.
Street address (PO boxes will not be accepted)* One Dell Way
City* Round Rock
State* TX
Postal code* 78682
Country* United States
Contact name* Government Contract Admin
Phone* 847-465-3700
Contact email address* US_MS_VL_Admin@Dell.com
** indicates required fields*

By signing below, the Reseller identified above confirms that all information provided in this Enrollment is correct.

Signature* <u>RoseAnn Bretzmann</u>
Printed name* RoseAnn Bretzmann
Printed title* Analyst
Date* 11/29/2021

* indicates required fields

Changing a Reseller. If Microsoft or the Reseller chooses to discontinue doing business with each other, Enrolled Affiliate must choose a replacement Reseller. If Enrolled Affiliate or the Reseller intends to terminate their relationship, the initiating party must notify Microsoft and the other party using a form provided by Microsoft at least 90 days prior to the date on which the change is to take effect.

- e. If Enrolled Affiliate requires a separate contact for any of the following, attach the Supplemental Contact Information form. *Otherwise, the notices contact and Online Administrator remains the default.*
- (i) Additional notices contact
 - (ii) Software Assurance manager
 - (iii) Subscriptions manager
 - (iv) Customer Support Manager (CSM) contact

3. **Financing elections.**

Is a purchase under this Enrollment being financed through MS Financing? Yes, No.

If a purchase under this Enrollment is financed through MS Financing, and Enrolled Affiliate chooses not to finance any associated taxes, it must pay these taxes directly to Microsoft.

Proposal ID

1137813.003

Enrollment Number

Language: English (United States)

Enrolled Affiliate's Enterprise Products and Enterprise Online Services summary for the initial order:					
Profile	Qualified Devices	Qualified Users	Device / User Ratio	Enterprise Product Platform	CAL Licensing Model
Enterprise	565	565	1.0	No	User Licenses

Products	Enterprise Quantity
Office 365 Plans	
Office 365 (Plan G5) with PSTN Conferencing USL	5
O365 GCC E1	10
O365 GCC E3	550
Enterprise Mobility and Security (EMS)	
Enterprise Mobility and Security USL	1

Enrolled Affiliate's Product Quantities:				
Price Group	1	2	3	4
Enterprise Products	Office Professional Plus + Office 365 ProPlus + Office 365 (Plans E3 and E5) + Microsoft 365 Enterprise	Client Access License + Office 365 (Plans E1, E3 and E5) + Microsoft 365 Enterprise	Client Access License + Windows Intune + EMS USL + Microsoft 365 Enterprise	Win E3 + Win E5 + Win VDA + Microsoft 365 Enterprise
Quantity	555	565	1	0

Enrolled Affiliate's Price Level:	
Product Offering / Pool	Price Level
Enterprise Products and Enterprise Online Services USLs: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Groups 1 through 4.	D
Additional Product Application Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 1.	D
Additional Product Server Pool: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Group 2 or 3.	D
Additional Product Systems Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 4.	D

NOTES

Unless otherwise indicated in the associated contract documents, the price level for each Product offering / pool is set as described above, based upon the quantity to price level mapping below:

Quantity of Licenses and Software Assurance	Price Level
2,399 and below	A
2,400 to 5,999	B
6,000 to 14,999	C
15,000 and above	D

Note 1: Enterprise Online Services may not be available in all locations. Please see the Product List for a list of locations where these may be purchased.

Note 2: If Enrolled Affiliate does not order an Enterprise Product or Enterprise Online Service associated with an applicable Product pool, the price level for Additional Products in the same pool will be price level "A" throughout the term of the Enrollment. Refer to the Qualifying Government Entity Addendum pricing provision for more details on price leveling.



Dell Customer Confidential

Quotation

Sam Andrews
sam.andrews@dell.com
 323-428-8121

Customer: City of Santa Cruz
 Customer#: 18930197

Date of Issue: 11/30/2021
 Quote Expiration: 12/15/2021

Example of how your O365 deployment might look / cost

Product Description	Mfg#	Quantity	Months	Unit Price	Ext. Price
Enterprise Online Services / Enterprise Products					
O365GCCE3 ShrdSvr ALNG SubsVL MVL PerUsr	AAA-11894	550	12	\$17.48	\$115,368.00
O365GCCE3 ShrdSvr ALNG SubsVL MVL PerUsr <i>(deployed 3 months after EA starts)</i>	AAA-11894	350	9	\$17.48	\$55,062.00
O365GCCE1 ShrdSvr ALNG SubsVL MVL PerUsr	U4S-00002	10	12	\$6.33	\$759.60
O365GCCE5 ShrdSvr ALNG SubsVL MVL PerUsr	T2N-00001	5	12	\$30.62	\$1,837.20
EntMobandSecE3Full GCC ShrdSvr ALNG SubsVL MVL PerUsr	AAD-32907	1	12	\$8.40	\$100.80
Total Year 1 Payment					\$173,127.60
Enterprise Online Services / Enterprise Products					
O365GCCE3 ShrdSvr ALNG SubsVL MVL PerUsr	AAA-11894	900	12	\$17.48	\$188,784.00
O365GCCE1 ShrdSvr ALNG SubsVL MVL PerUsr	U4S-00002	50	12	\$6.33	\$3,798.00
O365GCCE5 ShrdSvr ALNG SubsVL MVL PerUsr	T2N-00001	5	12	\$30.62	\$1,837.20
EntMobandSecE3Full GCC ShrdSvr ALNG SubsVL MVL PerUsr	AAD-32907	1	12	\$8.40	\$100.80
Total Year 2 Payment					\$194,520.00
Enterprise Online Services / Enterprise Products					
O365GCCE3 ShrdSvr ALNG SubsVL MVL PerUsr	AAA-11894	900	12	\$17.48	\$188,784.00
O365GCCE1 ShrdSvr ALNG SubsVL MVL PerUsr	U4S-00002	50	12	\$6.33	\$3,798.00

O365GCCCE5 ShrdSvr ALNG SubsVL MVL PerUsr	T2N-00001	5	12	\$30.62	\$1,837.20
EntMobandSecE3Full GCC ShrdSvr ALNG SubsVL MVL PerUsr	AAD-32907	1	12	\$8.40	\$100.80
Total Year 3 Payment					\$194,520.00
TOTAL SECTION 2 YEARS 1 - 3					\$562,167.60
Notes:	Total Annual Payment Yr 1				\$173,127.60
	Total Annual Payment Yr 2				\$194,520.00
	Total Annual Payment Yr 3				\$194,520.00
	Grand Total				\$562,167.60



City Council AGENDA REPORT

DATE: 12/02/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Parks and Recreation

SUBJECT: Save the Waves Coalition Partnership Agreement (PR)

RECOMMENDATION: Resolution authorizing the Director of Parks and Recreation to enter into an agreement, in a form approved by the City Attorney, with Save the Waves Coalition.

BACKGROUND: In 2012, portions of the coast along Santa Cruz were designated as a World Surfing Reserve (WSR). The Santa Cruz WSR is located on the northern side of Monterey Bay along California's Central Coast within the protected coastal waters of the Monterey Bay National Marine Sanctuary and is the fourth to be designated as such. The reserve stretches approximately seven (7) miles from Natural Bridges state park on the west end of the City of Santa Cruz (City), eastward along the city and county coast to the Opal Cliffs, just east of Pleasure Point. At least 23 consistent surf breaks are sited along this coast, including the world-class breaks of Steamer Lane and Pleasure Point.

The Parks and Recreation Department (Department) collaborates with Save the Waves Coalition (Save the Waves) on volunteer projects, special event permits, and in the context of working with a variety of community stakeholders on projects related to City beaches and West Cliff. Save the Waves has served as a key stakeholder, in partnership with the Department, public works, and Santa Cruz County to successfully improve and track water quality at Cowell Beach and see the City removed from the annual beach bumper list. Department staff and Save the Waves have and continue to collaborate with City departments such as public works and with Climate Action Manager, Dr. Tiffany Wise-West, on the West Cliff Drive Adaptation and Management Plan as well.

DISCUSSION: This goal of the proposed memorandum of agreement (MOA) is to strengthen the stewardship, awareness, and community participation in the Santa Cruz World Surfing Reserve, by building a stronger collaborative relationship between the Save the Waves Coalition and the City of Santa Cruz while supporting and enhancing the Department's mission to provide quality public spaces and experiences that build a healthy community, foster equity, and better the environment.

It is a goal of the Department and Save the Waves to promote and protect the Santa Cruz World Surfing Reserve, and this proposal to memorialize a partnership will guide the organizations forward in a spirit of collaboration for stewardship and protection of Santa Cruz's world-class recreational assets.

Staff is seeking City Council review and authorization for the Director of Parks and Recreation to enter into an MOA with the Save the Waves Coalition.

FISCAL IMPACT: None.

Prepared/Submitted By:

Tony Elliot
Director of Parks &
Recreation

Approved By:

Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. RESOLUTION.DOC
2. SANTA CRUZ WSR STEWARDSHIP PLAN.PDF
3. WORLD SURFING RESERVE BOOKLET.PDF
4. DRAFT MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF SANTA CRUZ PARKS AND RECREATION DEPARTMENT AND SAVE THE WAVES

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH SAVE THE WAVES COALITION TO MANAGE AND STEWARD THE OCEAN WATERS WITHIN THE CITY'S JURISDICTION AND TO PROTECT AND PROMOTE THE SANTA CRUZ WORLD SURFING RESERVE FOR FUTURE GENERATIONS

WHEREAS, Santa Cruz has a rich surfing culture and history with roots dating back to 1885, when three Hawaiian princes rode hand-hewn redwood planks in waves breaking near the San Lorenzo River mouth; and

WHEREAS, Santa Cruz has inspired innovative surfing technologies within manufacturing and design—from wetsuits and surfboard shapers, to clothing, apparel and surf life—Santa Cruz has influenced wave riders worldwide; and

WHEREAS, the O'Neill Coldwater Classic is considered the longest-running surf contest in North America, as being established in the year 1987; and

WHEREAS In 2012, the waters adjacent to Santa Cruz were designated as the fourth World Surfing Reserve; which are situated on the northern side of Monterey Bay within the protected coastal waters of the Monterey Bay National Marine Sanctuary; and

WHEREAS, one the first museums dedicated to surfing was established in 1986 at the Mark Abbott Memorial Lighthouse at Lighthouse Point; and

WHEREAS, it is the mission of the City of Santa Cruz Parks & Recreation Department to provide quality public spaces and experiences that build a healthy community, foster equity, and better the environment.

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

City of Santa Cruz and the Save the Waves Coalition act in accordance to the Memorandum of Agreement in promoting and protecting the Santa Cruz World Surfing Reserve.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

RESOLUTION NO. NS-XX,XXX

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

Santa Cruz World Surfing Reserve
Reserve Stewardship Plan
Threat area: Trash and Marine Debris

Cowell's Beach				
Root Cause	Objective	Strategy	Actions	Outcomes
Local beachgoers	1) Reduce trash impact of local beachgoers on Cowell's Beach	Improve beach clean up results	Drive greater participation to local beach clean ups. Coordinate with Surfrider Foundation and Save our Shores to support ongoing clean up efforts	15% increase in volunteer participation in 2015
		Increase awareness among local youth beachgoers about negative impacts of trash.	Increase collaboration between O'Neill Sea Odyssey and Save Our Shores curriculum. Provide letters of support from WSR partners to increase existing funding and secure new funders	80% increase in local students who can participate in both curriculums by 2016.
Visiting beachgoers	1) Reduce trash impact of visiting beachgoers on Cowell's Beach	Improve beach clean up results	Drive greater participation to local beach clean ups. Coordinate with Surfrider Foundation and Save our Shores to support ongoing clean up efforts	15% increase in volunteer participation in 2015
Inadequate municipal waste services	1) Reduce amount of trash on beach resulting from inadequate waste services.	Reduce trash overflow at waste stations	Increase # of waste bins and increase frequency of waste disposal. Establish meetings with City Councilmembers, provide letters of support from WSR partners, and recommend interventions to Public Works.	50% reduction in overflow found around waste bins by 2016.
	2) Reduce impact of special events on waste services.	Encourage City of SC to adopt zero-waste practices as requirements for coastal event permits.	Encourage City of SC to adopt zero-waste practices as requirements for coastal event permits. Establish meetings with City Councilmembers, provide letters of support from WSR partners, and recommend ordinances to Dept. Parks and Rec.	Adoption of ordinances restricting waste at beach events and integrating stewardship measures by 2016.
Main Beach				
Root Cause	Objective	Strategy	Actions	Outcomes
San Lorenzo River	1) Reduce amount of trash in San Lorenzo River.	Improve river clean up results.	Drive greater participation to local river clean ups. Coordinate with Surfrider Foundation and Save our Shores to support ongoing clean up efforts	15% increase in volunteer participation in 2015
Visiting beachgoers	1) Reduce trash impact of visiting beachgoers on Mains Beach	Improve beach clean up results	Drive greater participation to local beach clean ups. Coordinate with Surfrider Foundation and Save our Shores to support ongoing clean up efforts	15% increase in volunteer participation in 2015
Inadequate waste collection services	1) Reduce trash overflow at Seaside Co. and City of SC waste stations	Increase # of waste bins and increase frequency of waste disposal.	Increase # of waste bins and increase frequency of waste disposal. Establish meetings with City Councilmembers and Seaside Co., provide letters of support from WSR partners, and recommend interventions to Public Works and Seaside Co.	50% reduction in overflow found around waste bins by 2016.
Seabright Beach				
Root Cause	Objective	Strategy	Actions	Outcomes
Local beachgoers	1) Reduce trash impact of local beachgoers on Seabright Beach	Improve beach clean up results	Drive greater participation to local beach clean ups. Coordinate with Surfrider Foundation and Save our Shores to support ongoing clean up efforts	15% increase in volunteer participation in 2015
		Increase awareness among local youth beachgoers about negative impacts of trash.	Increase collaboration between O'Neill Sea Odyssey and Save Our Shores curriculum. Provide letters of support from WSR partners to increase existing funding and secure new funders	80% increase in local students who can participate in both curriculums by 2016.
Fourth of July holiday crowds	1) Reduce amount of trash on beaches after 7/4 holiday.	Improve Star Spangled Beach clean up results	Drive greater participation to Star Spangled beach clean up. Organize WSR partners to participate and recruit volunteers on July 5th event.	15% increase in volunteer participation in 2015
Inadequate State Parks waste collection services	1) Reduce amount of trash on beach resulting from inadequate waste services.	Reduce trash overflow at waste stations	Increase # of waste bins and increase frequency of waste disposal. Establish meetings with elected officials, provide letters of support from WSR partners, and recommend interventions to State Parks.	50% reduction in overflow found around waste bins by 2016.

Santa Cruz World Surfing Reserve
Reserve Stewardship Plan
Threat area: Sea Level Rise

Cowell's Beach					
Key Threats		Objective	Strategy	Actions	Outcomes
Loss of surf quality		Protect quality of surf at Cowell's Beach.	Quantify economic contribution associated with Santa Cruz's quality surf environment.	Undertake 'Surfonomics' economic valuation study. STW and MIIS jointly launch study.	Surfonomics data is cited in Local Coastal Plan by 2016.
			Support County ordinance to protect surf resources in climate change adaptation.	Introduce Santa Cruz County ordinance to safeguard the local surfing resources in sea-level response planning. Save The Waves Save will work with County Supervisor John Leopold to draft and introduce an ordinance to County Board of Supervisors.	County of Santa Cruz ordinance adopted by 2017.
Accelerated loss of sand at beach		Maintain current levels of sand at Cowell's Beach.	investigate beach nourishment strategies	Investigate feasibility, costs, benefits, and consequences of beach nourishment programs within the WSR. Work with Monterey Bay National Marine Sanctuary and local/state policymakers to study the potential for beach nourishment within the MBNMS.	Beach nourishment recommendations completed by 2017
West Cliff					
Key Threats		Objective	Strategy	Actions	Outcomes
Loss of surf quality		Protect quality of surf along West Cliff.	Quantify economic contribution associated with Santa Cruz's quality surf environment.	Undertake 'Surfonomics' economic valuation study. STW and MIIS jointly launch study.	Surfonomics data is cited in Local Coastal Plan by 2016.
			Support County ordinance to protect surf resources.	Introduce Santa Cruz County ordinance to safeguard the local surfing resources in sea-level response planning. Save The Waves Save will work with County Supervisors to draft and introduce an ordinance to County Board of Supervisors.	County of Santa Cruz ordinance adopted by 2017.
Accelerated loss of cliffs		Consider surf resources while responding to accelerated cliff erosion.	Influence Local Coastal Policy decision making.	Save the Waves Coalition, World Surfing Reserves and WSR partners will advocate for LSC representation in LCP committee. Submit letter of interest to Chair of Committee advocating for inclusion on committee.	Embed consideration of surf resources in the establishment of local coastal policies by 2017.
East Cliff					
Key Threats		Objective	Strategy	Actions	Outcomes
Accelerated loss of cliffs		Consider surf resources while responding to accelerated cliff erosion.	Influence Local Coastal Policy decision making.	Save the Waves Coalition, World Surfing Reserves and WSR partners will advocate for LSC representation in LCP committee. Submit letter of interest to Chair of Committee advocating for inclusion on committee.	Embed consideration of surf resources in the establishment of local coastal policies by 2017.
Loss of coastal access points		Consider surf resources while responding to accelerated cliff erosion.	Influence Local Coastal Policy decision making.	Save the Waves Coalition, World Surfing Reserves and WSR partners will advocate for LSC representation in LCP committee. Submit letter of interest to Chair of Committee advocating for inclusion on committee.	Embed consideration of surf resources in the establishment of local coastal policies by 2017.

Santa Cruz World Surfing Reserve
Reserve Stewardship Plan
Threat area: Water Quality

Cowell's Beach				
Root Cause	Objective	Strategy	Actions	Outcomes
Anthropogenic sources of bacteria (E.coli) - Sewer/Septic Infrastructure	1) Reduce anthropogenic sources of bacteria (E. coli) derived from sewer/septic infrastructure.	A) Improve septic and private lateral infrastructure	1. Investigate regulatory and incentives policy interventions to upgrade private laterals. Establish meetings with City Councilmembers, provide letters of support from WSR partners, coordinate with City of Santa Cruz to offer upgrade incentives.	Remove Cowell's from top of Heal the Bay list, by April 2015
			2. Investigate dry weather runoff diversion to the waste water treatment plant.	Remove Cowell's from top of Heal the Bay list, by April 2015
		B) Improve information flow and data sharing about Cowell's water quality to community.	1. Establish Santa Cruz Waves as data hub and information portal for Cowell's issue. Coordinate with Santa Cruz Waves team and WSR partners to provide the informational platform.	Data shared on Santa Cruz Waves by 2015
			2. Create warning area under wharf where water quality is most impacted. Work with County and city to implement based on WQ data.	Remove Cowell's from top of Heal the Bay list, by April 2015
	2) Improve understanding of sources of bacteria.	C) Streamline Cowell's interventions amongst key WSR partners for greater impact.	1. Create a Cowell's Beach working group to meet regularly on the issue. Convene local stakeholder groups and establish regular meetings.	Group will meet at least once a quarter.
			2. Create branded #cleancowells campaign with STW, Surfrider, and, CWC. Use local media to communicate the issue and progress made.	Remove Cowell's from top of Heal the Bay list, by April 2015
		A) More source tracking investigation and monitoring sites.	1. Support partners in conducting source tracking investigations.	Remove Cowell's from top of Heal the Bay list, by April 2015
			2. Establish additional water monitoring site in Cowell's surfing lineup. Work with County Env Health and Surfrider to collect and analyze data. Establish volunteer sampling protocol.	Remove Cowell's from top of Heal the Bay list, by April 2015
Human Waste	1) Reduce anthropogenic sources of bacteria (E. coli) derived from human waste sources.	A) Investigate policy interventions to reduce homeless encampment impacts to water quality.	1. Advocate for City of SC to offer free, 24 hour restroom facilities. Establish meetings with City Councilmembers and provide letters of support from WSR partners.	Remove Cowell's from top of Heal the Bay list, by April 2015
			2. Create options for intervention for illegal RV dumping.	Remove Cowell's from top of Heal the Bay list, by April 2015
		B) Improve coordination on Cowell's efforts with diverse community	1. Create a Cowell's Beach working group to meet regularly on the issue. Convene local stakeholder groups and establish regular meetings.	Group will meet at least once a quarter.
			2. Support homeless service providers.	Remove Cowell's from top of Heal the Bay list, by April 2015
Pet Waste	1) Reduce anthropogenic sources of bacteria (E. coli) derived from human waste.	A) Improve results of local 'poop bag' programs.	1. Educate pet owners about existing programs and benefits. Support outreach and education efforts of SOS, Surfrider, and SC City programs.	Remove Cowell's from top of Heal the Bay list, by April 2015
San Lorenzo River				
Root Cause				
Anthropogenic sources of bacteria (E.coli) - Sewer/Septic Infrastructure	1) Reduce anthropogenic sources of bacteria (E. coli) derived from sewer/septic infrastructure.	A) Improve septic and lateral infrastructure	1. Evaluate policies to upgrade sewer/septic lines with transfer of ownership. Establish meetings with Board of Supervisors, provide letters of support from WSR partners, and introduce recommendations to County Planning Dept.	Policy recommendations completed by June 2015.
			2. Push for requirements to upgrade septic and laterals. Establish meetings with City Councilmembers, provide letters of support from WSR partners, coordinate with City of Santa Cruz to offer upgrade incentives	At least one major upgrade made to sewage infrastructure by 2017.
	2) Improve understanding of sources of bacteria.	B) Build government support of San Lorenzo River Alliance.	3. Enlist City of SC in San Lorenzo River Alliance. Greg Pepping to meet with Councilmembers and advocate for City membership.	MOU between City and SLRA signed - COMPLETED!
			4. Support partners in conducting source tracking investigations. Apply to CBI	Awarded application from CBI, by Dec 2014
Human Waste	1) Reduce anthropogenic sources of bacteria (E. coli) derived from human waste.	A) Reduce impacts from homeless encampments along San Lorenzo	1. Advocate for City of SC to offer free, 24 hour restroom facilities. Establish meetings with City Councilmembers and provide letters of support from WSR partners.	24 hour facilities agendized by city council, by 2016
			2. Support homeless service providers.	At least 2 homeless services agencies contacted by 2016.

SANTA CRUZ

WORLD SURFING RESERVE





World Surfing Reserves

This book is dedicated to the Santa Cruz Surfing Museum and its many volunteers, who since 1986 have devoted themselves to honoring local surf history by collecting and displaying an engaging and educational array of videos, print media, surfboards, wetsuits and other artifacts. Housed in the Mark Abbott Memorial Lighthouse, overlooking the legendary waves of Steamer Lane, the museum preserves Santa Cruz's rich surfing heritage for future generations.



SANTA CRUZ SURFING MUSEUM. PHOTO: COURTESY OF RYAN CRAIG.

A LIQUID PLAYGROUND

BY RICHARD SCHMIDT

Growing up in Santa Cruz as a surfer was an incredibly fortunate experience. I rode my first waves at the Rivermouth on an inflatable mat, along with my parents and three brothers. This was back before Boogie Boards, and some days there'd be as many as 40 mat riders out there mucking around, having a ball. It was a magical time to be a kid, and the sense of magic only intensified as I grew older and came to discover that Santa Cruz was awash in great surf spots—one liquid playground after another.

Eventually my brothers and I talked our parents into buying a longboard from a guy named Otto, who operated a surf shop near the base of the wharf. We spent endless hours taking turns on that old log at Cowell's. I'll never forget the feeling of gliding across the bay on that heavy missile, absolutely filled with adrenaline while gazing up at the coastal range and its redwood forests running to the sea. Once I caught that fever, there was no looking back, and from there it was onto a shortboard and into the bounty of surf up and down the coast. In the years since, I've been lucky enough to travel and surf around the world. But regardless of where I go, I always look forward to coming home.

It's incredible to think of all the great surf spots stretched between Natural Bridges and New Brighton. No matter who you are, Santa Cruz has a wave that

will fit your ability. They may not break every day, but almost all of them can produce world-class waves when conditions come together.

The most consistent breaks are along the two major points: Steamer Lane and Pleasure Point. Many times I've searched for surf north and south of town only to find that the best waves around were right under my nose at the Lane. My friends and I affectionately call it Hoover Point (as in the vacuum), because of the way it sucks up any swell—north, west, south, or any combination thereof. The innermost spot at the Lane, Cowell's, is one of the world's best beginner breaks, where waist-high waves will taper a quarter mile over a forgiving sand bottom. Up the

I'll never forget the feeling of gliding across the bay on that heavy missile, absolutely filled with adrenaline while gazing up at the coastal range and its redwood forests running to the sea.

point a bit, Indicators offers long, carveable walls for up-and-coming rippers to draw whatever lines they please on its wide-open canvas. And up at the top of the point, you'll find old-school chargers air-dropping

into draining, 15-foot, second-reef lefts.

Across town, Pleasure Point also serves up a smorgasbord of options with an array of kelp-groomed coves from Sewer Peak to Capitola. The waves here don't have as much power as the Lane, but they make up for it with the huge range of choices: the sling-shot rights at Sewer Peak, the snappy little bowl with a wall at First Peak, the long, Trestles-like walls from Second Peak, and the longboard-friendly rollers of 38th Avenue (which can transform into a rifling barrel on a big south swell). Beyond that you have Ranch-like setups from the Hook down to Capitola, especially on a pumping swell.

Between Steamer Lane and Pleasure Point is Midtown, also known as the city's banana belt. It doesn't have the long point waves, but it does offer up the occasional gem, most notably the San Lorenzo Rivermouth. It may not break every year, but when it works—with a spinning peak that churns out draining rights and lefts—local surfers rejoice.

If all this variety isn't enough to stoke local surfers, throw in a national marine sanctuary filled with wildlife.

An offshore upwelling produces nutrient-rich water, so the coastal ecosystem thrives here. I've had dolphins glide just below me in water so clear I could see them turn sideways to get a closer look, no doubt feeling pity for the terrestrial interloper who flaps about in



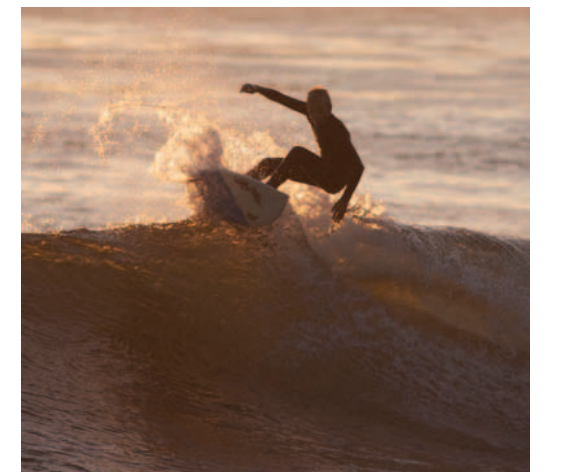
RICHARD SCHMIDT (ABOVE) AND SON RICHIE JR. (BELOW). PHOTOS: COURTESY OF REUBEN RUIZ.

the sea through which they glide so effortlessly.

One reason surfing has become indelibly etched into the Santa Cruz identity is because the breaks just look so tasty as you gaze down on them from the cliffs. Both the Lane and Pleasure Point are natural amphitheaters—all the action takes place directly below bluff-top walkways. Anyone out for a seaside stroll inevitably has his or her attention drawn to the fortunate souls cruising across those inviting green walls. Even locals who've never surfed eventually give in to its appeal, and as a result the whole community has surf fever. When the swell is up and the sun is out, stoke fills the air like sea mist. Everywhere you look, you see smiling surfers—from frothing groms to creaky seniors and everything between.

From a geographic perspective, it's almost as if nature designed the coast of Santa Cruz specifically for surfers to enjoy. While the prevailing wind blows from the northwest, most of the town's beaches face south. This means that when spots north and south are blown ragged by the breeze, the waves in Santa Cruz, with its chop-controlling kelp, are often glassy or groomed by offshore winds.

As a surfer, father and devoted local, I'm heartened to see that so many people appreciate how special this coastline is, and grateful that some of my peers have put in the hard work to have it declared a World Surfing Reserve. Now, when I watch my own sons playing on these waves, it comforts me to no end to realize that their kids will someday be able to do the same.



WHAT IS A WORLD SURFING RESERVE?

World Surfing Reserves (WSR) proactively identifies, designates and preserves outstanding waves, surf zones and their surrounding environments around the world. Launched in 2009 by Save The Waves Coalition (STW), along with key partners National Surfing Reserves (NSR) Australia and the International Surfing Association (ISA), the program is directed and led by STW. The WSR program serves as a global model for preserving wave breaks and their surrounding areas by protecting the positive environmental, cultural, economic, and community benefits of surfing areas, through outreach, planning and community capacity building.

World Surfing Reserves is an effort to identify and preserve the world's most outstanding surf zones and their surrounding habitats.

Save The Waves along with the World Surfing Reserves Vision Council, an international advisory group made up of 15 different individuals, select each World Surfing Reserve on an annual basis. WSRs are evaluated and selected based on how they meet the four principal criteria;

1) Quality and consistency of the waves; 2) Unique environmental characteristics with clear avenues to protect them; 3) A rich surf culture and history; and 4) Strong community support and capacity.

At each World Surfing Reserve, Save The Waves works collaboratively with the local partners to create the key components: a Local Stewardship Council (LSC), a Local Stewardship Plan, a WSR dedication ceremony, a booklet for the Reserve, ongoing support for projects identified in the stewardship plan of the Reserve, and identifying long-term avenues for protection. Save The Waves guides the community through a stewardship planning process that identifies critical threats to the Reserve, root causes, strategies, and concrete actions to protect the Reserve.

Save The Waves and the local community work hand in hand in implementing the action items to protect the Reserve for the long-term.



STEAMER LANE SURFER. PHOTO: COURTESY OF RICK PUCKETT.



KEN "SKINDOG" COLLINS, NATURAL BRIDGES. PHOTO: COURTESY OF RUSSELL ORD.

SANTA CRUZ WORLD SURFING RESERVE BOUNDARY



WHY SANTA CRUZ?

Santa Cruz has earned the sheltered status of a World Surfing Reserve because of its diverse mix of surf breaks, its pervasive and deep-rooted surf culture, and its thriving but fragile coldwater habitat.

Most surfers who've spent any time in Santa Cruz agree that the quality, consistency and aesthetic appeal of its waves make it the best all-around surf town in the continental United States. The reserve's seven miles of serrated coast features more than a dozen quality spots—from one of the West Coast's best beginner breaks to a heaving deepwater peak where big-wave legends train. The wide array of points, reefs and beachbreaks suck in Pacific swells from all directions, and the prevailing winds blow favorably year-round.

Santa Cruz's surf roots date back to 1885, when three Hawaiian princes rode hand-hewn redwood planks in waves breaking near the San Lorenzo Rivermouth—the first documented surf session on

the American mainland. A small but devoted core of local surfers kept the sport alive through the first half of the 20th Century, but it wasn't until surf fever swept from coast to coast in the 1960s that surfing became forever woven into the very fabric of the community. In the decades since, innovative Santa Cruz surfers and manufacturers—from wetsuit designers to surfboard shapers—have influenced wave riders worldwide.

Today, Santa Cruz is home to thousands of surfers, many of whom are devoted to protecting the coast from the ongoing threats of coastal developers and inland polluters. The success of these coastal stewards is evident to anyone who ventures near the coast here on a day when the sun is out, the wind is right, and a solid swell is running. From Natural Bridges to Capitola, the surf zone buzzes with hundreds of shortboarders and longboarders, groms and geezers, heroes and kooks—all vying for sets in the cool, green, kelp-rich sea.



KYLE THIERMANN, SEWER PEAK, PLEASURE POINT. PHOTO: COURTESY OF RYAN CRAIG.



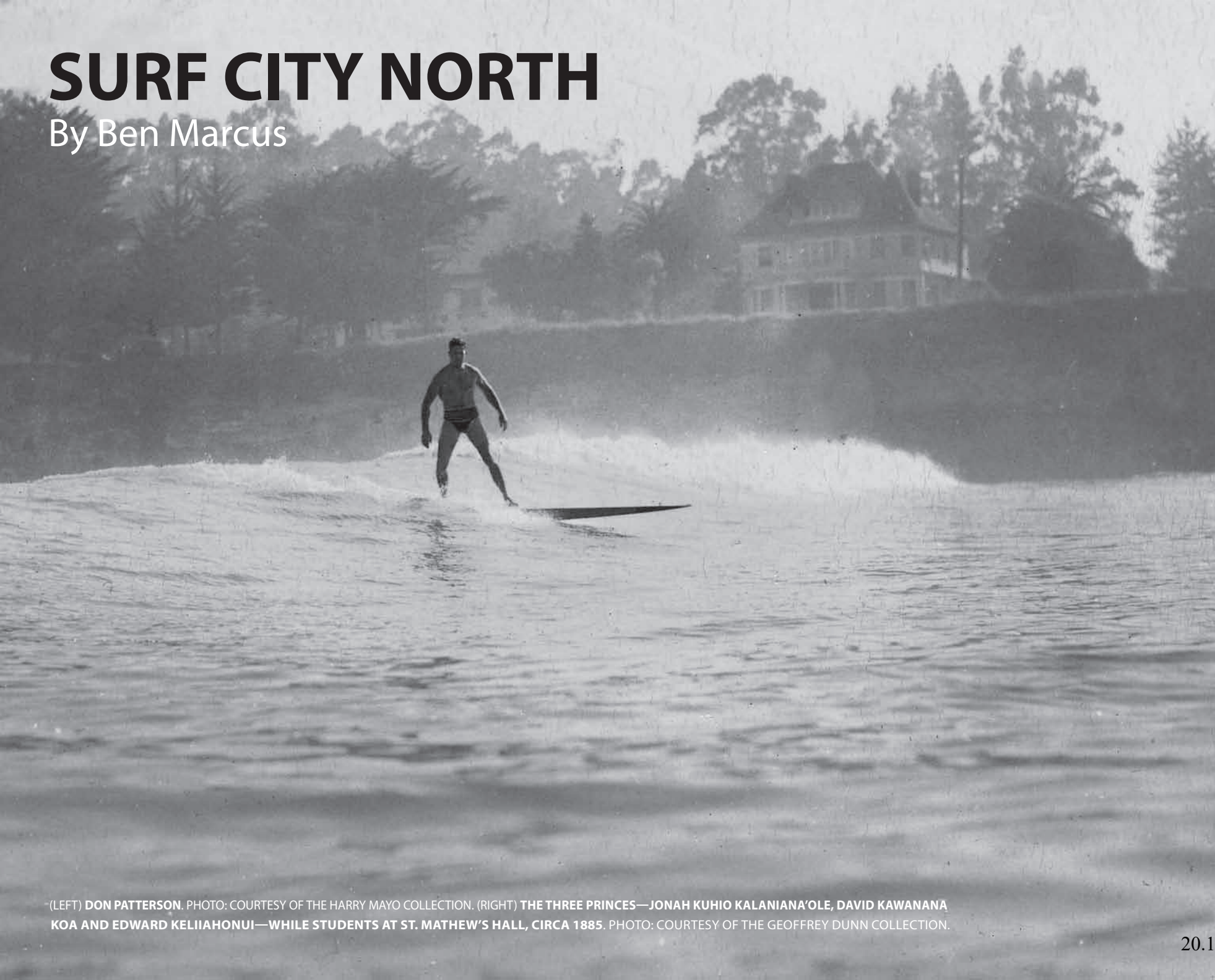
PETER MEL, STEAMER LANE. PHOTO: COURTESY OF PATRICK TREFZ.



SANTA CRUZ SURFER STATUE. PHOTO: COURTESY OF CHRIS BURKARD.

SURF CITY NORTH

By Ben Marcus



(LEFT) DON PATTERSON. PHOTO: COURTESY OF THE HARRY MAYO COLLECTION. (RIGHT) THE THREE PRINCES—JONAH KUHIO KALANIANA'OLE, DAVID KAWANANA KOA AND EDWARD KELIAHONUI—WHILE STUDENTS AT ST. MATHEW'S HALL, CIRCA 1885. PHOTO: COURTESY OF THE GEOFFREY DUNN COLLECTION.

A long time ago, in a decade far, far away, during a time called the Nineties, the City of Santa Cruz got wrapped up in a silly-serious debate with the City of Huntington Beach over which town deserved the official title of Surf City. Huntington Beach had its arguments. Santa Cruz had its arguments. In the end, the SoCal town prevailed, but not due to a lack of strength on Santa Cruz's claim.

Anyone who knows anything understands that Huntington Beach has history on its side—from Jan and Dean to Chuck Dent to the Op Pro to Brett Simpson. But anyone who knows anything also knows that Santa Cruz has the surf on its side—and no small amount of history: from 19th Century Hawaiian princes to 21st Century vermin.

The surfing coast of Santa Cruz faces south, and the boundaries of the World Surfing Reserve (from Natural Bridges to Opal Cliffs) encompass about six miles of that coast as the seagull flies, and maybe a mile farther as the Prius drives. They are six or seven miraculous miles of fractal coastline, thoroughly exposed to every burp and billow coming from the south, southwest, west, northwest, and even north.

The northwest winds which rake the rest of Central California much of the year hit south-facing Santa Cruz at a benign angle. That means most Santa Cruz spots are often offshore or glassy when the coast north and south is chopped to pieces. Just add swell—from any direction—and Santa Cruz will make good sense of it.

Santa Cruz is California's own Seven Mile Miracle, with fat waves, sissy waves, scary reefs, beckoning right points, wedges, bowls, sand bottoms, a pier break, a rivermouth, a harbor break, dredge-spoil breaks, more beachbreaks, coves, bommies, mini-slabs, high-performance slingshots, longboard-perfect



peelers, kelp, otters and more right points. It sits with its feet in the cool of the Pacific Ocean and its face in the sun that arcs from Salinas to the green flash.

And almost exactly in the middle of the Santa Cruz World Surfing Reserve, at the mouth of the San Lorenzo River, is where a big piece of California surf history went down. On July 19, 1885, in the waves that broke at the east end of what is now called Main Beach, three Hawaiian princes were the first people in mainland America to be seen “surfboard swimming” on planks of wood.

The three princes—Jonah, David, and Edward—were the adopted sons of the Hawaiian monarchs, King David Kalakaua and his wife, Queen Consort Esther Julia Kapi'olani. They'd come to California to study at Saint Matthews Hall, a military school in San Mateo. Apparently homesick, they shaped redwood planks from a local lumber mill into rideable boards, and their groundbreaking session at the San Lorenzo Rivermouth made print in local newspapers.

Fast forward from the 19th Century to the first two decades of the 20th. Were people surfing in Santa Cruz? Probably. Back then, people who surfed were the

lucky few who had been all the way to Hawaii: whalers, merchant seamen, solo sailors, naval personnel and the One Percenters who could afford passage to Polynesia. Sam Reid—who was a fixture on the Santa Cruz cliffs in the 1970s, calling out the sets—went to Waikiki in 1909 and was one of the top watermen there in the 1920s and 1930s. Reid was “one of only six people surfing on the West Coast when he started at age 17 in 1926,” according to local historian Tom Hickenbottom, and the old-timer once described the area from Cowell's to Steamer Lane as “the perfect surfing spot.”

The Santa Cruz Surfing Club began in 1936 when David Steward invited the growing group of local surfers to store their boards in the basement of his parents' house at Gharkey Street and Lighthouse Avenue. That location changed to a house on Bay Street, where members stashed their boards in a barn and sometimes slept in a loft. The club evolved from loose to official when the Santa Cruz Jaycees built a board shack at Cowell's Beach. Six years later, they transformed an abandoned hamburger stand into its official clubhouse. It stood until 1952.

World War II tore a lot of young men and women away from their idyllic lives on the beach in Santa Cruz, but it also introduced many of them to the South Pacific and its many allures. Those who survived the war in the Pacific came home with a lust for life and new ideas on how to live—and that included aloha shirts, playing ukulele, beach parties and surfing.

Down in Southern California, the '50s were, as Miki Dora called them, “The Golden Years”—the best time to be a surfer. Jobs were plentiful and the living was easy. All the classic breaks that are elbow-to-elbow on solid swells today—Rincon, Malibu, Trestles, Swami's—were just as good then, but without the crowds.

In Santa Cruz, the '50s were a colder shade of golden. The big, heavy hardwoods that went so well at Cowell's were phased out by the balsa chips coming up from Southern California, and then by foam. Boards were down to 9 feet and 30 pounds—enough to support a man but light enough to allow women and kids to pick up the sport. The shorter, more maneuverable boards opened up new spots and new possibilities, from Mitchell's Cove to the Wild Hook: long, peeling, high-performance waves that were perfect for the surfing and surfboards of the time.

Santa Cruz surfing is all about variety, and during the 1950s, local surfers like the Van Dyke brothers, Mike Winterburn, George Olson, Rich Novak and a happy few others were joined by southerners like Ricky Grigg and Peter Cole—who were in school at Stanford—and Pat Curren, Buzzy Trent and other future big-wave legends from down south who loved the muscular walls of Santa Cruz. Big days at Steamer Lane were considered a master's degree before going to Hawaii for a PhD in the "heavies."

In 1959, Jack O'Neill laid one of the cornerstones of the surf industrial complex when he moved his family and his small but growing wetsuit business

from San Francisco to Santa Cruz, where the weather was better and the surf friendlier. O'Neill's original product was neoprene-lined bathing trunks he made to keep from freezing his balls off while bodysurfing Ocean Beach. Now in Santa Cruz, O'Neill moved into long johns, short johns and jackets. "I was just trying to support my family," he would later say. O'Neill had good timing, because 1959 was the year Columbia Pictures' *Gidget* looked back on the Golden Years around Malibu and effectively ended them, lighting the fuse of surf culture that would explode in the 1960s.

While most of the surf culture boom of the '60s was focused on Southern California—the Beach Boys, Jan and Dean, Malibu and even Huntington Beach—the surfing population also grew in Santa Cruz, and with it came shops, manufacturers, clubs and contests. Santa Cruz and competitive surfing had a shaky relationship out of the '60s and into the '70s. In 1969, vandals pushed the scaffolding for an amateur contest over a cliff and then refused to clear the water when competitors for the first heat paddled out, calling them "goose-stepping pigs." During the '70s John Scott was a constant presence at Steamer Lane surf contests, with his car and placards decorated with

anti-contest messages.

But not everyone in Santa Cruz was adverse to competition or media coverage. In 1969, Roger Adams became the first Santa Cruz surfer to make the cover of *Surfer* magazine and a leading competitor on the Western Surfing Association AAAA circuit. In 1971 he finished second to Dru Harrison at the Santa Cruz 4A Invitational—now known as the "Cold Water Classic."

It is said that those who really experienced the '70s in Santa Cruz shouldn't be able to remember them. That may or may not be true, but of all the surfers, surfboards, ideas and trends coming out of Santa Cruz from 1970 to 1979, the one with the most lasting impact was the surf leash. Beginning in the late '60s, a loose affiliation of Santa Cruz surfers that included Steve Russ, Pat O'Neill, Roger Adams and Michel Junod began experimenting with a variety of techniques to keep their boards from getting slaughtered by the rocks. "I broke three boards in a day surfing the Santa Cruz harbor," Pat O'Neill would later say. "Back then the ding repair factories were busier than the surfboard factories."

The first surf leashes were made of surgical tubing attached to suction cups on the nose of the board



SANTA CRUZ SURFING CLUB, ESTABLISHED 1936. PHOTO: COURTESY OF THE HARRY MAYO COLLECTION.



HARRY MAYO. PHOTO: COURTESY OF THE HARRY MAYO COLLECTION.



(ABOVE LEFT AND RIGHT, AND BELOW LEFT) **TEAM O'NEILL THROUGH THE '60S, '70S AND '80S.** PHOTOS: COURTESY OF O'NEILL. (BELOW RIGHT) **JESEE COLOMBO.** PHOTO: COURTESY OF RYAN CRAIG.



then the wrist. Then leashes went through fins and around the ankle, and finally they were attached to the deck of the board under a bridge made of fiberglass rope. Once the right combination was figured out, surf leashes gained gradual acceptance and a major sea change happened in Santa Cruz and throughout the surfing world: Surf spots were no longer segregated by ability. Anyone could surf anywhere, and before long, an ugly localism reared its head as some old-timers began to resent the growing hordes of surfers and the newfound courage that came with being tethered to their boards. But the leash benefited experienced surfers as well, allowing them to charge harder on bigger days and get more creative on smaller days.

Through the '70s, for the first time, Santa Cruz surfers began to make names for themselves outside of town. The most innovative among them was Kevin Reed. Thin, fast and creative, Reed rode paper-thin boards and was doing things that were many years and even a few decades ahead of his time – including early versions of the modern aerial. Surfers like Richard and Dave Schmidt, Vince Collier, Greg Bonner, the Van Dyke brothers and Karl Gallagher blazed paths in small and large surf that were followed by the next crew of surfers: Peter Mel, Darryl Virostko, Ken Collins, Anthony Ruffo, Shawn Barron, Jason Collins, Chris Gallagher and Adam Replogle.

These guys all received a solid kindergarten-to-college education in small- and big-wave surfing, from Cowell's to the Lane and up and down the coast. They also had funny nicknames: Condor, Flea, Skindog, Ruff, Barney, Ratboy, Gally and Rodent.

Collectively, the Santa Cruz crew was known as “the Vermin,” but if they were rascals on land, in school, in the parking lot and at parties, in the water

they emerged as arguably the best all-around crew of surfers in California—using the natural skatepark of the town's many points to work on their aerial surfing and eventually conquering the heavies at Steamer Lane and, later, at Maverick's, the now-legendary big-wave spot an hour north in Half Moon Bay.

Maverick's pioneer Jeff Clark invited Dave Schmidt and Tom Powers to have a go at Clark's home break. Schmidt and Powers paddled out cautiously and got their minds blown by the giant, evil perfection. Into the 1990s, the Vermin led the charge at Mavericks, pushing the limits deeper and bigger. They were joined by a smiling young waterman who couldn't have been more uncool: Jay Moriarty was a longboarder, an Eastsider, and he didn't even have a funny nickname. On a giant day at Maverick's in 1994, Jay paddled straight into the bowl, took off on the first wave that came his way, and launched himself into history, enduring a horrendous wipeout that landed him on the cover of *Surfer*.

Sarah Gerhardt also made history by being the first female surfer to ride Maverick's and is now part of a hard-charging crew of local women—including Jamilah Star, Jenny Useldinger and Savannah Shaughnessy—who are now riding a path blazed by the likes of Brenda Scott Rogers, Jane McKenzie and Karen Gallagher.

Going all the way back to those Hawaiian princes handcrafting boards from local redwood, Santa Cruz also has a long tradition of innovation and quality in surfboard design and construction. The Mower's Row of Santa Cruz surfboard shapers includes: The Mitchell brothers, Bill Grace, Johnny Rice, George Olson, Gary and Jerry Benson, Jack O'Neill, Rich Novak, Doug Haut, Joey Thomas, Mark Angell, Rick Noe, Mike Croteau, Bob Pearson, Steve Colletta, John Mel,

William “Stretch” Riedel, Ward Coffey, Geoff Rashe, Mark Goin, Doug Schroedel, Ashley Lloyd, David Vernor, Nick Palandrini, Marc Andreini, Buck Noe and many others.

If you had to pick the town's most influential surfboard maker, however, it would probably have to be longtime shaper Randy French, who in 1992 began applying to surfboards the same construction techniques (such as injection molding and vacuum-bag glassing) used to make sailboards. Today, his Surftex label has revolutionized the surfboard market and established a new surf-industry powerhouse based in Santa Cruz.

Almost exactly 100 years after those three Hawaiian princes first rode hand-carved redwood planks in front of well-dressed beachgoers, the Santa Cruz Surf Museum opened—the first of its kind on the U.S. Mainland. That opening is symbolic, because today Santa Cruz stands as a world leader in several crucial facets of surf culture: big-wave bravery, small-wave trickery, surfboard innovation, and cold-water protection.

Unlike Huntington Beach, which has officially trademarked the term “Surf City,” Santa Cruz has never tried that hard to sell itself as a surf mecca. But if you're a visiting surfer and aren't yet sold on the place, here's what you should do: On a solid west swell day with offshore winds and clear skies all the way to the Salinas Valley, ride your bicycle from one side of town to the other—from Natural Bridges to Privates—by way of the Rivermouth and Harbor. You will leave with no doubt as to the true, natural greatness of Santa Cruz.

It's a greatness that Santa Cruz surfers have been upholding for more than a century now, and one that they—and the world—have now dedicated themselves to forever preserving by declaring its shores a World Surfing Reserve.

SAVE THESE WAVES

The Santa Cruz World Surfing Reserve encompasses more than 20 surf spots, from soft user-friendly rollers to heaving black-diamond peaks. Here's a look at five of the most legendary.

NATURAL BRIDGES

Natural Bridges, or “NB’s” as it’s sometimes called, is as picturesque as a surf spot gets. Long fingers of flat, rocky reef bend northwest swells into well-shaped walls that range from playful to intimidating. On shore, birdwatchers compete with UC Santa Cruz Banana Slugs for towel space on the pristine white-sand beach. At higher tides, the inside section of the wave can produce a slurpy barrel that breaks over a shallow section of reef called the Tabletop, where faltering surfers often end up on dry rock faster than you can say “Westside pride.”

Type of wave: Righthand reef-point.

Bottom type: Rock reef with sand mixed in on the inside.

Best tide: Medium to full.

Wave conditions: From W to NW swells.

Wind conditions: Prefers little to no wind, stronger NW winds blow it out.

Wave height: 3 to 15 feet.

Surf type: Semi-challenging to reef grinder.

Surfing ability: Advanced.

SAVE THESE WAVES



JOSH LOYA. PHOTO: COURTESY OF WILLIAM HENRY.

STEAMER LANE

Steamer Lane was named for the steamships that would thread their way through its offshore reefs during the 1930s. It has been Santa Cruz's central surf spot for more than 70 years now, and is one of California's most consistent spots, comprised of four different breaks. **The Point** is directly under the Lighthouse and is best on a summer south or southwest swell. Lost boards almost invariably bash into the rocks at the Lane, which is why the surf leash was invented here. **The Slot** is a right section on the inside of the Point, and is an excellent performance wave. **Middle Peak** is a two-way peak that breaks farther out on big swells, with a meaty left and softer right. It's a shifty, powerful, challenging wave that many have used as a preparation for Hawaii and Maverick's. All of the big, disorganized energy washing in from Middle Peak rolls forward and re-forms into a long performance wall at Indicators. A perfect wave for modern, high-performance surfing, **Indicators** will also throw out a round barrel when it's in the mood.

Type of wave: Right reef and point, with a left at Middle Peak.

Bottom type: Kelpy rock reef, with occasional sandbars as the seasons and tides ebb and flow.

Best tide: In general, a lower tide coming up is best, although usually surfable on most tides.

Wave conditions: From S to SW to W/NW/N swells; extremely consistent.

Wind conditions: Prevailing northwest wind blows offshore; east and south winds blow onshore.

Wave height: 1 to 15 feet plus.

Surf type: Gentle to thunderous.

Surfing ability: Intermediate to advanced.

SAVE THESE WAVES

COWELL'S

On the inside of Lighthouse Point sits **Cowell's**—one of the best beginner breaks in the world, possibly second only to Waikiki. It's not uncommon to find as many as 200 people in the water on a nice day: locals, visitors, Banana Slugs, Vermin, Vals, surf schools, rippers, trippers, SUPers, grommets and surfagenarians. Cowell's has been the incubator for Santa Cruz surfing since the 1920s. Its long, easy rollers were perfect for the unwieldy hardwood boards of the early 20th Century, and in the intervening decades many generations of Santa Cruz surfers have taken their first steps here before branching out to Steamer Lane, Pleasure Point, the Hook and beyond.

Type of wave: Soft, user-friendly rights.

Bottom type: Sand with some rock reef.

Best tide: In general, the lower the tide the better.

Wave conditions: From SW to W/NW/N swells; normally needs larger swells to break.

Wind conditions: Mostly protected from prevailing northwest wind; east and south winds blow onshore.

Wave height: 1 to 6 feet.

Surf type: Gentle.

Surfing ability: Beginner heaven.

SAVE THESE WAVES



MATT MAKUDA. PHOTO: COURTESY OF PATRICK TREFZ.

PLEASURE POINT

Pleasure Point concentrates a variety of breaks over a third of a mile of kelpy rock reef. A consistent wave that is open to swell from just about any direction, the point offers something for everyone. At the top, **Rockview/Suicides** is a right breaking off rocks into a sandy cove. **Sewer Peak** is the Black Diamond spot—a fast bowly right and a gnarly left off the main, powerful peak. Sewer Peak isn't the longest wave along Pleasure Point, but it's the most challenging and also the most competitive. **First Peak** is a longer, high-performance wave with a tight takeoff area and a mix of aggressive shortboarders and performance longboarders. **Second Peak** is a longboarder's paradise and also a good place for intermediate surfers to work on their skills without getting in everyone's way. On big days there is a **Third Peak**, and on the biggest days it is possible to ride a wave from outside First Peak all the way through to the wave known as **Insides** or **38th Avenue**. On small days, 38th Avenue is a gentle beginner wave, but on bigger days, it transforms into a high-performance shortboard haven.

Type of wave: Right point and reef breaks.

Bottom type: Kelpy rock reef, with sandbars that come and go.

Best tide: Medium tides are generally best, although usually surfable at most tides.

Wave conditions: From SW to W/NW/N swells; consistent.

Wind conditions: The northwest winds blow side-offshore, although strong NW winds can blow out the top of the point. Thick kelp outside the breaks provide significant wind protection.

Wave height: 1 to 15 feet.

Surf Type: Easy to semi-gnarly and everything between.

Surfing ability: Beginners to superstars.

SAVE THESE WAVES

THE HOOK

Back in the '50s, or maybe it was the '60s, this spot at the end of 41st Avenue became known as the Wild Hook. Some say that name came from the fast, curling waves that were a challenge to the longboards of the day. Others say the name came from the thick kelp that would "hook" the deep skegs of the time. Regardless, what modern surfers now know as **the Hook** is the top of a point that runs all the way down to Capitola. That entire point is divided into the Hook, Shark's Cove, Privates and Trees. The Hook itself has three breaks: First Peak, Second Peak and Third Peak. What was a beloved longboard wave in the 1960s is now a beloved performance wave for 21st Century shortboarders, but longboarders like it, too. *Alaia* flyers crave the place, because without fins, they don't have to worry about all the kelp.

Type of wave: Right reef and point.

Bottom type: Kelpy rock reef, with sandbars that come and go.

Best tide: In general medium tides are best; low tides cause skegs to catch kelp, and high tides swamp it out.

Wave conditions: From SW to W/NW/N swells.

Wind conditions: The Hook is more protected from the wind than Pleasure Point. The northeast winds coming out of the Santa Cruz Mountains blow offshore. South winds wreck the place.

Wave height: 0.5 to 12 feet.

Surf Type: Playful to challenging.

Surfing ability: Intermediate to advanced.

SAVE THESE WAVES



STARFISH. PHOTO: COURTESY OF KELLY VANDER KAAY.

ENVIRONMENTAL CHARACTERISTICS OF SANTA CRUZ

BY KELLY VANDER KAAY



(BELOW) PELICAN, (ABOVE LEFT) CALIFORNIA SEA OTTER. PHOTOS: COURTESY OF RICK PUCKETT.

Situated along the northern edge of Monterey Bay, a little more than an hour's drive south of San Francisco, the Santa Cruz World Surfing Reserve lies within the coastal waters of the Monterey Bay National Marine Sanctuary. Covering 276 miles of shoreline and 6,094 square miles of ocean (larger than Yellowstone National Park), this federally protected area extends, on average, 30 miles from shore. At its deepest point, the sanctuary reaches down 12,713 feet, or more than two miles. It is our nation's biggest marine sanctuary.

The Surfing Reserve encompasses about seven of the sanctuary's 276 miles of coastline, including world-renowned right-hand point breaks Steamer Lane and Pleasure Point. In all, some two dozen surf spots—point, reef, and beachbreaks, both famous and lesser known—fall within the reserve's boundaries. South-facing, Santa Cruz is well-protected from Central California's prevailing northwest winds while also open to any swell direction except extreme north. Most of its beaches are overseen by California State Parks, the City of Santa Cruz, and Santa Cruz County.

At Steamer Lane, surfers run past barking sea

lions as they hustle toward the gladiator-like proving grounds where wave energy converges with abruptly sloping bedrock reefs. Here, world-class peaks are born. Often compared to those of the North Shore, these waves owe their existence to a fortuitous confluence of geology and oceanographic processes.

At its deepest point, the sanctuary reaches down 12,713 feet, or more than two miles. It is our nation's biggest marine sanctuary.

The inner continental shelf near the reserve consists of flat sandy areas, faults, boulder fields, and complex bedrock ridges, the amalgamation of which provides the foundation for prolific marine ecosystems. Each spring when the northwest winds blow, cold, nutrient-rich waters rise up out of submarine canyons, nourishing lush growths of marine algae and surface plankton blooms. These provide sustenance for many invertebrates and fish, a key food source for

cetaceans (whales, dolphins, porpoises), pinnipeds (seals and sea lions), and sea otters. Numerous species of sharks also inhabit the region, including blue, mako, and whites reaching more than 20 feet in length.

Santa Cruz is also home to the nation's largest kelp forest, 33 marine mammal species, 94 seabird species, 345 species of fishes, 4 species of turtles, 31 phyla of invertebrates, and more than 450 algae species. An estimated 20,000 gray whales pass by Santa Cruz each December during their annual migration from Arctic feeding grounds to their calving grounds off the Baja

peninsula. Blue, humpback, and killer whales are also frequently spotted off the coast. A total of seven species of whales are found in local coastal waters, including the less frequently seen minke, beaked, and fin whales.

Within the city limits, 39 miles of watercourses, creeks, and wetlands support diverse natural habitats, transport storm water, and protect water quality. Local flora and wildlife depend on no less than twelve habitat types for their subsistence. These range from aquatic to salt

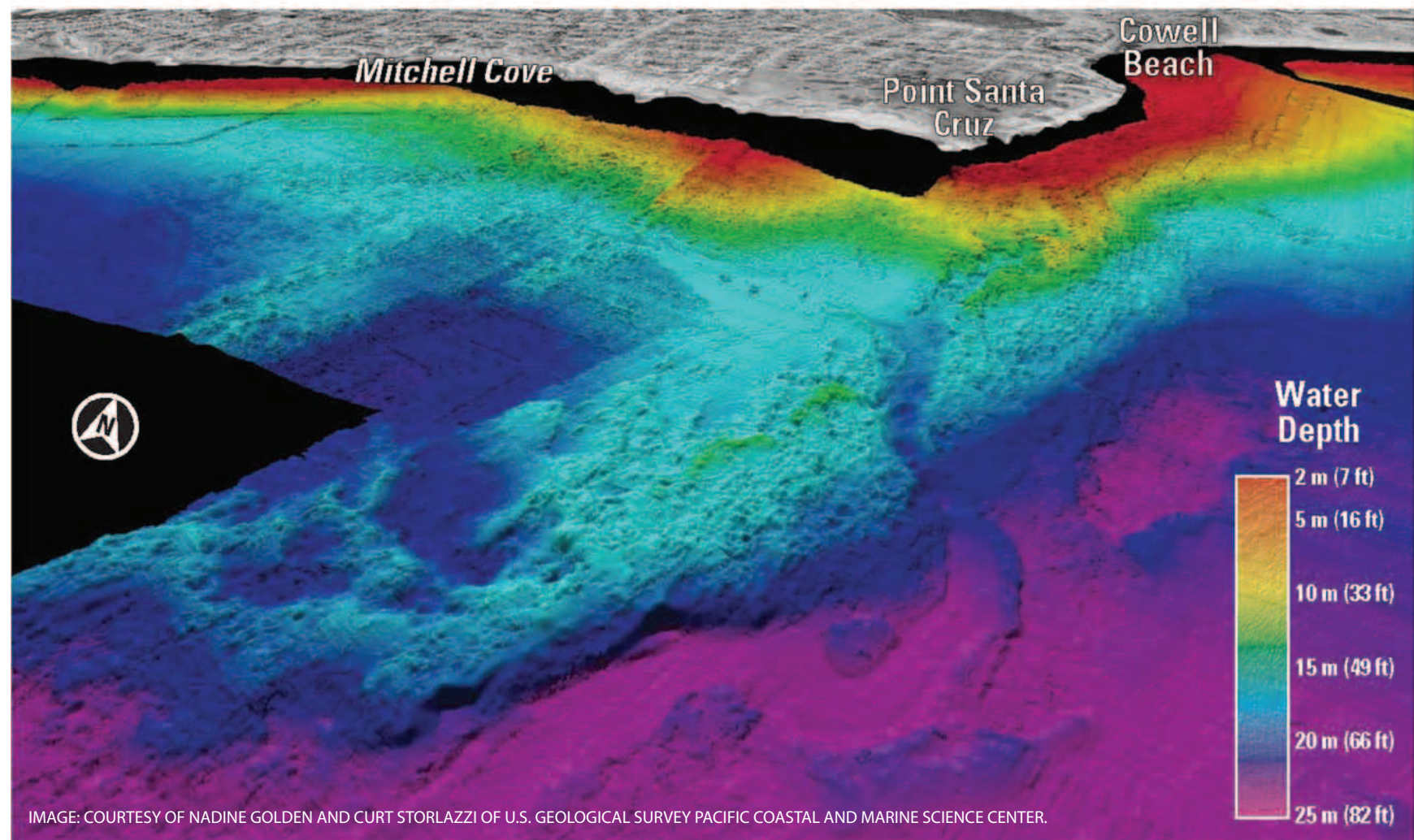


IMAGE: COURTESY OF NADINE GOLDEN AND CURT STORLAZZI OF U.S. GEOLOGICAL SURVEY PACIFIC COASTAL AND MARINE SCIENCE CENTER.

Oblique view to the northwest toward Point Santa Cruz. The southwest-trending bedrock ridge is composed of sandstone of the Purisima Formation, which crops out in Point Santa Cruz. The ridge runs more than 4 km (2.4 mi) offshore and forms reefs that focus the waves that break southeast of Point Santa Cruz at Steamer Lane. The irregular pattern of the shallow sea floor to the west of the bedrock ridge is a field of boulders hypothesized to be resistant bedrock concretions eroded from the Santa Cruz Mudstone that crops out west of Mitchell Cove. The sinuous channel that cuts across the bedrock ridge appears to have formed by erosion, possibly during a period of lower sea level; the abrupt change in water depth over this channel causes the gaps between Steamer Lane’s second and third peaks. The vertical exaggeration is 5x. Approximate distance across the bottom of the image is 1.0 km [0.6 mi].

SANTA CRUZ WORLD SURFING RESERVE

marsh to freshwater wetland, and from grassland to woodland to forest. Santa Cruz’s mild Mediterranean climate and geography support such diverse vegetation as pickleweed, willow, eucalyptus, pine, black cottonwood, coastal oak, big leaf maple, redwood, and Douglas fir. Maintaining this vegetation not only has a significant positive effect on reducing the potential for landslides and floods, but also is crucial to the survival of local wildlife. Examples include gray foxes, mallard ducks, snowy egrets, coho salmon, steelhead, and monarch butterflies in the lower watershed, and brush rabbits, salamanders, squirrels, hawks, and deer in the upper watershed.

Spanish for “Holy Cross,” Santa Cruz is flanked by mountains bearing its name. Well known for the raw beauty of its windswept beaches, sandstone cliffs, and chaparral-covered slopes, Santa Cruz is just as breathtaking above water as it is below. But that beauty is in a perpetual state of flux—the coastline’s spectacular arches, bridges and rock formations are under eternal siege from winter storms and strong surf. Natural Bridges State Beach, along the western end of the reserve, was named for three bridges that once stood along the promontory at the beach’s southern edge. Today, only a single bridge remains.

Resource-protection issues within the reserve stem from the ocean’s vulnerability to pollution via the urbanized watersheds that drain into it, delivering

Well known for the raw beauty of its windswept beaches, sandstone cliffs, and chaparral-covered slopes, Santa Cruz is just as breathtaking above water as it is below.

sediment, fecal bacteria, pesticides, industrial discharge, oil, grease, plastics, metals, and detergents. Fragile habitats and species are under constant assault from beachfront development, recreational activity, and seaborne commerce. The Santa Cruz chapter of the Surfrider Foundation has led the fight against several proposed coastal construction projects, such as seawalls and large-scale housing development. Surfrider activists have also been involved in local bans on Styrofoam takeout containers and plastic bags and helped push regulations for monitoring of toxic emissions from the harbor’s ongoing dredge disposal.

Despite these successes, local marine wildlife remains under threat from urban encroachment. For instance, the Monterey Bay sea otter population has decreased annually for the past three years, based on a running average. Nearly driven to extinction by fur trading in the early 1900s, they were designated as threatened by the United States Fish and Wildlife Service in 1977. They now number approximately 2,700.

The smallest marine mammal in North America, the sea otters are considered an indicator of the health of nearshore marine ecosystems, because they are relatively sedentary and thus susceptible to contaminants. Kelp canopies serve as a primary foraging area for many sea otters, which consume kelp grazers like the sea urchin. This, in turn, enhances kelp production. If otter populations decline, urchins and

other invertebrates can destroy kelp forests. This results in both increased potential for erosion on shore (kelp absorbs some of the energy of waves and storm surges) and loss of habitat for gray whales, sea lions, harbor seals, birds, and numerous invertebrates and fishes.



WHITE HERON. PHOTO: COURTESY OF RICK PUCKETT.

The greatest threat to sea otters continues to be urban runoff, which contains pathogens considered “unnatural” to the species, along with other contaminants such as PCB, DDT, and tributyltin (an antifouling agent found in boat paint). Addressing the flow of harmful substances into the ocean remains central to sea otter recovery. If left unregulated, urban development and industrial activity present serious threats to the very natural resources that sustain humans and wildlife.

Now that Santa Cruz has been named the fourth World Surfing Reserve, the reserve’s Local Stewardship Council will monitor water quality and other potential risks to this region of incredible beauty and biological diversity.

COWELL BEACH WATER QUALITY EFFORTS

BY NICK MUCHA

Cowell's Beach is a cherished natural resource that lies at the heart of the Santa Cruz World Surfing Reserve. In recent years, however, Cowell's Beach water quality has been compromised by high bacteria counts (fecal coliform and enterococcus), consistently landing it on Heal the Bay's "Beach Bummers" list in recent years.

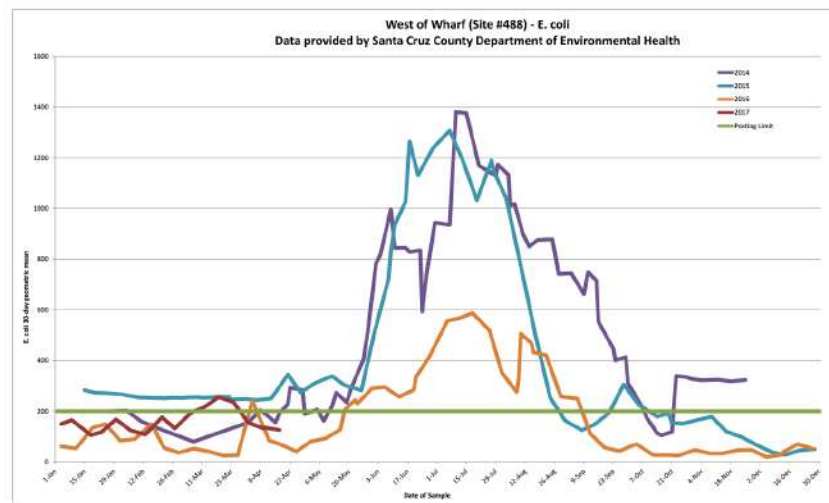
Stemming from a 2014 World Surfing Reserve planning summit, the Cowell Beach Working Group (CWG) was created to improve the scientific understanding of the issue, recommend actions to improve water quality, and improve public understanding of the issue.

This group is supported by the City of Santa Cruz and led by Save The Waves Coalition and is comprised of City of Santa Cruz staff, County Environmental Health Department staff, Surfrider Foundation and Sierra Club. CWG meets regularly to review water quality data and make recommendations for further improvements.

In 2016, CWG recommended the installation of bird screening to prevent the roosting of pigeons and gulls under the wharf, which the Santa Cruz Municipal Wharf completed in the August 2016. Subsequent monitoring has shown a 50% reduction in high bacteria postings since that intervention, which represents a notable

improvement in water quality conditions. CWG continues to meet regularly and seeks outside input from a Technical Advisory Committee to achieve further bacteria reductions at Cowell Beach.

The Cowell's water quality issue was a top priority for the Santa Cruz WSR and we are proud of the bacteria reductions achieved by the Cowell's Working Group.





World Surfing Reserves

ACKNOWLEDGEMENTS

WORLD SURFING RESERVES AND SAVE THE WAVES COALITION SINCERELY APPRECIATE THE EFFORTS OF ALL WHO HELPED MAKE THE SANTA CRUZ WORLD SURFING RESERVE AND THIS BOOK A REALITY.

Blue Ocean Supporters: Surfers' Environmental Alliance (SEA), Santa Cruz Chapter of the Surfrider Foundation, O'Neill.

Green Wave Supporters: Dream Inn, Clif Bar.

Grassroots Supporters: Ocean Champions, Vernor Surfboards.

Santa Cruz World Surfing Reserve Partners: City of Santa Cruz, Santa Cruz County Board of Supervisors, Santa Cruz City Council, U.S. Congressman Sam Farr, California Senator Joe Simitian, California Assemblyman Bill Monning, California Coastal Commission, Big Stick Surfing Association, Santa Cruz Surfing Club Preservation Society.

Santa Cruz World Surfing Reserve Coastal Group: Surfers' Environmental Alliance (SEA), Santa Cruz Chapter of the Surfrider Foundation, Save Our Shores, Sierra Club, Ocean Revolution, Santa Cruz Surfing Museum.

Santa Cruz World Surfing Reserve Local Stewardship Council: Jim Littlefield, Hilary Bryant, Brian Kilpatrick, John Leopold, Dustin Macdonald, Jane McKenzie, Mark Stone, Dan Young.

World Surfing Reserves Vision Council: (Executive Committee) Dean LaTourrette, Brad Farmer, Andrew Short, Ginaia Kelly, Drew Kampion; (Vision Council) Fernando Aguerre, Will Henry, Greg Benoit, Jim Moriarity, Len Materman, Paul Shanks, Tony Butt, Terry Gibson, Steve Hawk, Chad Nelsen, Wallace J. Nichols, Chris LaFrankie, Mark Massara, Neil Lazarow, Miles Walsh, João De Macedo, Stéphane Latxague, Michael Blum, Serge Dedina, Hugo Tagholm, Pedro Bicudo, Hiromi Matsubara; (Staff) Katie Westfall.

Huge thanks to all of the people who generously contributed their time and work to this book: Greg Benoit, Chris Burkard, Ryan Craig, Ken "Skindog" Collins, Geoffrey Dunn, Steve Hawk, Will Henry, Drew Kampion, Brian Kilpatrick, Dean LaTourrette, Ben Marcus, Harry Mayo, Boots McGhee, Russell Ord, Rick Puckett, Ruben Ruiz, Richard Schmidt, Curt Storlazzi, Kim Stoner, Patrick Trefz,

Kelly Vander Kaay, Dan Young, Wingnut.

Santa Cruz World Surfing Reserve Ambassadors: Ken "Skindog" Collins, Sarah Gerhardt, Jamilah Star, Kyle Thiermann, Wingnut.

For more information on World Surfing Reserves and to support the WSR initiative, please visit worldsurfingreserves.org or contact Save the Waves Coalition at info@savethewaves.org.

EDITOR: Steve Hawk

ART DESIGNER: Kelly Vander Kaay

COPY EDITOR: Carolyn Cotney

FRONT COVER: Steamer Lane. Photo courtesy of Ryan Craig.

BACK COVER: Jay Moriarity. Photo courtesy of Patrick Trefz.

Published by World Surfing Reserves © 2012

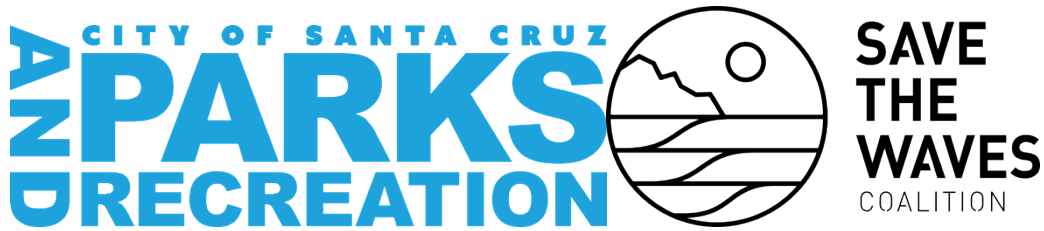
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World Surfing Reserves



Memorandum of Agreement

Between the City of Santa Cruz Parks & Recreation Department (City) and
Save the Waves Coalition (STW) - Santa Cruz World Surfing Reserve

The history of surfing in Santa Cruz is the richest in the nation. Santa Cruz's surf roots date back to 1885 when three Hawaiian princes rode hand-hewn redwood planks in waves breaking near the San Lorenzo River mouth—the first documented surf session on the American mainland. A small but devoted core of local surfers kept the sport alive through the first half of the 20th Century, but it wasn't until surf fever swept from coast to coast in the 1960s that surfing became forever woven into the very fabric of the community. In the decades since, innovative Santa Cruz surfers and manufacturers—from wetsuit designers to surfboard shapers—have influenced wave riders worldwide.

The infamous Coldwater Classic once was the longest-running contest in North America since 1987. Santa Cruz must maintain its strong surfing tradition to reap the rewards like potentially one day being host to the Olympic Games. Similar coastal towns like Huntington Beach "Surf City USA" have taken advantage of their waves by investing in local surfing. From a 2018 event economic impact study, the U.S. Open of Surfing generated approximately \$55.3 million in economic impact to the city of Huntington Beach, based on an estimated 375,000 attendees to the multi-day event. "Surf City North," as Santa Cruz has been called, has the capabilities with the finest waves to create an outstanding area for surfing as other cities may lack in progress and adaptation on climate change.

In 2012, Santa Cruz was designated as the 4th World Surfing Reserve. The Santa Cruz World Surfing Reserve is located on the northern side of Monterey Bay along California's Central Coast within the protected coastal waters of the Monterey Bay National Marine Sanctuary. The Reserve stretches approximately 7 miles from Natural Bridges State Park on the west end of the City of Santa Cruz eastward along the city and county coast to the Opal Cliffs, just east of Pleasure Point. At least 23 consistent surf breaks are sited along this coast, including the world-class breaks of Steamer Lane and Pleasure Point.

Santa Cruz must continue to evolve to protect the ocean and preserve our world-renown surfing resources. This MOA intends to strengthen the stewardship, awareness, and community participation in the Santa Cruz World Surfing Reserve, while enhancing the mission of the City of Santa Cruz Parks and Recreation Department to provide quality public spaces and experiences that build a healthy community, foster equity, and better the environment.

Agreement:

In consideration of the mutual covenants set forth herein, the parties agree as follows:

- A. Save the Waves Coalition and the City of Santa Cruz Parks and Recreation Department, the “Parties,” have a shared interest in managing West Cliff Drive and nearby parks in a way that protects and enhances multiple benefits for Santa Cruz residents and visitors, including resilient climate change risk, improved coastline quality to protect numerous beneficial uses, improved public health and safety, sustain transportation, enhanced recreation opportunities, open space, and bolster surfing locations. The City of Santa Cruz Parks and Recreation Department (City) and many community partners, including Save the Waves Coalition (STW) and others, regularly work on these and other multi-benefit goals. While considerable progress has been made, opportunities remain on each stated goal above. Improved coordination among City and STW offers the best chance for both parties to meet these shared goals and serve the community.
- B. The Parties are entering this agreement in order to commemorate their understanding of and define their respective roles with regards to support of a variety of efforts aimed at advancing and implementing best management practices among the Santa Cruz World Surfing Reserve and City beaches and ocean front.
- C. The West Cliff Drive Adaptation & Management Plan cites the importance of the City and nonprofit organizations working together to raise funds and implement specific projects. The Parties will work together to secure outside funding sources for the improvement plans. In partnership, STW and City can secure funding to implement projects that improve West Cliff Drive and enhance City beaches to serve the community.

Save The Waves will perform the following duties:

- Outreach to the local surfing community, clubs, nonprofits, neighborhood groups, and individual residents and visitors to raise awareness about the Santa Cruz World Surfing Reserve (WSR).
- Plan and promote events in the Santa Cruz WSR and along West Cliff Drive, including experiences such as beach/street cleanups and surfing contests to provide healthy and vibrant open spaces.
- Support stewardship efforts with a holistic approach alongside the City within the Santa Cruz WSR.
- Share Cowell’s Working Group water quality data collection related to coastal monitoring with the City.Parks and Recreation.
- Share intellectual property, such as the WSR logo and trademark with the City.

The City will perform the following duties:

- Collaborate with STW on the WSR Stewardship Plan (Attached) implementation.
- Communicate with STW prior to maintenance activity including, to the extent feasible, timing, location, sequence, and nature of activities within the Santa Cruz WSR.
- Coordinate with STW on public outreach around WSR stewardship in assisting in positive activation of the coastline, including but not limited to signage, events, and content coordination to the extent feasible.
- Work with STW on promoting surfing in the City of Santa Cruz.
- Collaborate with STW to help shape the future of the WSR and West Cliff Drive to not alter waves due to climate change to the extent feasible.
- Advocate for Santa Cruz surfing by conserving resources throughout the parks system creating chances for people to appreciate and connect with nature.

Scope of Agreement (SOA)::

This MOA is designed to set the overall stage for cooperation between both Parties and address in general, the cooperative activities of the Parties. The Parties intend that nothing in this agreement shall obligate any of the Parties to expend or provide funds or staffing or take any other actions beyond any which may be explicitly called for in this agreement. The MOU is not a legally binding or legally enforceable contract in any court of law and imposes no enforceable legal obligations upon the Parties.

Attachments:

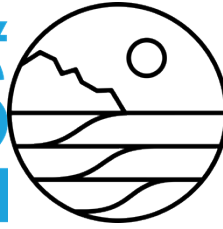
- [Santa Cruz World Surfing Reserve Plan](#)
- [Santa Cruz World Surfing Reserve Booklet](#)

Signatures

By their signatures below, the parties herein acknowledge that they have read the terms of this MOA, understand the terms thereof and are fully agreed thereto, and are authorized to execute this MOA on their respective entity's behalf.

Save the Waves Coalition

City of Santa Cruz



By: _____
Nik Strong-Cvetich
Chief Executive Officer

By: _____
Anthony Elliot
Director of Parks and Recreation

Approved as to form:

By: _____
City Attorney

DRAFT



City Council AGENDA REPORT

DATE: 11/22/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Public Works

SUBJECT: 2021 Surface Seal Project (c400810) – Notice of Completion (PW)

RECOMMENDATION: Motion to accept the work of Pavement Coatings Co. (Sacramento, CA) as completed per plans and specifications and authorizing the filing of a Notice of Completion for the 2021 Surface Seal Project (c400810).

BACKGROUND: At its February 9, 2021 meeting, City Council approved a motion to authorize the City Manager to execute a contract with the lowest responsive and responsible bidder as authorized by Resolution No. NS-27,563 and to execute change orders within the approved budget.

On May 24, 2021, the project was awarded to the lowest responsive and responsible bidder, Pavement Coatings Co. (Sacramento, CA).

The project installed asphalt concrete base repairs, type III slurry seal, 3/8” chip seal, microsurfacing, and traffic striping at the following locations:

1. Arroyo Seco from Alta Vista to Arroyo Court.
2. Cardiff Court from Cardiff Place to Dead End.
3. Cardiff Place from High Street to Cardiff Court.
4. Chestnut Street from Green Street to Center Street.
5. Church Street from Chestnut Street to Rincon Street.
6. Cleveland Avenue from Rigg Street to Otis Street.
7. Cliff Street from Third Street to Dead End.
8. Delaware Avenue from Columbia Street to Santa Cruz Street.
9. Gilbert Court from Goss Avenue to Dead End.
10. Gilbert Lane from Rooney Street to Goss Avenue.
11. Golf Club Drive from River Street to Railroad Crossing.
12. Green Street from Chestnut Street to Mission Street.
13. Hall Street from Seabright Avenue to Bronson Street.
14. Heather Court from Morrissey Boulevard to Dead End.
15. Jewell Street from Ocean Street to Dead End.
16. Ladera Drive from King Street (East) to King Street (West).
17. Laguna Street from Santa Cruz Street to Bay Street.
18. Laurent Street from Highland Avenue to Ross Street.
19. Locust Street from Chestnut Street to Center Street.

20. Miller Court from Goss Avenue to Dead End.
21. Miramonte Drive from Prospect Heights to Paseo del Mar.
22. Mott Avenue from Murray Street to Logan Street.
23. Parnell Street from Trevethan Avenue to Marnell Avenue and from Pacheco Avenue to Morrissey Boulevard.
24. Rigg Street from California Street to Weeks Avenue and from King Street to Mission Street.
25. Rincon Street from Walnut Street to Chestnut Street.
26. Ross Street from Laurent Street to Highland Avenue.
27. Scenic Street from Bayona Drive to Dead End.
28. Spruce Street from Pacific Avenue to Front Street.
29. Sunset Avenue from Almar Avenue to West Cliff Drive.
30. Taylor Street from California Street to Weeks Avenue.
31. Trevethan Avenue from Fairmount Avenue to Almena Street.
32. Vernon Street from River Street to Dead End.
33. Westmoor Court from Westmoor Drive to Dead End.
34. Westmoor Drive from Cardiff Court to Cardiff Place.
35. Westmoor Place from Westmoor Drive to Dead End.
36. Woodcrest Place from Molly Way to Fairland Way.
37. Yosemite Avenue from Western Drive to Alamo Avenue.

DISCUSSION: The work for this project is now complete. The project was inspected by Public Works staff and was completed in accordance with the plans and specifications.

FISCAL IMPACT: The project was completed with a total cost of \$831,008.52. This project was funded from Measure H and Measure D and included in the FY 2022 Capital Improvement Program (CIP) (c400810). There is no impact to the General Fund.

Prepared By:
Ricardo Valdes
Senior Professional Engineer

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. 2021 SURFACE SEAL PROJECT - NOC.DOCX

RECORDED AT THE REQUEST OF:
City of Santa Cruz, Public Works
Attn: Ricardo Valdes

WHEN RECORDED MAIL TO:
City Clerk's Department
809 Center Street, Room 9
Santa Cruz, CA 95060

(Space above for Recorder's use only)

This instrument is being recorded for the benefit of the City of Santa Cruz.
No recording fee is required pursuant to Government Code § 27383.

NOTICE OF COMPLETION
(CA Civil Code Sections 8102 and 9204)

NOTICE IS HEREBY GIVEN THAT:

The undersigned is an authorized representative of the owner of the interest or estate stated below.

1. The Owner's Name and Address. The Project owner is the City of Santa Cruz, a municipal corporation (the "City"). The City's mailing address is 809 Center Street, Santa Cruz, California 95060. The City of Santa Cruz has the following interest in the subject Property described below: City Right-Of-Way
2. Project Title and Number. The full name of the work of improvement/public works project (the "Project") which is the subject of this Notice of Completion is: 2021 Surface Seal Project c400810
3. Nature of Work Performed on the Property or Materials Furnished for the City. The Project consisted of work described as: Installation of asphalt concrete base repairs, type III slurry seal, 3/8" chip seal, microsurfacing, and traffic striping.
4. The general site location description or address (the "Property") of the public improvement is located at: Arroyo Seco from Alta Vista to Arroyo Court, Cardiff Court from Cardiff Place to Dead End, Cardiff Place from High Street to Cardiff Court, Chestnut Street from Green Street to Center Street, Church Street from Chestnut Street to Rincon Street, Cleveland Avenue from Rigg Street to Otis Street, Cliff Street from Third Street to Dead End, Delaware Avenue from Columbia Street to Santa Cruz Street, Gilbert Court from Goss Avenue to Dead End, Gilbert Lane from Rooney Street to Goss Avenue, Golf Club Drive from River Street to Railroad Crossing, Green Street from Chestnut Street to Mission Street, Hall Street from Seabright Avenue to Bronson Street, Heather Court from Morrissey Boulevard to Dead End, Jewell Street from Ocean Street to Dead End, Ladera Drive from King Street (East) to King Street (West), Laguna Street from Santa Cruz Street to Bay Street, Laurent Street from Highland Avenue to Ross Street, Locust Street from Chestnut Street to Center Street, Miller Court from Goss Avenue to Dead End, Miramonte Drive from Prospect Heights to Paseo del Mar, Mott Avenue from Murray Street to Logan Street, Parnell Street from Trevethan Avenue to Marnell Avenue and from Pacheco Avenue to Morrissey Boulevard, Rigg Street from California Street to Weeks Avenue and from King Street to Mission Street, Rincon Street from Walnut Street to Chestnut Street, Ross Street from Laurent Street to Highland Avenue, Scenic Street from Bayona Drive to Dead End, Spruce Street from Pacific Avenue to Front Street, Sunset Avenue from Almar Avenue to West Cliff Drive, Taylor Street from California Street to Weeks Avenue, Trevethan Avenue from Fairmount Avenue to Almena Street, Vernon Street from River Street to Dead End, Westmoor Court from Westmoor Drive to Dead End, Westmoor Drive

from Cardiff Court to Cardiff Place, Westmoor Place from Westmoor Drive to Dead End, Woodcrest Place from Molly Way to Fairland Way, and Yosemite Avenue from Western Drive to Alamo Avenue.

5. Name and Address of Contractor. The Contractor on the Project is: Pavement Coatings Co. 2150 Bell Avenue, Suite 125, Sacramento, CA 95838.
6. Date of Completion. The Project on the Property was completed on: July 28, 2021
7. The filing of this Notice of Completion was authorized by the Santa Cruz City Council Minute Order on Tuesday, December 14, 2021

DATE: _____

Mark R. Dettle
Director of Public Works, City of Santa Cruz



City Council AGENDA REPORT

DATE: 11/30/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Water

SUBJECT: Construction of 6-inch Recycled Water Pipeline (WT)

RECOMMENDATION: Motion to:

- 1) Authorize the City Manager to execute a Memorandum of Understanding with Soquel Creek Water District for reimbursement of the construction of a 6-inch recycled water line in conjunction with the Pure Water Soquel Treatment Facilities Project.
 - 2) Adopt a resolution transferring \$1,000,000 within the Water Department Capital Investment Program and amending the FY 2022 budget for project c701606, Newell Creek Dam Inlet/Outlet Replacement, and project c701611, Recycled Water project.
-

BACKGROUND: In October 2015, the citizen-led Water Supply Advisory Committee (WSAC) reached consensus among its 14-members and recommended a strategy to deliver long-term water supply security to the City of Santa Cruz water customers by 2025. City Council-approved strategy included the following three water supply alternatives: 1) strengthened water conservation to reduce demand, 2) groundwater storage through water transfers, exchanges and/or aquifer storage and recovery, and 3) advanced treated recycled water or desalinated water.

Between 2016 and 2018, recycled water and desalination were analyzed simultaneously. The Recycled Water Feasibility Planning Study – Phase 1 was completed in June 2018 and, while starting with a broad list of potential alternatives, reduced that list to the few alternatives that met the study goals of offsetting potable water demand or otherwise finding beneficial use of treated wastewater. The final report recommended the following projects for further evaluation and implementation as appropriate.

Irrigation Projects

- Santa Cruz Public Works Department (SCPWD) Title 22 Upgrade Project –This project would provide in-plant demands at the City’s Wastewater Treatment Facility, develop a bulk water station and serve the irrigation demands of the nearby La Barranca and Neary Park.
- BayCycle Project – expand the SCPWD Title 22 Upgrade Project to increase production and non-potable reuse to serve UCSC and City customers along the pipeline corridor.

Groundwater Recharge Projects

- Coordination with Pure Water Soquel – continue to work closely with Soquel Creek Water District to support the evaluation and implementation of the Pure Water Soquel project.

- Explore Groundwater Replenishment and Reuse (GRR) at Beltz Wellfield – to replenish the Santa Cruz Mid-County Groundwater Basin in the Beltz Wellfield area, through a collaborative project with Pure Water Soquel or as an independent City led project.
- Explore GRR in Santa Margarita Groundwater Basin (SMGB) – to replenish the SMGB through a possible regional project with the potential to make the region more resilient in the long term.

While both recycled water and desalination alternatives showed merit in their overall feasibility and ability to fulfill water supply objectives, desalination was found to be unable to meet (or it would be very challenging to meet) the following criteria: legal and regulatory requirements, timeliness, permitting considerations, and political and public support. At its November 27, 2018 meeting, City Council supported staff’s recommendation to prioritize the ongoing analysis of recycled water.

Staff continue to further the analysis of the five projects bulleted above in parallel with aquifer storage and recovery and water transfers and exchanges.

DISCUSSION: The City and Soquel Creek Water District (District) have been working collaboratively since 2016 on aspects of the District’s Pure Water Soquel (PWS) project. In 2019, the District and City entered into an agreement to cooperate in good faith on the availability of source water (from the City’s Wastewater Treatment Facility), and the design and construction of the PWS project. In 2020, the District entered in to an agreement with Black & Veatch for the design, construction, testing, and commissioning of the treatment components of the PWS project.

A portion of the PWS project is located at the City’s Wastewater Treatment Facility (WWTF) including a pump station and piping to deliver the source water to the PWS advanced purification facility located on Chanticleer Avenue, and a tertiary treatment system to replace an existing and outdated system used by WWTF staff. To avoid future disruptions at the WWTF, the Water Department requested the tertiary system be sized and constructed to meet the objectives of the irrigation projects described above and similarly, that approximately 2,000 feet of 6” pipeline be constructed as part of the PWS project. Future City Council action will be required prior to the City using tertiary irrigation purposes.

The City will reimburse the District as per the attached memorandum of understanding for the amount of \$676,480.

FISCAL IMPACT: Funds are available in the Water Department Capital Investment Program FY 2022 budget within project c701606, Newell Creek Dam Inlet/Outlet Replacement, and will be transferred to the Recycled Water project, c701611.

Prepared/Submitted By:
Heidi R. Luckenbach
Interim Water Director

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. BUDGET ADJUSTMENT.PDF
2. AGREEMENT.PDF

**City of Santa Cruz
BUDGET ADJUSTMENT REQUEST**

Council Approval
 Administrative Approval

CM/FN Use Only:

Fiscal Year: 2022
 Date: 11/08/2021


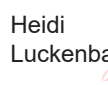


Reso #:
 BA Ref #:

Purpose: Transfer \$1M within the Water Dept's CIP using existing appropriations, from the Newell Creek Dam Inlet/Outlet project (c701606) to the Recycled Water project (c701611).

ACCOUNT	PROJECT	REVENUE EDEN ACCOUNT TITLE	AMOUNT
TOTAL REVENUE			0

ACCOUNT	PROJECT	EXPENDITURE EDEN ACCOUNT TITLE	AMOUNT
711-70-91-7153-57302	c701611-100-2020-0	Water systems / Recycled Water Project	1,000,000
711-70-91-7153-57302	c701606-100-2020-0	Water systems / NCD I/O Replacement Project	-1,000,000
TOTAL EXPENDITURE			0

NET: \$ 0

REQUESTED BY	DEPARTMENT HEAD APPROVAL	BUDGET/ACCOUNTING REVIEWED	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
 <small>Digitally signed by Melissa Kaping DN: cn=Melissa Kaping, o=City of Santa Cruz, ou=Water Department, email=mkaping@cityofsantacruz.com, c=US Date: 2021.11.08 10:58:14 -0800</small>	 <small>Digitally signed by Heidi Luckenbach DN: cn=Heidi Luckenbach, o=City of Santa Cruz, ou=City of Santa Cruz, email=hluckenbach@cityofsantacruz.com, c=US Date: 2021.11.24 12:03:45 -0800</small>	 <small>Digitally signed by Tracy Cole DN: cn=Tracy Cole, o=City of Santa Cruz, ou=Finance Department, email=trccole@cityofsantacruz.com, c=US Date: 2021.12.03 13:35:37 -0800</small>	 <small>Digitally signed by Tracy Cole DN: cn=Tracy Cole, o=City of Santa Cruz, ou=Finance Department, email=trccole@cityofsantacruz.com, c=US Date: 2021.12.06 13:27:27 -0800</small>	

**MEMORANDUM OF UNDERSTANDING FOR
REIMBURSEMENT OF THE CONSTRUCTION
FOR THE 6-INCH RECYCLED WATER LINE
PURE WATER SOQUEL TREATMENT FACILITIES PROJECT**

THIS MEMORANDUM OF UNDERSTANDING (“**MOU**”) is made and entered into this ____ day of _____, 2021 by and between the Soquel Creek Water District (“**SqCWD**”) and the City of Santa Cruz (“**City**”) (each individually a “**Party**” and collectively the “**Parties**”).

RECITALS

A. On or about July 19, 2019, SqCWD and the City entered into the Agreement Regarding Source Water, Design, Construction, Start-Up and Ownership of The Tertiary Facility Component of the Pure Water Soquel Program (the “Interagency Agreement”).

B. On March 4, 2020, SqCWD and Black & Veatch (“Design-Builder”) executed the Design-Build Agreement for the Treatment Facilities Project of the Pure Water Soquel Program to assist with designing, constructing, testing, and commissioning the Project on behalf of the Parties (the “Design-Build Agreement”).

C. The Parties now wish to undertake construction and installation of a 6-inch Recycled Water Line at the Santa Cruz Wastewater Treatment Facility (“SC WWTF”) (“Project”), as a component of an Amended and Restated Design-Build Agreement for the Treatment Facilities Project of the Pure Soquel Program (“Amended Agreement”) with Black and Veatch (“Design-Builder”) to assist with the Project on behalf of the Parties. The proposed Amended Agreement is incorporated by reference herein.

D. The Parties desire to enter into this MOU to outline their respective participation and roles in the Project.

TERMS

NOW, THEREFORE, the Parties, in consideration of the mutual promises set forth in this MOU, agree as follows:

1. Incorporation of Recitals. The Recitals set forth above are true, correct, and incorporated herein.

2. Purpose of Memorandum of Understanding. The purpose of this MOU is for the Parties to outline their participation in the Project.

3. Scope of Work for the Project. The Project includes the installation of a 6-inch recycled water line from the SC WWTF entrance along the same alignment as the reverse osmosis concentrate (ROC) pipeline and terminating near the bioassay building as shown in the attached Exhibit A, incorporated herein by reference. SqCWD is solely responsible for managing the Amended Agreement with Design-Builder, including but not limited to ensuring Design-Builder

comply with all contract requirements and applicable laws and regulations, including but not limited to prevailing wage laws. The Project's contract is for a lump sum that includes all work associated with construction of the water line including, but not limited to, all labor, materials, tools, equipment, site safety; mobilization and demobilization; site preparation, laydown, and material receiving storage and handling; traffic control; stormwater pollution prevention plan (SWPPP) implementation and monitoring; utility locating and potholing; demolition; excavation and dewatering; protection, and repair of identified adjacent utilities and features; off-site disposal handling and transporting of excess material; site pipe installation and appurtenances; testing, flushing; punch-list; and all other general conditions, general requirements, and all work necessary for complete and functioning water line. The water line shall be gravity drained and capped for future use by the City, as the line will sit unused for an indeterminate amount of time it will not be disinfected, and will need to be disinfected in the future by others for its intended use.

4. Reimbursement and Payments. The City shall reimburse SqCWD for the actual cost of construction of the Project. Design-Builder's cost of construction is \$676,480, which includes the scope of work described in Section 3. Following receipt of monthly invoices from the Design-Builder, SqCWD shall submit on a monthly basis a reimbursement request to CITY for costs associated with the Project. City shall reimburse SqCWD for such costs within thirty days of the date of SqCWD's reimbursement request.

5. Inspection and Change Order Approval. The City shall have the right, at its sole expense, to perform site inspections of the Project as it progresses. Any comments regarding the work, or requests for correction, shall be submitted to the SqCWD Construction Manager, in writing, within 24 hours from the inspection. SqCWD shall respond to the City's comments within 48 hours]. City shall have the right to submit a change orders related to the Project. City shall further have the right to review and approve all change orders related to the Project. City shall respond to any SqCWD requests related to change orders within 48 hours. SqCWD shall administer all change orders. All change orders shall be in writing and shall conform to the change order procedures and requirements set forth in the Amended Agreement. City shall pay the cost of any change orders it approves or requests.

6. Title. Title to the Project shall vest with City upon completion of construction as evidenced through a Notice of Completion filed by SqCWD.

7. Term. This MOU shall become effective as of the date it is executed by the last of the Parties, and shall continue in full force and effect until the Project is completed.

8. Mutual Indemnification. Each Party ("**Indemnitor**") hereby agrees to indemnify, defend, and hold harmless the other Party and their respective officers, employees, agents, and representatives (collectively, "**Indemnitees**"), to the maximum extent allowed by law, from all actions, claims, suits, penalties, obligations, liabilities, damages to property, costs, and expenses (including without limitation any fines, penalties, judgments, actual litigation expenses, and attorneys' fees), and/or personal injuries or death to any persons (collectively, "**Claims**"), arising out of or in any way connected to the proportionate share of negligence or intentional acts or omissions of the Indemnitor employees in connection with or arising from any of the activities under this MOU. This section incorporates a comparative negligence standard. Indemnitor further agrees to waive any rights of subrogation against Indemnitee.

9. Insurance. SqCWD is solely responsible for ensuring that Design-Builder maintain the insurance limits specified in Exhibit 8A of the Amended Agreement, including providing the City with all applicable Certificates of Insurance.

10. No Waiver. The waiver by any Party of any breach or violation of any requirement of this MOU shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this MOU.

11. Notices. Any notice or other communication (“**Notice**”) which any Party may desire to give to the other Party under this MOU must be in writing and may be given by any commercially acceptable means, including via first class certified mail, personal delivery, or overnight courier, to the Party to whom the Notice is directed, at the address of the Party as set forth below, or at any other address as that Party may later designate by Notice. Any Notice shall be deemed received immediately if delivered by hand, on the third day from the date it is postmarked if delivered by first-class mail, certified and postage prepaid, return receipt requested, and on the next business day if sent via nationally recognized overnight courier.

City of Santa Cruz: Heidi Luckenbach
Engineering Manager/Interim Water Director
212 Locust St Ste A
Santa Cruz, CA 95060

SqCWD: Ron Duncan
General Manager
5180 Soquel Drive
Soquel, CA 95073

12. Interpretation; Venue.

12.1 Interpretation. The headings used herein are for reference only. The terms of the MOU are set out in the text under the headings. This MOU shall be governed by the laws of the State of California without regard to the choice of law or conflicts.

12.2 Governing Law and Venue. This MOU shall be governed by and interpreted in accordance with California law. This MOU is made in Santa Cruz County, California. The venue for any legal action in state court filed by any Party to this MOU for the purpose of interpreting or enforcing any provision of this MOU shall be in the Superior Court of California, County of Santa Cruz. The venue for any legal action in federal court filed by any Party to this MOU for the purpose of interpreting or enforcing any provision of this MOU lying within the jurisdiction of the federal courts shall be the Northern District of California.

13. Third-Party Beneficiaries. Nothing contained in this MOU shall be construed to create any rights in third parties and the Parties do not intend to create such rights.

14. Severability. If any provision of this MOU, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this MOU.

15. Amendment of MOU. This MOU may be amended at any time by mutual agreement of the Parties. Any amendment shall be in writing and signed by all Parties.

16. Entirety of MOU. This MOU, along with any attachments, constitutes the entire and complete agreement between the Parties relating to the subject of this MOU and supersedes all previous agreements, promises, representations, understandings and negotiations, whether written or oral, among the Parties with respect to the subject matter hereof.

17. Counterparts. The Parties may execute this MOU 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.

18. Warranty of Authority. The signatories to this MOU warrant and represent that each is authorized to execute this MOU and that their respective signatures serve to legally obligate their respective representatives, agents, successors, and assigns to comply with the provisions of this MOU.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this MOU was executed by the parties hereto as of the date first above written.

CITY OF SANTA CRUZ

By: _____
Rosemary Menard, Interim City Manager

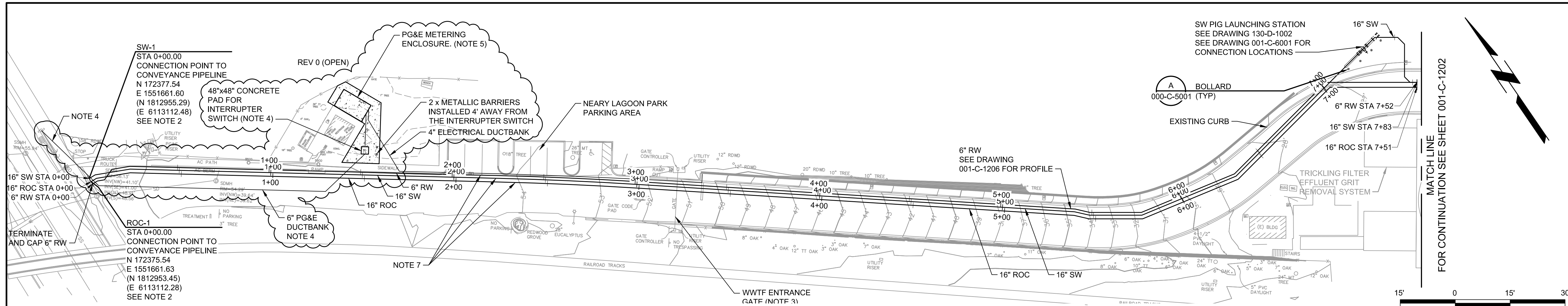
SOQUEL CREEK WATER DISTRICT

By: _____
Ron Duncan, General Manager

DRAFT

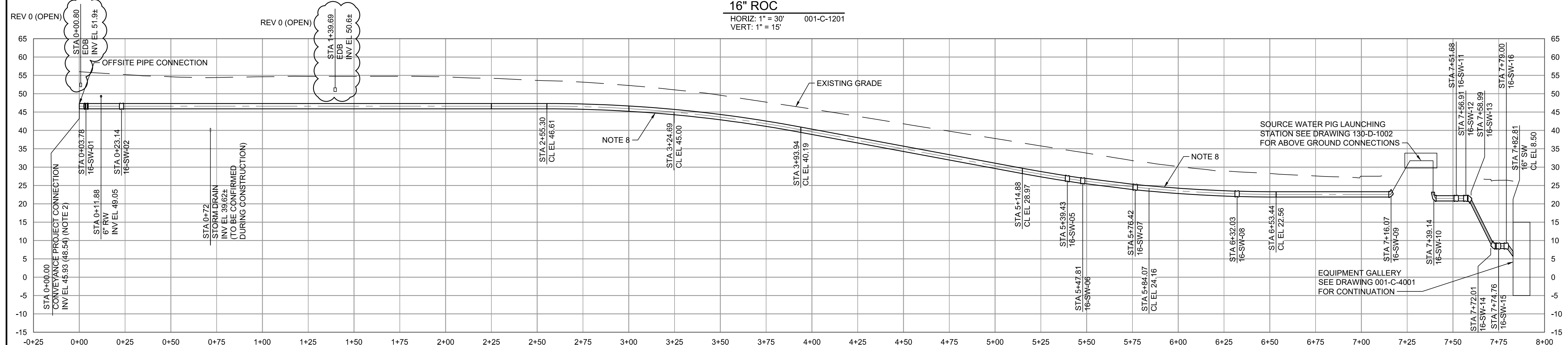
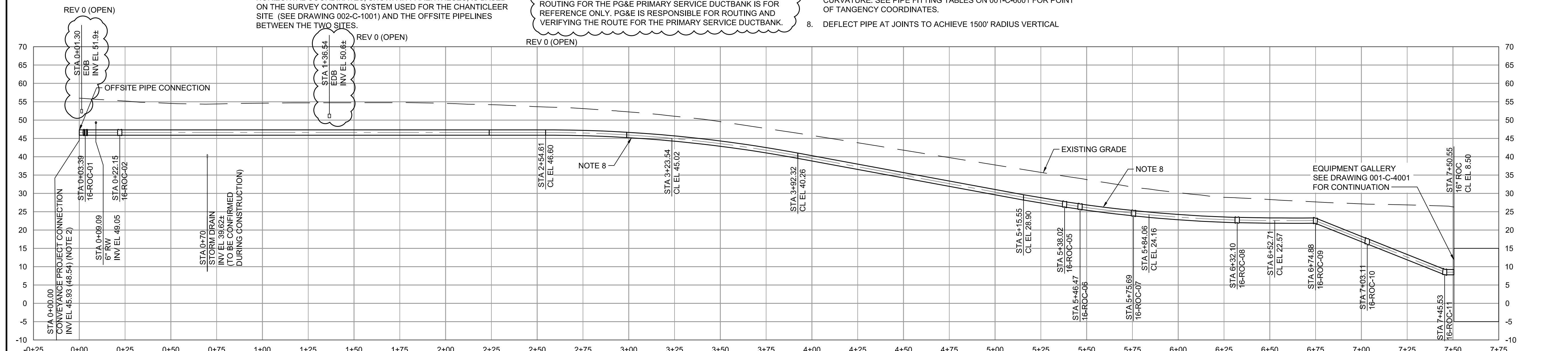
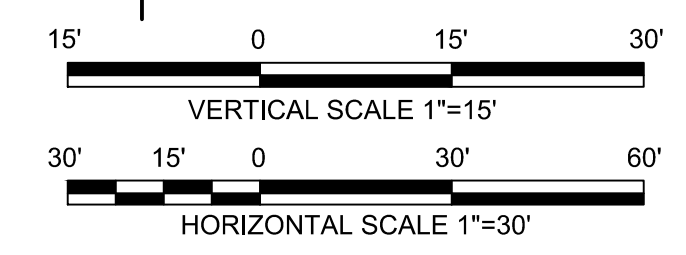
Exhibit A

DRAFT



GENERAL NOTES:

- THE VERTICAL DATUM FOR ALL SANTA CRUZ CIVIL DRAWINGS (STARTING WITH 001) ARE BASED ON NGVD29.
- AT THE CONNECTION POINTS FOR THE PIPELINES, TWO SETS OF HORIZONTAL COORDINATES ARE SHOWN. THE FIRST SET IS BASED ON THE SURVEY CONTROL SYSTEM USED AT THE SANTA CRUZ WWTF (SEE DRAWING 001-C-1003). THE SECOND SET OF HORIZONTAL COORDINATES, SHOWN IN PARENTHESES, IS BASED ON THE SURVEY CONTROL SYSTEM USED FOR THE CHANTICLEER SITE (SEE DRAWING 002-C-1001) AND THE OFFSITE PIPELINES BETWEEN THE TWO SITES.
- CIVIL CONTRACTOR TO REPAIR/REPLACE GATE DETECTION SYSTEM FOLLOWING PIPELINE AND DUCT BANK INSTALLATION.
- DESIGN AND CONSTRUCTION OF THE PG&E PRIMARY SERVICE FEED AND DUCTBANK FROM THE EXISTING STREET POWER POLE TO THE PG&E METERING ENCLOSURE INCLUDING THE ABOVEGROUND INTERRUPTER SWITCH AND THE SWITCH CONCRETE EQUIPMENT PAD ARE PG&E'S SCOPE OF WORK. THE ROUTING FOR THE PG&E PRIMARY SERVICE DUCTBANK IS FOR REFERENCE ONLY. PG&E IS RESPONSIBLE FOR ROUTING AND VERIFYING THE ROUTE FOR THE PRIMARY SERVICE DUCTBANK.
- EXISTING 36" TREE, 1" TREE, AND NEARBY FENCE SHALL BE PROTECTED IN PLACE.
- ANY IRRIGATION PIPING AND COMPONENTS SHALL BE REMOVED AND REPLACED AFTER COMPLETION OF NEW WORK. NEW LOCATIONS SHALL BE COORDINATED WITH FIELD ENGINEER.
- DEFLECT PIPE AT JOINTS TO ACHIEVE HORIZONTAL 2000' RADIUS CURVATURE. SEE PIPE FITTING TABLES ON 001-C-6001 FOR POINT OF TANGENCY COORDINATES.
- DEFLECT PIPE AT JOINTS TO ACHIEVE 1500' RADIUS VERTICAL.
- SEE DRAWING 001-C-6001 FOR PIPE FITTING TABLES.



CONSULTANT

THIS DRAWING IS NOT VALID FOR CONSTRUCTION PURPOSES UNLESS IT BEARS THE SEAL AND SIGNATURE OF A DULY REGISTERED PROFESSIONAL.



PURE WATER SOQUEL TREATMENT FACILITIES PROJECT

REVISIONS

REV	DATE	DESCRIPTION
0	08/26	ISSUED FOR CONSTRUCTION
OPEN	11/22	REVISED FOR PG&E

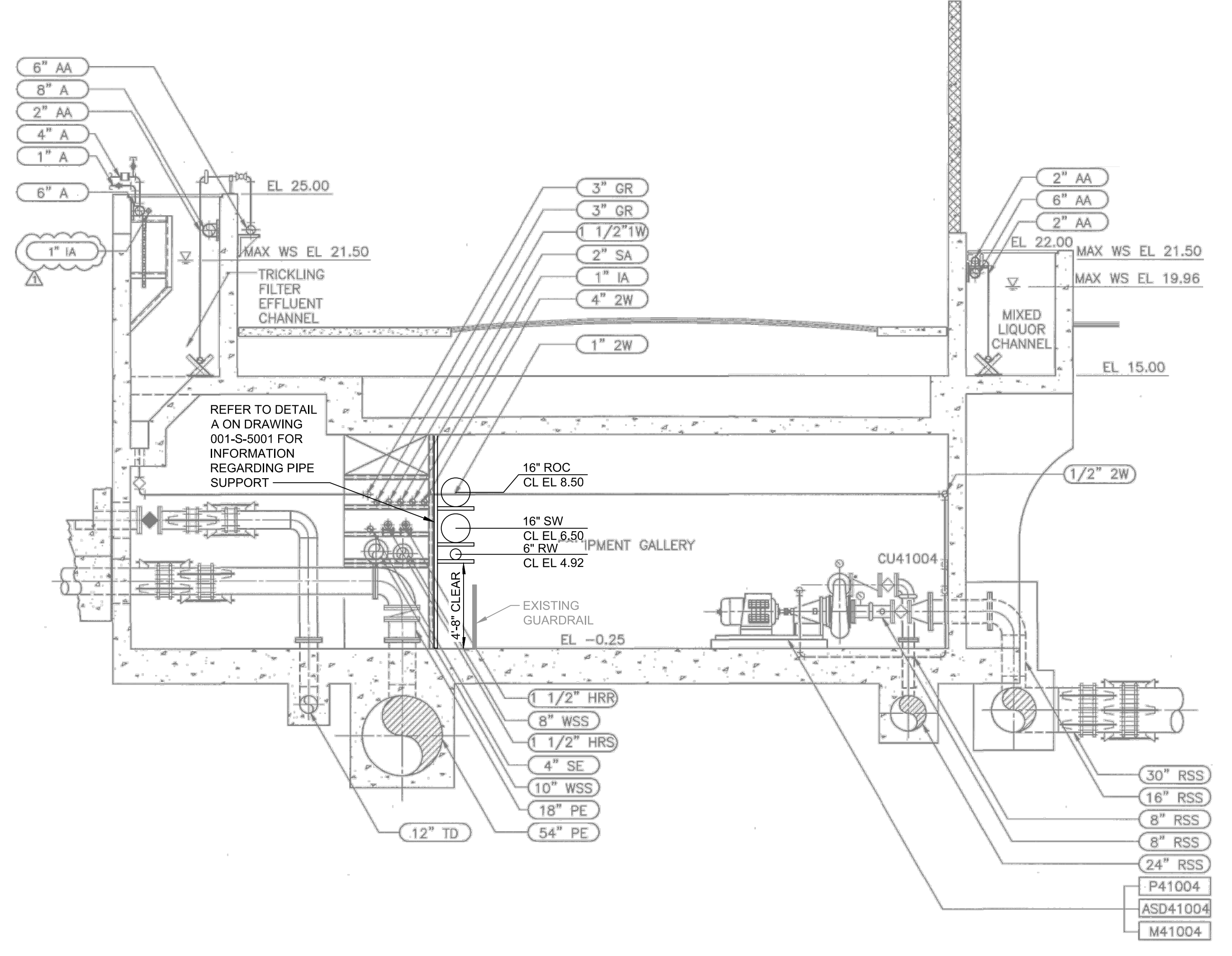
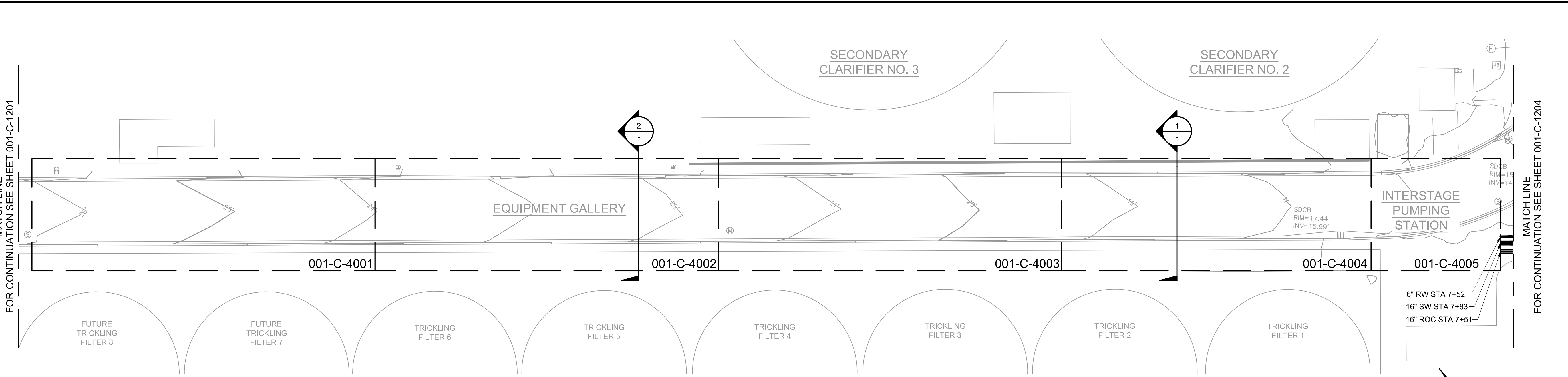
DESIGNED: AT
DRAWN: BSG
CHECKED: RWF
CHECKED:
APPROVED: AS

FILENAME: 404790-001-C-1201
BV PROJECT NUMBER: 404790
CLIENT PROJECT NUMBER:

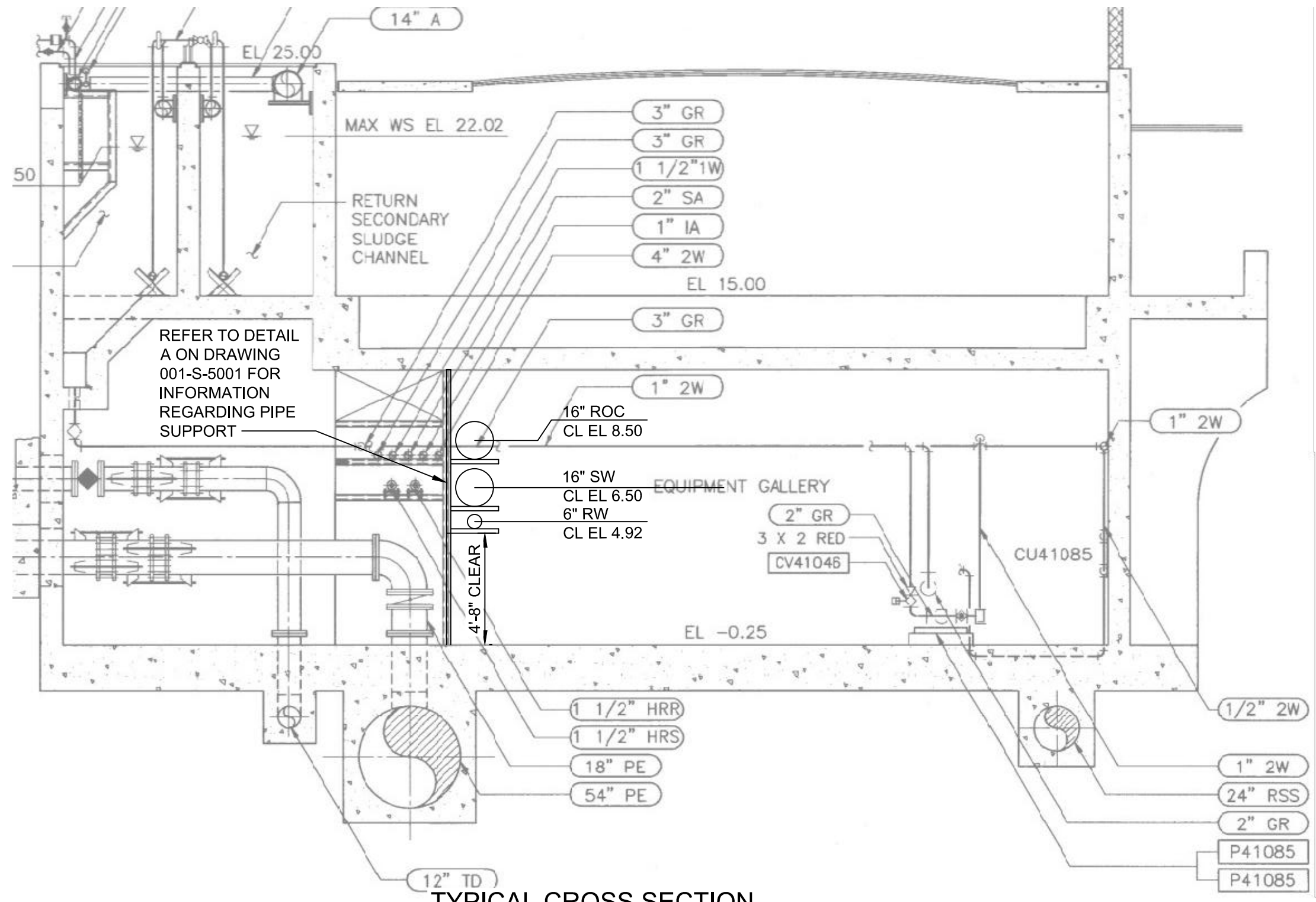
CIVIL
TTF YARD PIPING PLAN
AND PROFILE - AREA A

DRAWING NUMBER
001-C-1201
SHEET NUMBER
20 OF 370

ISSUED FOR CONSTRUCTION



1
TYPICAL CROSS SECTION ALONG THE RAMP INSIDE EQUIPMENT GALLERY
NOT TO SCALE



2
TYPICAL CROSS SECTION THROUGH EQUIPMENT GALLERY
NOT TO SCALE

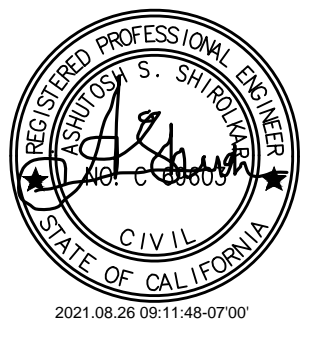


GENERAL NOTES:
1. THE VERTICAL DATUM FOR ALL SANTA CRUZ CIVIL DRAWINGS (STARTING WITH 001) ARE BASED ON NGVD29.

BLACK & VEATCH
Black & Veatch Corporation
Walnut Creek, California

CONSULTANT

THIS DRAWING IS NOT VALID FOR CONSTRUCTION PURPOSES UNLESS IT BEARS THE SEAL AND SIGNATURE OF A DULY REGISTERED PROFESSIONAL.



PURE WATER SOQUEL TREATMENT FACILITIES PROJECT

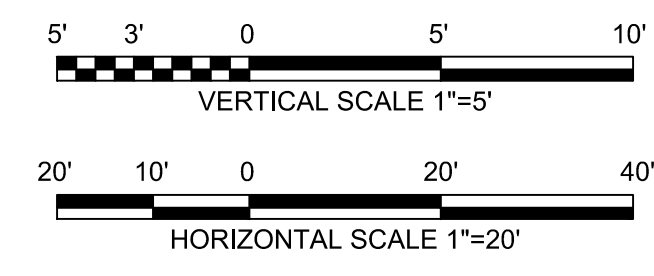
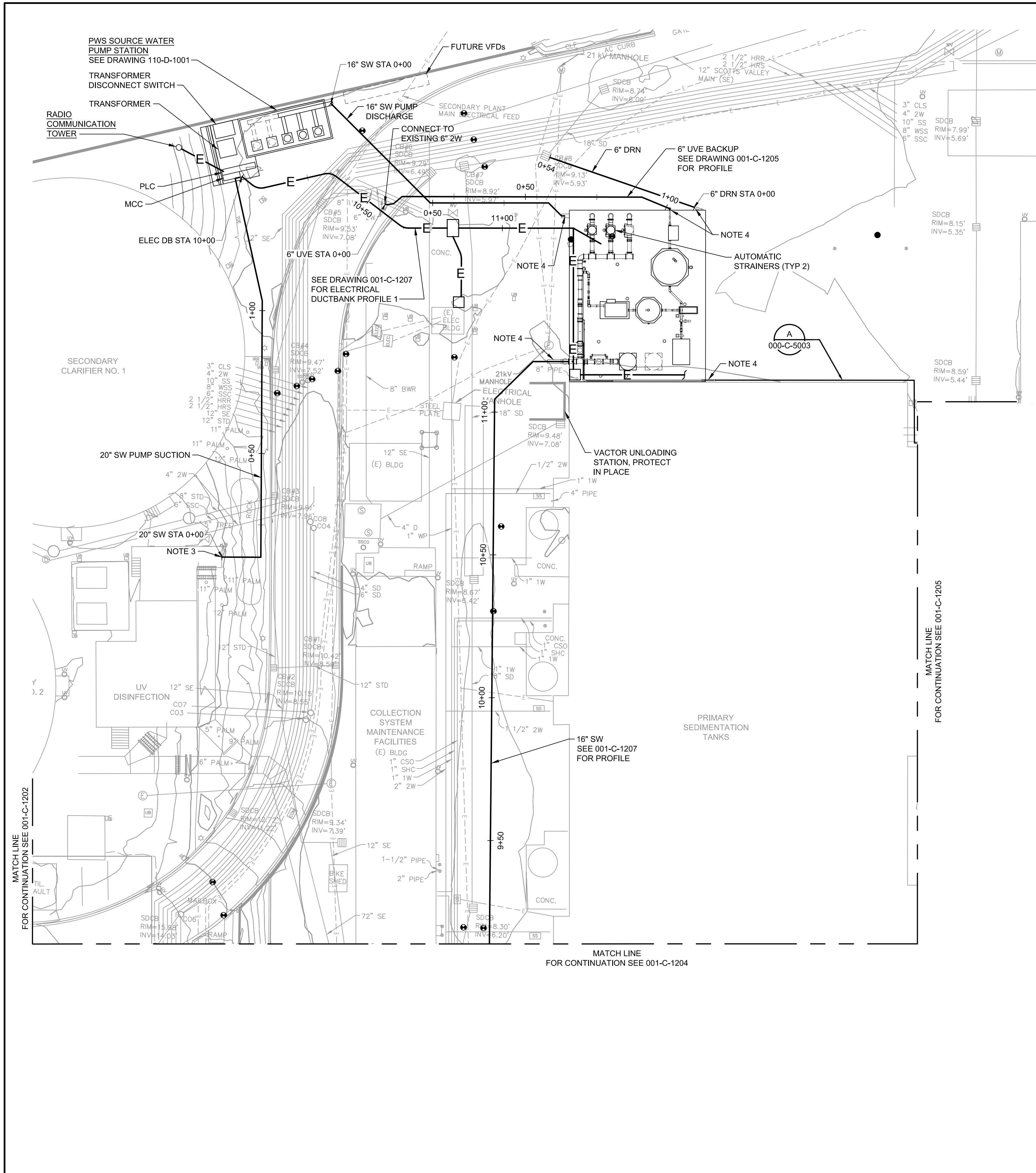
REV	DATE	DESCRIPTION
0	08/26	ISSUED FOR CONSTRUCTION

DESIGNED: RY
DRAWN: BSG
CHECKED: RWF
CHECKED:
APPROVED: AS
FILENAME: 404790-001-C-1202
BV PROJECT NUMBER: 404790
CLIENT PROJECT NUMBER:

CIVIL TTF YARD PIPING PLAN AND SECTIONS AREA B/GALLERY

DRAWING NUMBER
001-C-1202
SHEET NUMBER
21 OF 370

ISSUED FOR CONSTRUCTION



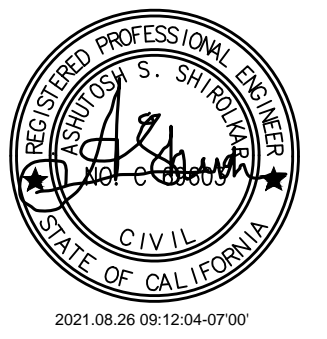
GENERAL NOTES:

1. THE VERTICAL DATUM FOR ALL SANTA CRUZ CIVIL DRAWINGS (STARTING WITH 001) ARE BASED ON NGVD29.
2. INVERT ELEVATION OF UTILITIES ANNOTATED BY "" ARE BASED ON AS-BUILT DRAWINGS. UNLESS ANNOTATED BY "", INVERT ELEVATIONS ARE BASED ON POTHOLOG DATA. CONTRACTOR IS ADVISED TO CONFIRM INVERT ELEVATIONS OF EXISTING UNDERGROUND UTILITIES.
3. AN ISOLATION VALVE WITH A BLIND FLANGE WILL BE INSTALLED ON THE CONNECTION TO THE EXISTING UV EFFLUENT STRUCTURE AS PART OF THE DISINFECTION SYSTEM REPLACEMENT PROJECT BY OTHERS. REMOVE BLIND FLANGE AND CONNECT 20" SW PIPEWORK TO VALVE.
4. SEE DRAWING 101-D-1001 FOR CONNECTION TO ABOVE-GRADE PROCESS MECHANICAL EQUIPMENT.
5. SEE DRAWING 001-C-6001 FOR PIPE FITTING TABLES.

BLACK & VEATCH
Black & Veatch Corporation
Walnut Creek, California

CONSULTANT

THIS DRAWING IS NOT VALID FOR CONSTRUCTION PURPOSES UNLESS IT BEARS THE SEAL AND SIGNATURE OF A DULY REGISTERED PROFESSIONAL.



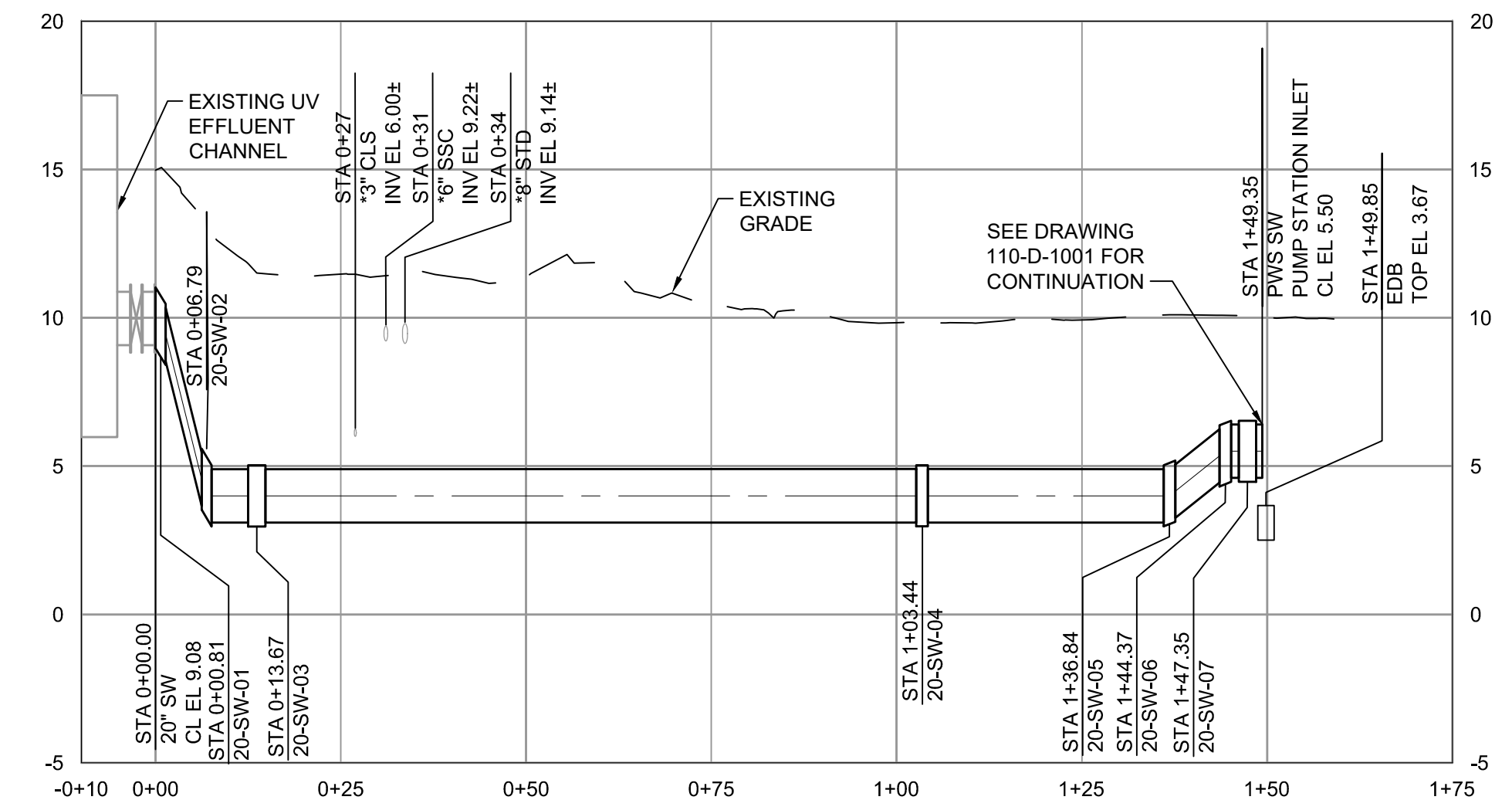
PURE WATER SOQUEL TREATMENT FACILITIES PROJECT

REVISIONS		
REV	DATE	DESCRIPTION
0	08/26	ISSUED FOR CONSTRUCTION

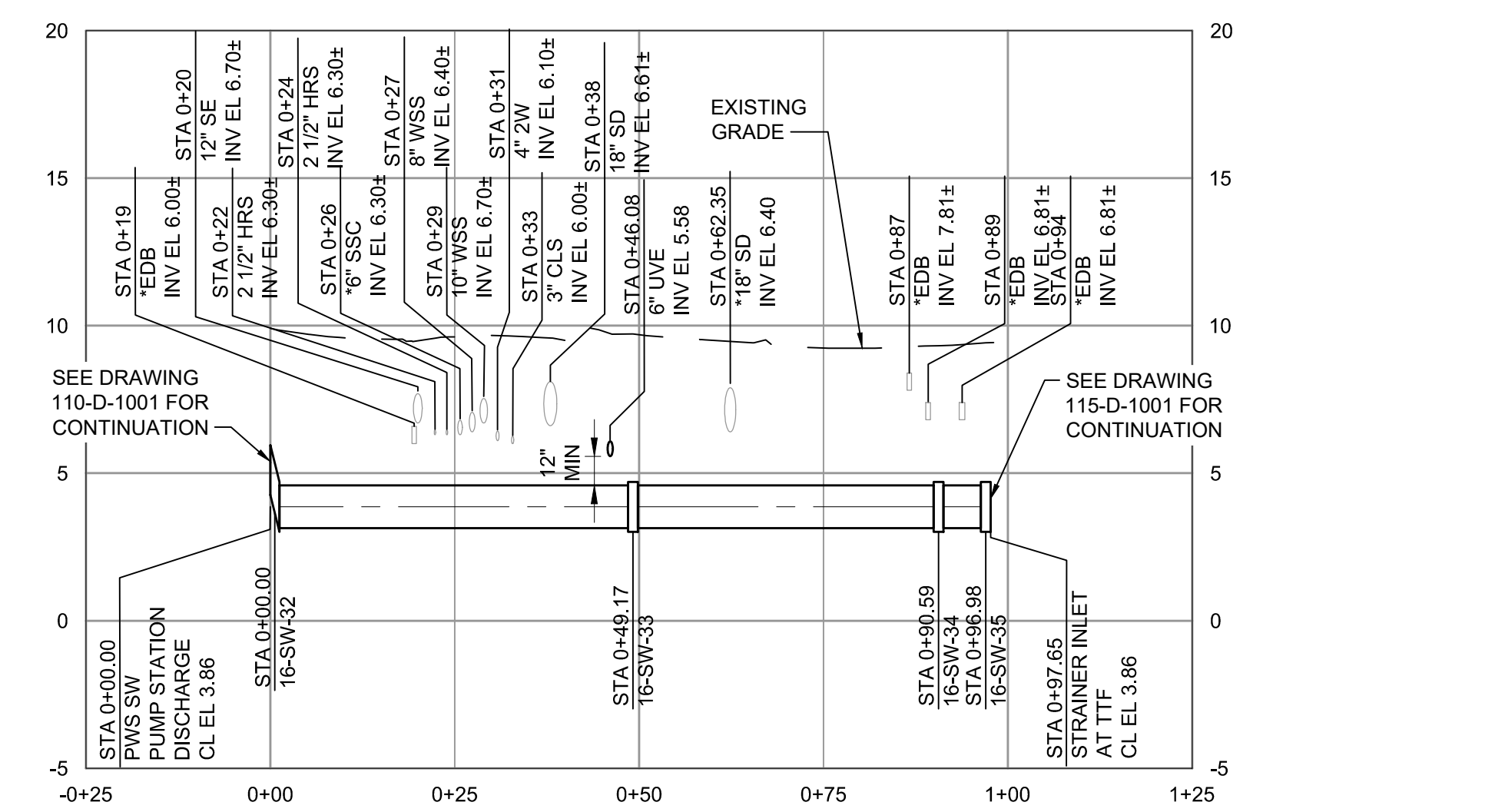
DESIGNED: AT
DRAWN: BSG
CHECKED: RWF
CHECKED:
APPROVED: AS
FILENAME: 404790-001-C-1203
BV PROJECT NUMBER: 404790
CLIENT PROJECT NUMBER:

CIVIL TTF YARD PIPING PLAN AND PROFILE AREA C

DRAWING NUMBER
001-C-1203
SHEET NUMBER
22 OF 370



20" SW PUMP SUCTION
HORIZ: 1" = 20'
VERT: 1" = 5'
SEE NOTE 2



16" SW PUMP DISCHARGE
HORIZ: 1" = 20'
VERT: 1" = 5'
SEE NOTE 2

ISSUED FOR CONSTRUCTION



City Council AGENDA REPORT

DATE: 11/30/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Water

SUBJECT: Design Services for Beltz Well 12, HDR Inc, Contract Amendment – Budget Adjustment (WT)

RECOMMENDATION: Motion to:

- 1) Adopt a resolution amending the FY 2022 budget to transfer \$1,800,000 within the Water Department's CIP from the Water Management Reserve to a new project for Beltz 12 Ammonia Removal.
 - 2) Authorize the City Manager to execute contract amendment 2022-1.3 in the amount of \$204,839 with HDR, Inc. for design services for additional treatment processes at Beltz Well 12 in a form to be approved by the City Attorney and authorizing the Water Director to execute amendments within the approved project budget.
-

BACKGROUND: The Water Department operates four groundwater wells located outside the City Limits. Known as the “Beltz” wells, they are a critical component to meeting demands during the summer when flowing sources are diminishing. Beltz Well 12 was constructed in 2014 and has consistently produced water that meets all drinking water standards and regulations. Part of the treatment process includes the addition of chlorine as a disinfectant. During operation of the well in summer 2020 trace amounts of ammonia were detected in raw water samples. While ammonia is a naturally occurring compound, it can react with chlorine and interfere with the disinfection processes.

In February 2021, Corona Environmental was hired by the City to evaluate the well and make recommendations on testing and analysis to inform future operational and treatment changes. Corona Environmental has also been providing similar consulting services to Soquel Creek Water District as they face a similar issue with one of their production wells located in close proximity to the Beltz 12. Because of the critical role this well plays in the City’s ability to meet customer demand, Corona recommended several treatment changes to improve the ongoing reliability of the plant.

In parallel, as part of the overall water supply augmentation strategy, the Water Department is evaluating several wells including Beltz 12 for future Aquifer and Storage Recovery (ASR) operations. In October 2021, City Council authorized a contract with Pueblo Water Resources to conduct additional testing to affirm the long-term plan for use of Beltz 12 as an ASR well. Completion of the ASR demonstration study this winter as well as resolution of the ongoing

ammonia treatment challenges are key to ensuring the well will be available for operation in summer of 2022. The ongoing drought, and uncertainty about when it will end, underscores the relative urgency of completing these two critical tasks at this facility.

DISCUSSION: To address the treatment challenges at Beltz 12, Corona Environmental has recommended two changes to the current treatment system:

- 1) Adding a tank to provide additional time for reaction of the chlorine and ammonia and
- 2) Modifying the existing chlorine generation system.

These changes must be designed by a professional engineer, and constructed by a licensed contractor and reviewed and approval by the California State Water Resources Control Board, Division of Drinking Water. To meet the schedule of making these improvements by June 2022, staff is recommending a sole source design contract to HDR, Inc.

HDR is currently serving as the Water Department's program manager on the Capital Investment Program and Council most recently approved HDR's contract for FY 2022 services (Service Order 7) in June of this year. The attached amendment for design services would amend Service Order 7 as design services scope was not contemplated at that time. Two other amendments did not require council action and have been processed administratively for Service Order 7. Amendments 1.1 and 1.2 schedule changes to certain tasks, changes in projected staffing support, as well as right of way support on several projects.

The scope of work included in Amendment 2022-1.3 consists of the following tasks:

- Task 1: Project Management and Quality Assurance/Quality Control
- Task 2: 50% Engineering Design
- Task 3: 100% (Final) Design
- Task 4: Bid Period Services

A notice of exemption is anticipated to comply with the California Environmental Quality Act.

The proposed schedule for the design is:

- Design Procurement and Notice to Proceed (NTP): Late Nov. 2021 – Early Dec. 2021
- 50% Design: Mid Dec. 2021 – Mid Jan. 2022
- 100% (Final) Design: Mid Jan. 2022 – Mid Feb. 2022

Health in All Policies (HiAP)

The City Council-adopted Health in All Policies (HiAP) contains three pillars, equity, public health, and sustainability, to be considered during decision-making. The proposed project will preserve and secure reliable water supplies directly ensuring the public health of our community.

The total cost of the project including implementation and construction costs is estimated to be \$1,800,000.

FISCAL IMPACT: Funds are available in the Water Department's Capital Investment Program budget within c702003, Water Program Management Reserve. A budget adjustment is requested to transfer \$1,800,000 to a new CIP for Beltz 12 Ammonia Removal, c702203.

Prepared By:
Kevin Crossley
Interim Deputy
Director/Engineering Manager

Submitted By:
Heidi R. Luckenbach
Interim Water Director

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. BUDGET ADJUSTMENT.PDF
2. AGREEMENT AMENDMENT.PDF

City of Santa Cruz
BUDGET ADJUSTMENT REQUEST

Council Approval
 Administrative Approval

CM/FN Use Only:

Fiscal Year: 2022
 Date: 11/30/2021


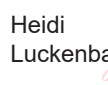


Reso #:
 BA Ref #:

Purpose: Transfer \$1,800,000 within the Water Department's CIP from the Water Management Reserve (c702003) to a new project for Beltz 12 Ammonia Removal (c702203).

ACCOUNT	PROJECT	REVENUE EDEN ACCOUNT TITLE	AMOUNT
TOTAL REVENUE			0

ACCOUNT	PROJECT	EXPENDITURE EDEN ACCOUNT TITLE	AMOUNT
711-70-91-7152-57302	c702203-100-2020-0	Beltz 12 Ammonia Removal	1,800,000
711-70-91-7159-57302	c702003-100-2020-0	Water Program Management Reserve	-1,800,000
TOTAL EXPENDITURE			0

NET: \$ 0

REQUESTED BY	DEPARTMENT HEAD APPROVAL	BUDGET/ACCOUNTING REVIEWED	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
 <small>Digitally signed by Melissa Kaping DN: cn=Melissa Kaping, o=City of Santa Cruz, ou=Water Department, email=mkaping@cityofsantacruz.com, c=US Date: 2021.12.01 12:02:01 -0800</small>	 <small>Digitally signed by Heidi Luckenbach DN: cn=Heidi Luckenbach, o=City of Santa Cruz, ou=City of Santa Cruz, email=hluckenbach@cityofsantacruz.com, c=US Date: 2021.12.02 08:05:03 -0800</small>	 <small>Digitally signed by Tracy Cole DN: cn=Tracy Cole, o=City of Santa Cruz, ou=Finance Department, email=trccole@cityofsantacruz.com, c=US Date: 2021.12.03 13:24:41 -0800</small>	 <small>Digitally signed by Tracy Cole DN: cn=Tracy Cole, o=City of Santa Cruz, ou=Finance Department, email=trccole@cityofsantacruz.com, c=US Date: 2021.12.06 13:28:10 -0800</small>	

AMENDMENT 2022-1.3 AMENDMENT TO MASTER SERVICES AGREEMENT FOR
**PROGRAM MANAGEMENT SERVICES FOR THE
CITY OF SANTA CRUZ WATER DEPARTMENT**

THIS AMENDMENT No. 2022-1.3, dated December ____, 2021, amends Service Order 7 which applies to the fiscal year 2021-2022 agreement pursuant to the MASTER SERVICES AGREEMENT dated December 22, 2017, and is made by and between the City of Santa Cruz (“City”) and HDR Inc. (“Consultant”). City and Consultant may be referred to individually as a “Party” and collectively, as the “Parties.”

RECITALS

WHEREAS, City and Consultant have previously entered into that certain Professional Services Agreement (“Agreement”) dated December 22, 2017, which is incorporated by this reference, and

WHEREAS, City and Consultant desire to amend the Agreement with regard to Service Order 7 for fiscal year 2021-2022 as specified herein.

AGREEMENT

NOW, THEREFORE, it is agreed between the Parties to incorporate the above Recitals hereto, and that Service Order 7 of the fiscal year 2021-2022 Agreement is hereby amended as follows:

- A. The Scope of Work, attached as Contract Amendment Number 2022-1.3 of the Agreement is hereby amended to read as follows:
 - Add Service Order 7.15 – Beltz 12 Ammonia Removal Design, per attached scope of work.
- B. The Fee Schedule, shown as Table 1, attached to this Contract Amendment Number 2021-1.3 summarizes the changes to Service Order 7 and contains adjustments to the prior fees and supersedes all prior Fee Schedules for Service Order 7.
- C. All items in Contract Amendment Number 2022-1.3 are to be completed within Fiscal Year 2022.

Notwithstanding these amended terms of the original Agreement by this Amendment 2022-1.3, all other terms and conditions of the original Master Services Agreement and other prior amendments thereto shall remain in full force and effect. The terms of this Amendment 2022-1.3 shall control if any conflict exists.

Each party acknowledges that it has reviewed this Amendment 2022-1.3 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 Amendment 2022-1.3.

The unenforceability, invalidity or illegality of any provision(s) of this Amendment 2021-1.3 shall not render the other provisions unenforceable, invalid or illegal.

The Parties may execute this Amendment 2022-1.3 in two or more counterparts, which shall, in the aggregate, be deemed an original but 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.

The signatories to this Amendment 2022-1.3 warrant and represent that each is authorized to execute this Amendment 2022-1.3 and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this Amendment 2022-1.3.

IN WITNESS WHEREOF, the City and the Consultant have executed this Amendment 2022-1.3 effective as of the date shown above.

Technical Review By: By: _____ Date: _____ Kevin Crossley, Interim Deputy Water Director / Engineering Manager
--

Approved As To Form: By: _____ Date: _____ City Attorney
--

CONSULTANT By: _____ Date: _____ Printed: _____ Title: _____
--

CITY OF SANTA CRUZ WATER DEPARTMENT: By: _____ Date: _____ Heidi Luckenbach, Interim Water Director

CITY OF SANTA CRUZ WATER DEPARTMENT: By: _____ Date: _____ Rosemary Menard, Interim City Manager
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Table 1

The following table summarizes the changes to Service Order 7 contract amounts described in Amendment 2022-1.3

Task No.	Task Description	Service Order 7 FY22 Task Total	Amendment 2022-1.2 Amount	- AMENDED - FY2022 Task Total	Service Order Number
SERVICE ORDER 7					
Task 2	Design and Planning Management				
	Subtotal Task 2	\$2,465,892	\$0	\$2,465,892	
Task 3	Program Administration				
	Subtotal Task 3	\$1,977,554	\$0	\$1,977,554	
Task 4	Planning Efforts				
4.5	Beltz 12 Ammonia Removal Design	\$0	\$204,839	\$204,839	SO 7.15
	Subtotal Task 4	\$543,235	\$204,839	\$748,074	
Task 5	Construction Management				
	Subtotal Task 5	\$1,090,216	\$0	\$1,090,216	
Task 6	Program Support				
	Subtotal Task 6	\$866,063	\$0	\$866,063	
COLUMN TOTALS (SO7 - Full Scope)		\$6,942,960		\$7,147,799	

Service Order 7.15 – Amendment No. 2022-1.3

Beltz 12 Ammonia Removal

Project Background

The City of Santa Cruz, California, (the City) operates the Beltz 12 Well and its treatment facilities to maintain groundwater production. Ammonia concentrations at Beltz 12 have historically been below 0.4 mg/L, however, elevated ammonia levels above 0.5 mg/L have been observed since 2020, and similar observations have been made by a neighboring well operated by Soquel Creek Water District. Corona Environmental, contracted by the City for the ammonia issue, provided a draft analysis in July 2021 to assess ammonia removal via breakpoint chlorination with or without aeration and potential options to remove hydrogen sulfide which had been identified by odor and a limited number of samples. With additional testing of ammonia and hydrogen sulfide, Corona is updating the draft report with final recommendation as of November 2021.

Beltz 12 is currently offline due to water quality issues stated above and some repairs. At the same time, it is also being planned for future Aquifer Storage and Recovery (ASR) operations, and an ASR demonstration study is scheduled to take place from January to September 2022 depending on availability of excess water. The ASR demonstration study plans for an injection period from January to April, followed by a storage period during May and extraction period from June to September. Beltz 12 needs to be rehabilitated by June 2022 to provide demand supply in case of drought and to allow for treatment of water pumped from the ASR well after the injection/storage period.

Theoretically, the recovery water extracted next June 2022 should be of higher quality due to the injection of treated drinking water. However, this needs to be studied and verified by the ASR demonstration study. Due to the drought-relief function of Beltz 12 and uncertainty in the ASR demonstration progress, it is prudent to design for the scenario where native groundwater will be produced, as a conservative measure.

The current Beltz 12 treatment process consists of iron/manganese filtration and chlorination with on-site generated (OSG) sodium hypochlorite. Major equipment includes Loprest Greensand filtration vessels, two 35,000-gallon filter backwash reclaim tanks, two 5HP reclaim pump-back pumps, a 0.8% Michrochlor OSG system, chemical feed pump and a 1,500-gallon sodium hypochlorite storage tank. Analysis done so far suggests that increased chlorine dosage would be the most cost-effective method to remove ammonia and hydrogen sulfide. Breakpoint chlorination for ammonia removal can be achieved by upsizing the chlorination system for a higher dosage, as well as by increasing detention time through installing baffles in a new pressurized reaction vessel. Corona Environmental is scheduled to submit final report with the recommended design basis by November 25, 2021.

Scope of Work

This Scope of Work falls under the MSA, Service Order 7 and covers activities and deliverables that will occur in FY 2022 (July 1, 2021 - June 30, 2022). Unless specifically noted, it is assumed that the scope and fee refer to work planned for completion in FY 2022.

Task 4.5 – Beltz 12 Ammonia Removal Design

General Assumptions:

- 1) This design serves to remove ammonia and hydrogen sulfide in raw groundwater at Beltz 12, even though the extracted ASR recovery water could be of higher quality, due to the urgency need for potential drought relief and uncertainty in the ASR demonstration study.
- 2) The design will follow the final recommendation provided by Corona Environmental, unless new discoveries indicating substantial changes to the existing water quality, equipment status or site layout occur during design.

- 1) The project will be implemented using conventional design-bid-build procurement. To meet the target schedule, HDR proposes to accelerate the design process with one 50% submittal followed by the 100% (final) submittal and then a bid set.
- 2) The City of Santa Cruz will have a 10-day review period for each design submittal.
- 3) Only those tasks specifically identified in this scope and fee are assumed to be included. No other effort or tasks are assumed or implied.
- 4) As-built information shall be provided in advance of the design by the city. The City of Santa Cruz shall provide as-builts in AutoCAD or PDF format of electrical and civil for the Beltz 12 site. Additional scope and fee shall be required if drawings are not available.
- 5) Design will include the utilization of the full ROW, which may be adjusted during construction.
- 6) Structural design will include a new reinforced concrete slab on grade to mount equipment. Current building code and industry standards will be used for the design.
- 7) Our scope does not include the following:
 - a. Traffic control plan or traffic analysis.
 - b. Geotechnical investigation. Will use existing geotechnical data at the site.
 - c. Preparation of construction scheduling and safety plan.
 - d. Payment of fees for obtaining electrical or plan check permits.
 - e. Any environmental studies, restoration plans, or permits required for the demolition of existing facilities.
 - f. Areas not listed in Scope of Work.
 - g. Emergency or egress calculations.
 - h. Systems integration.
 - i. LEED related calculations and documentation.
 - j. Documentation in BIM (Revit).
 - k. Insurance coverage above and beyond that already held.
 - l. Technology products, services, or software beyond that already held.

Task 4.5.1 – Project Management and Quality Assurance/Quality Control (QA/QC)

Project management is a continuous task throughout the project duration including project administration and meetings. Project administration includes monitoring and controlling project budget and schedule, informal project updates, quality assurance and quality control (QA/QC) for project deliverables, and staff scheduling.

Project coordination and review meetings are also included as part of the project management task. HDR shall prepare agendas, and record and distribute meeting minutes. We assume nine (9) total meetings. The meetings shall be:

1. Kickoff Meeting
2. Sixteen (16) bi-weekly status meetings (virtual)
3. One (1) 50% design review meeting
4. One (1) 100% design review meeting

Deliverables:

- 1) Meeting agenda and minutes, including action items
- 2) Monthly Invoices and Progress Reports

Assumptions:

- 1) Kick-off meeting shall be held within one-week of Notice to Proceed, provided that City staff is available. The meeting shall be completed via telephone call or online meeting and will last no more than 1 hour.
- 2) Status meetings will be completed via telephone call or online meeting and will last no more than 1 hour.
- 3) Agenda for all meetings will be emailed at least one day in advance of the meetings.

- 4) Draft meeting minutes will be emailed within 1-day after the meeting. The City will have 2-days to review and provide comments. Final meeting minutes will be released 5-days after the meeting.

City Responsibilities:

- 1) Provide review and comment on all meeting minutes.
- 2) Timely review and payment of invoices.
- 3) Select representative(s) to participate in bi-weekly status meetings.

The meeting shall include key stakeholders (as defined during the kick-off meeting).

Task 4.5.2 - 50% Engineering Design

TASK 2.1 SITE WALK

HDR engineering staff will collect as-built and record drawings from the City. During the site walk through the facility, we will confirm the as built data and take field measurements. During the same trip as the walk through, we will interview the plant staff to help identify undocumented issues such as instrumentation status and existing utilities.

Deliverables:

- 1) Site visit notes

Assumptions:

- 1) Site walk to be conducted within one week of NTP.
- 2) Documentation review, site walk-through, and interviews will occur on the same day.

City Responsibilities:

- 1) City shall accommodate a site walk-through within one week of NTP.
- 2) Provide knowledgeable escort(s) for site walk through who can answer questions related to instrument and equipment status and surrounding site features.

TASK 2.2 50% DESIGN DOCUMENT

HDR engineering team will plan and design equipment and site improvements based on Corona Environmental's final technical memorandum, unless new discoveries related to water quality, ASR demonstration study and site features indicate changes to the design criteria.

Deliverables:

- 1) Engineering design plans at 50% design level in electronic and CAD format
- 2) Specifications at 50% design level
- 3) Cost estimate based on 50% plans and specifications

Assumptions:

- 1) All available as-built and record drawings have been received by HDR.
- 2) Drawings are prepared in AutoCad.

City Responsibilities:

- 1) City shall provide HDR with as-built data one-week after NTP.
- 2) City shall provide timely updates of the ASR demonstration study and related operation plans
- 3) City shall provide timely 50% design review comments

TASK 2.3 CHLORINE MAXIMUM USE LEVEL (MUL) ASSISTANCE

Approach: In anticipation of high chlorine dosage required to remove ammonia and hydrogen sulfide, permission to exceed NSF 60's maximum feed rate of 10mg/L as chlorine may need to be negotiated with

the Division of Drinking Water (DDW) of the California State Water Resources Control Board (State Water Board). HDR will support the City's negotiations with DDW in waiver application and meeting preparations.

Deliverables:

- 1) Meeting agenda
- 2) Meeting notes
- 3) Materials required for exemption of feed rate limit

City Responsibilities:

- 1) City shall lead and assist in coordination with DDW.

Task 4.5.3 100% (Final) Design

TASK 4.5.3.1 100% DESIGN DOCUMENT

HDR engineering staff will complete the final design documents with City's 50% design comments incorporated.

Deliverables:

- 1) Engineering design plans at 100% design level in electronic and CAD format
- 2) Specifications at 100% design level
- 3) Cost estimate based on 100% plans and specifications

City Responsibilities:

- 1) Provide timely review to 100% design documents.

TASK 4.5.3.2 BID DOCUMENT

HDR engineering staff will prepare bid documents to support City's bid and award process.

Deliverables:

- 1) Complete bid documents in electronic and CAD format

City Responsibilities:

- 1) Lead bid and award efforts.

TASK 4.5.3.3 PERMITTING ASSISTANCE

Approach: HDR will support the City's negotiations and meetings with permitting agencies including: .DDW, City of Santa Cruz, etc.

Deliverables:

- 1) Meeting agenda
- 2) Meeting notes
- 3) Materials required for permit applications

City Responsibilities:

- 1) City shall lead and assist in coordination with permitting agencies.

Task 4.5.4 - Bid Period Services

HDR will facilitate and attend Pre-bid meeting via Video Conference.

Assumptions:

- 1) HDR will coordinate and facilitate the Pre-Bid meeting.
- 2) HDR will not attend a pre-bid site walk. It is assumed that the City will provide a conference meeting room to host all interested contractors. HDR will attend pre-bid meeting via video conference and will answer questions.

- 3) HDR assumes up to two (2) addenda to the original design

City Responsibilities:

- 1) Lead internal bidding process to ensure adequate construction time

Schedule

The schedule is driven by the need to bring Beltz 12 back to production by June 2022 to provide for summer demands. Meanwhile, the schedule will also be impacted by the completion of Corona's initial assessment as well as the ASR demonstration study. The target date of June 2022 will be challenging to meet as demonstrated in the schedule, therefore it is crucial that the City supports and leads flexible approval process so that equipment procurement and construction can start early.

The 50% design documents will be submitted within four weeks after NTP and the final design documents will be submitted within four weeks after City's 50% design review.

Estimated Fee

We propose that compensation for the services described above be on an hourly rate basis with a not to exceed fee of \$204,839. We are enclosing our Fee Estimate.

Thank you for the opportunity to provide our engineering services to the City of Santa Cruz. We look forward to working with you and your staff. If you have any questions, please contact Rich Stratton at (916) 817-4819 or at Rich.Stratton@hdrinc.com.

Appendix A. Sheet List

No.	Sheet No.	Drawing Description
General		
1	G1	Title sheet
2	G2	Legends, Symbols, Abbreviations
3	G3	Process Flow Diagram and Design Criteria
Demolition		
4	D1	Site Demolition - Civil
5	D2	Site Demolition - Mechanical
64	D3	Site Demolition - Electrical
Civil		
7	C1	General Notes, Legends, Abbreviations
8	C2	Grading / Paving/ Piping
9	C3	Civil Details
Structural		
10	S1	General Notes, Legends, Abbreviations
11	S2	Structural Foundation Plans and Sections
12	S3	Structural Details
Process/Mechanical		
13	P1	Process Details
14	P2	OSG Chlorination System Expansion, Plan and Sections
15	P3	Break Point Contact Tank Plan and Sections
16	P4	Piping Details
Electrical		
17	E1	General Notes, Legends, Abbreviations
18	E2	Single Line Diagram and Panel Schedule
19	E3	Site Plan
20	E4	Power and Signal Plan
21	E5	Electrical Details 1
22	E6	Electrical Details 2
23	E7	Conduit Schedule / Duct bank Schedule
24	E8	Lighting Plan / Grounding Plan / Lighting schedule
25	E8	Control Wiring Diagram
26	E9	Title 24 sheets 1
Instrumentation		
27	I1	Legends and Abbreviations.
28		System Architecture
29	I2	P&ID Details
30	I3	P&ID I
31	I4	P&ID II

Appendix B . Task 4.5 Fee Estimate

Task No.	Task Description	Principal/ QA/QC	Project Manager	Civil Engineer	Structural Engineer	Electrical Engineer	CADD Tech (E,I&C)	CADD Tech	Admin/ Clerical	Total HDR Labor Hours	Total HDR Labor (\$)	APC Charge \$5.25	Total HDR Expenses (\$)	Total Cost (\$)
Task 4.5.1 - Project Management and Quality Assurance/Quality Control (QA/QC)														
1.1	Project Management	1	10	22					10	43	\$7,671	\$221		\$7,891
1.2	Meetings	2	16	28	3	3				52	\$11,398	\$263		\$11,660
	Subtotal Task 4.5.1	3	26	50	3	3	0	0	10	95	\$19,068	\$483	\$0	\$19,551
Task 4.5.2 - 50% Design														
2.1	Site visit		6	6						12	\$2,856	\$63		\$2,919
2.2	50% Design Documents	14	14	61	34	160	118	79	2	482	\$88,026	\$2,457		\$90,483
2.3	Chlorine MUL	1	6	16						23	\$4,537	\$116		\$4,653
	Subtotal Task 4.5.2	15	26	83	34	160	118	79	2	517	\$95,419	\$2,636	\$0	\$98,055
Task 4.5.3 - 100% (Final) Design														
3.1	100% Design Documents	10	12	37	20	81	71	47	2	280	\$50,669	\$1,418		\$52,087
3.2	Bid Documents	6	6	18	10	44	35	24	2	146	\$26,780	\$731		\$27,511
3.3	Permitting Assistance	1	5	12						18	\$3,660	\$89		\$3,750
	Subtotal Task 4.5.3	17	23	67	31	125	106	71	4	443	\$81,109	\$2,239	\$0	\$83,347
Task 4.5.4 - Bid Period Services														
4.1	Prebid Meeting	1	3	3						7	\$1,772	\$32		\$1,804
4.2	Bid Period Assistance (up to 2 addenda)	1	3	5						9	\$2,040	\$42		\$2,082
	Subtotal Task 4.5.4	2	6	8	0	0		0	0	16	\$3,812	\$74	\$0	\$3,886
Task 4.5 COLUMN TOTALS		37	81	208	68	288	224	150	16	1,071	\$199,408	\$5,431	\$0	\$204,839



City Council AGENDA REPORT

DATE: 11/30/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Water

SUBJECT: Santa Cruz Water Rights Project – Final Environmental Impact Report and Project Approval (WT)

RECOMMENDATION:

Resolution certifying the Final Environmental Impact Report for the Santa Cruz Water Rights Project.

Resolution approving the Santa Cruz Water Rights Project, adopting a Mitigation, Monitoring, and Reporting Program, and adopting CEQA Findings and a Statement of Overriding Considerations.

BACKGROUND: Summary: The Santa Cruz Water Rights Project (Proposed Project) will improve flexibility in the operation of the City’s water system while enhancing stream flows for local anadromous fisheries. The key elements of the project include 1) modifications to City’s existing water rights to improve flexibility in the operations of the system while enhancing stream flows for local anadromous fisheries, 2) the ability to implement certain elements of the Water Supply Augmentation Strategy, and 3) improvements to surface water diversions that could be implemented after the water rights modifications are approved. Should City Council certify the Final Environmental Impact Report (Final EIR) and approve the project, staff will continue coordination with the State Water Resources Control Board (SWRCB) in their process to approve proposed water rights changes under their purview. Upon approval of those proposed changes, additional action by City Council will be sought to approve proposed water rights changes to pre-1914 water rights under the purview of the City.

Water Rights: There are generally two types of surface water appropriative water rights recognized in California: pre-1914 and post-1914. The City currently holds both pre-1914 and post-1914 water rights. The year 1914 is significant because, effective December 9, 1914, the California Legislature enacted a requirement that a state agency authorize new appropriations of water from surface water sources in California. Before 1914, public agencies and private individuals and entities were able to initiate appropriative water rights through their own actions, which in some cases were provided by posting notices adjacent to diversions. Changes to post-1914 water rights involve a formalized approval process through the California State Water Resources Control Board (SWRCB), including analysis under the California Environmental Quality Act (CEQA) and opportunities for public involvement. Changes to the City’s pre-1914 water rights, provided the changes do not injure other legal users of water, can (and will) be

made by City Council's adoption of a resolution amending those rights and generally are subject to CEQA review and therefore public comment.

Generally speaking, a water right describes the location, rate, season, annual totals, and end use(s) of water from a particular source. The City's water supply system draws water from surface water sources that include two diversions on the San Lorenzo River (the Felton Diversion in Felton and the Tait Diversion in the City) and four diversions on local North Coast streams (Laguna Creek, Reggiardo Creek, Liddell Spring, and Majors Creek), making up approximately 95% of the annual water supply. That amount is supplemented, primarily during the dry season, by limited production from groundwater wells in the Santa Cruz Mid-County Groundwater Basin in unincorporated Santa Cruz County. Finally, the City stores water in Loch Lomond Reservoir in Ben Lomond, which is formed by Newell Creek Dam to help meet dry season water demand.

The City's pre-1914 water rights authorize diversion from the North Coast streams, and post-1914 water rights authorize diversions from the San Lorenzo River and Newell Creek.

Agreed Flows: In a parallel effort, staff have been negotiating with the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS) levels of stream flows that would better protect federally listed Central California Coast coho salmon (coho) and Central California Coast steelhead (steelhead) in all watersheds from which the City diverts water. As part of the City's pending Anadromous Fisheries Habitat Conservation Plan (ASHCP), these "Agreed Flows" will benefit local fisheries, specifically for coho and steelhead, but result in a reduction in the amount of available to the city for diversion. These Agreed Flows will be incorporated into the City water rights. However, while providing protection to local fisheries, the Agreed Flows will result in a reduction in the amount of water available for diversion to customers. It is for this reason that the City is requesting modifications to the water rights to provide flexibility of use. Elements of flexibility are described below.

Supply Augmentation: The City has also been pursuing water supply augmentation alternatives to address identified supply shortages associated with inadequate water supply during dry years and critical shortages during drought years. The Water Department is currently implementing the recommendations of the Water Supply Advisory Committee (WSAC) Final Report on Agreements and Recommendations (October 2015) which provides the alternatives to evaluate to address supply shortages. These include additional water conservation, water transfers and/or exchanges with neighboring water agencies, aquifer storage and recovery, advance-treated recycled water or desalination. Modifications to the water rights are needed to support the full implementation of water transfers and/or exchanges and aquifer storage and recovery.

DISCUSSION: In 2018, with the Agreed Flows defined and work on implementing the supply alternatives underway, the Water Department turned its attention back to resolving outstanding water rights issues and ensuring the flexibility needed to operate the water system into the future. City staff assembled a team to assist with the further development of a comprehensive project to address these challenges and to assist with California Environmental Quality Act (CEQA) compliance and filings with the SWRCB.

The Proposed Project includes modifications to the City's existing water rights to improve flexibility in operation of the City's water system to better use limited water resources, the Agreed Flows to enhance stream flows for local anadromous fisheries, and components of water supply augmentation projects and surface water diversion improvements that could be

implemented after the water rights modifications are approved that would improve water supply reliability.

The Proposed Project includes components that are considered in this EIR at a “project” level (project component) and components that are considered at a “programmatic” level (programmatic component), and therefore this EIR is both a project EIR and a programmatic EIR. Project components could proceed following the adoption of the Final EIR, approval of the project and final approval of the petitions by the SWRCB, programmatic components would include potential future activities that may occur after the City water rights are modified, but are reasonably possible to include as part of the analysis.

Table 1 below shows the project and programmatic components evaluated in the EIR.

Table 1. Project and Programmatic Components

Proposed Project Components	Project Components	Programmatic Components
WATER RIGHTS MODIFICATIONS		
Place of Use	✓	
Points of Diversion	✓	
Underground Storage and Purpose of Use	✓	
Method of Diversion	✓	
Extension of Time	✓	
Bypass Requirement (Agreed Flows)	✓	
INFRASTRUCTURE COMPONENTS		
<i>Water Supply Augmentation</i>		
Aquifer Storage and Recovery (ASR)		✓
New ASR Facilities at Unidentified Locations		✓
Beltz ASR Facilities at Existing Beltz Well Facilities	✓	
Water Transfers and Exchanges and Intertie Improvements		✓
<i>Surface Water Diversion Improvements</i>		
Felton Diversion Fish Passage Improvements		✓
Tait Diversion and Coast Pump Station Improvements		✓

CEQA Compliance: To initiate the CEQA process, Santa Cruz Water Department, as lead agency, released an Initial Study and Notice of Preparation of an Environmental Impact Report (EIR) in October 2018, initiating a 30-day public review and scoping period. Two public meetings were held during the public review period, one in Santa Cruz and one in Ben Lomond.

From 2018 into 2021, the project team worked to refine the proposed water rights modifications project description and to develop the Draft EIR including ongoing engagement with neighboring water districts, Soquel Creek Water District, San Lorenzo Valley Water District, Scotts Valley Water District, and Central Water District.

On June 10, 2021, the Santa Cruz Water Rights Project Draft EIR was released for a 45-day public review period, extending through July 26, 2021. Per the requirements of CEQA, a Notice of Availability (NOA) of a Draft EIR was prepared and distributed describing the proposed project, Draft EIR, and how to review and comment on the Draft EIR. The NOA was filed with

the Santa Cruz County Clerk and submitted to the Governor's Office of Planning and Research, State Clearinghouse. The NOA, Draft EIR, and other required submittals have been posted on CEQAnet, the online database for the State Clearinghouse. The Draft EIR is also available online on the Water Department's website and Santa Cruz Public Library's website. Paper copies of the Draft EIR are available at the Water Department Engineering Counter, by appointment, and at local library branches.

An extensive notification and outreach program was developed to encourage the public to review and comment on the Draft EIR. The NOA was run two times each in the Santa Cruz Sentinel and in the Press Banner, and posted at the City bulletin boards on Church Street, at the Planning Department, and at project component sites (Beltz Wells, Felton Diversion, and Tait Diversion); the NOA was also mailed to agencies, interested parties, and to over 3,000 residents in areas near project components; press releases, multiple postings on social media including Facebook and Next Door, and a radio interview with the Water Director, Rosemary Menard, on the KSCO morning show on June 10.

Two virtual public information meetings regarding the Proposed Project and Draft EIR were held on July 14 and July 20, 2021.

Finally, a Community Guide to the Santa Cruz Water Rights Project was prepared in both English and Spanish for release concurrent with the Draft EIR and provides an overview of the project, describes project benefits, and presents a summary of the CEQA process. The Community Guide was posted on the City's website under both the project webpage (<https://www.cityofsantacruz.com/government/city-departments/water/water-rights-4231>), and on the project environmental documents webpage (<https://www.cityofsantacruz.com/Home/Components/BusinessDirectory/BusinessDirectory/126/2089>).

The EIR includes an analysis of the following environmental issue areas:

- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards, Hazardous Materials, and Wildfire
- Hydrology and Water Quality
- Land Use, Agriculture and Forestry, and Mineral Resources
- Noise and Vibration
- Recreation
- Transportation
- Utilities and Energy
- Climate Change Considerations
- CEQA-Required Sections: Cumulative Impacts, Growth Inducement, Significant Unavoidable Impacts, Significant Irreversible Changes, and Alternatives.

Significant and unavoidable impacts were identified in the EIR related to temporary construction noise associated with well drilling at new ASR facilities and at Beltz 9 ASR facility. All other impacts were determined to be less than significant or potentially significant with mitigation measures identified to reduce those potentially significant impacts to less than significant.

A total of six letters commenting on the Draft EIR were received during the public review period, and a seventh letter from the California Department of Fish and Wildlife was accepted late with prior approval of an extension. In total, the following comment letters were received:

- California Department of Fish and Wildlife (CDFW) (Stacy Sherman)
- San Lorenzo Valley Water District (SLVWD) (Gina Nicholls)
- Soquel Creek Water District (SqCWD) (Ron Duncan)
- San Andreas Land Conservancy (SALC) (David Kossack)
- The Valley Women’s Club of San Lorenzo Valley (Kristen Sandel)
- Douglas Deitch
- Robin Rainwater

Responses to comments were sent to commenting public agencies in accordance with CEQA. The Final EIR includes all comment letters received on the Draft EIR and provides responses to individual comments that were submitted. It also summarizes sections of the EIR document that were revised to provide corrected or clarified text, including a section on new plans available since the release of the Draft EIR, or in response to the public comments.

SWRCB Process: The Department has been closely engaged with the SWRCB throughout this process. Following the release of the NOP in January 2019, the Water Department submitted the necessary change petitions for its post-1914 appropriate water rights to the SWRCB. As mentioned earlier, these petitions cover a variety of changes to the City’s existing post-1914 water rights including: modifying the place(s) of use and points and methods of diversion, adding flexibility to purpose of use, extension of time, and adding the Agreed Flows.

None of the requested changes increase the amount of water, but rather add flexibility that will both enable regional water resource management, increase supply reliability and resiliency, and improve instream flows for special-status fish species.

Once the SWRCB has reviewed the FEIR and resolved or cancelled any protests, it will determine whether a hearing will be necessary to complete the petitions process. This determination is instrumental in understanding the timeline for the rest of the project. Should a hearing not be warranted, final approval of the petitions could occur within 6 months. However, should a hearing be required, the project approval could take a year or more. If the drought continues however, the timeline could shift to prioritize SWRCB resources on more urgent issues.

It is anticipated that changes to pre-1914 North Coast water rights regarding Agreed Flows, which the SWRCB does not have jurisdiction over, will be completed through a future Council resolution process subsequent to SWRCB final approval of the petitions currently being considered. In related matters, the full Majors Creek pre-1914 water right will be temporarily dedicated to instream flow purposes at that time to ensure continuous use and preservation of the right.¹

The Santa Cruz Water Rights Project is consistent with the Health in All Policies pillars of equity, public health and sustainability in that its core objectives are to provide reliable, high-quality drinking water to our customers through the flexible use of resources while being protective of the natural resources.

¹ The Majors Diversion is currently inoperable due to a pipeline break. Pre-1914 water rights can be subject to forfeit after five years of consecutive non-use.

Next Steps: The Water Commission has received information on the Proposed Project and has found the analyses to be sound. With the Water Commission's comprehensive review of the project and support of staff's recommendation, the next step would be for City Council to certify the Final EIR and approve the project. It is therefore recommended that City Council, by resolution, (1) certify the Final EIR for the Santa Cruz Water Rights Project and (2) approve the Santa Cruz Water Rights Project and adopt a Mitigation Monitoring and Reporting Program, CEQA Findings, and a Statement of Overriding Considerations.

FISCAL IMPACT: Certification of the Final EIR and project approval has no direct fiscal implications. However, future contracts related to project construction would be required and will have fiscal impacts. Funds are available in a variety of capital projects to complete this work.

Prepared By:
Chris Berry
Watershed Compliance
Manager

Submitted By:
Heidi Luckenbach
Interim Water Director

Approved By:
Rosemary Menard
Interim City Manager

Sarah Easley Perez
Principal Planner

ATTACHMENTS:

1. RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT.DOCX
2. RESOLUTION APPROVING SANTA CRUZ WATER RIGHTS PROJECT, ADOPTING A MITIGATION, MONITORING, AND REPORTING PROGRAM, AND ADOPTING CEQA FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATION.DOCX
3. EXHIBIT A - SANTA CRUZ WATER RIGHTS PROJECT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS.PDF
4. EXHIBIT B - MITIGATION MONITORING AND REPORTING PROGRAM.PDF

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ CERTIFYING
THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
SANTA CRUZ WATER RIGHTS PROJECT

WHEREAS, the City of Santa Cruz (hereinafter “City”) is pursuing proposed changes to its post-1914 water-right permits and licenses through the filing of change and extension petitions with the State Water Resources Control Board (SWRCB) that would result in modifications related to places of use, methods of diversion, points of diversion and rediversion, underground storage and purpose of use, extension of time and stream bypass requirements for fish habitat shown in Appendix B of the Final Environmental Impact Report (“Final EIR”), herein incorporated by reference as Exhibit A; and

WHEREAS, the City is pursuing related actions that would be implemented following modifications of the City’s post-1914 permits and licenses by SWRCB, including the Beltz 8, 9, 10 and 12 Aquifer Storage and Recovery (“ASR”) facilities, new ASR facilities at other sites, water transfers and exchanges with other regional water providers and associated intertie improvements, and surface water diversion improvements; and

WHEREAS, the City will subsequently pursue modifications of the City’s pre-1914 water rights after the SWRCB acts on the pending change and extension petitions for its post-1914 permits and licenses; and

WHEREAS, the City, as lead agency under the California Environmental Quality Act (Pub. Res. Code Section 21000 et seq.) and the State CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.) (collectively “CEQA”), has completed the Final Environmental Impact Report (“Final EIR”) [State Clearinghouse No. 2018102039] for the Santa Cruz Water Rights Project (the “Proposed Project”) in compliance with CEQA; and

WHEREAS, in accordance with Section 15082 of the CEQA Guidelines, the City released a Notice of Preparation (“NOP”) for the Draft EIR for the Proposed Project on October 15, 2018 and received comments from thirteen (13) public agencies, organizations and individuals in response to the NOP (these comments are included in Appendix A of the Draft EIR, herein incorporated by reference as Exhibit A); and

WHEREAS, two (2) EIR public scoping meetings were duly noticed and held on November 7, 2018 and November 8, 2018 to solicit public and agency comments on the scope of issues to be addressed in the Draft EIR; and

WHEREAS, the Draft EIR, herein incorporated by reference as Exhibit A, was prepared and the City filed a Notice of Completion of the Draft EIR with the Governor’s Office of Planning and Research State Clearinghouse on June 11, 2021, which commenced a 45-day state public agency review period commencing on June 11, 2021 and ending on July 26, 2021; and

WHEREAS, the City filed a Notice of Availability of the Draft EIR with the Santa Cruz

RESOLUTION NO. NS-

County Clerk on June 11, 2021, which commenced a 45-day local public review period commencing on June 11, 2021 and ending on July 26, 2021; and

WHEREAS, the Notice of Availability of the Draft EIR was also posted at the City Planning Department, and the Draft EIR document was available for review at the City's website and at eight (8) local libraries; and

WHEREAS, the City, in accordance with CEQA Guidelines Section 15088, considered and evaluated seven (7) comment letters received on the Draft EIR from members of the public, private organizations, and public agencies and subsequently prepared a comprehensive Final EIR, herein incorporated by reference as Exhibit B, which contains the comment letters and written responses addressing all significant environmental issues in these comment letters; and

WHEREAS, the comprehensive Final EIR consists of the entire EIR document, responses to comments received on the Draft EIR, modifications made to the text of the Draft EIR that are also included in the Final EIR, appendices to the Final EIR, and all documents and resources referenced and incorporated by reference in the Final EIR; and

WHEREAS, on November 22, 2021, the City provided the Final EIR to commenting agencies, thereby satisfying the City's obligations under Public Resources Code section 21092.5, subdivision (a); and

WHEREAS, the Water Commission held a duly noticed and agendized public meeting on the Proposed Project and the Final EIR on December 6, 2021 and issued recommendations to the City Council; and

WHEREAS, the City Council considered the Final EIR at a duly noticed and agendized public meeting on December 14, 2021;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz hereby finds and determines the following:

1. The foregoing recitals are true and correct and are included herein by reference as findings.
2. The City Council certifies that the Final EIR has been completed in compliance with CEQA, the State CEQA Guidelines, and local procedures adopted pursuant thereto.
3. The City Council hereby finds that the Final EIR reflects the independent judgment and analysis of the City, as required by Public Resources Code Section 21082.1.
4. The City Council has independently reviewed and analyzed the Final EIR and considered the information contained therein and all comments, written and oral, received prior to approving this resolution.
5. The City Council therefore hereby certifies the Final EIR for the Project.

RESOLUTION NO. NS-

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
APPROVING THE SANTA CRUZ WATER RIGHTS PROJECT; ADOPTING A
MITIGATION MONITORING AND REPORTING PROGRAM; AND ADOPTING CEQA
FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, the City Council of the City of Santa Cruz (“City Council”), by adoption of Resolution No. [REDACTED], has certified the Final Environmental Impact Report (“Final EIR”) for the Santa Cruz Water Rights Project (“Project”); and

WHEREAS, prior to approving any proposed project for which an EIR has identified significant environmental effects, the City Council, as the decision-making body, is required pursuant to Public Resources Code section 21081, subdivision (a), and CEQA Guidelines section 15091, to adopt findings demonstrating that the City Council has considered and adopted all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant project-related environmental effects; and

WHEREAS, pursuant to these provisions, proposed CEQA findings have been prepared for the Project, which are attached hereto as Exhibit A regarding the significant environmental effects of the Proposed Project, proposed mitigation measures identified in the Final EIR, and the feasibility of alternatives set forth in the Final EIR; and

WHEREAS, pursuant to those provisions, a Statement of Overriding Considerations, which is included within Exhibit A attached hereto, has been prepared for the Project setting forth the benefits that the City Council concludes outweigh the significant and unavoidable environmental effects of the Project, therefore justifying approval of the Project despite such effects; and

WHEREAS, the City Council is required by Public Resources Code section 21081.6, subdivision (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the City Council are carried out; and

WHEREAS, pursuant to this provision, staff has prepared the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B and incorporated by reference herein, that incorporates the mitigation measures identified in the Final EIR; and

WHEREAS, the City Council has independently reviewed and considered the CEQA Findings and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program required for approval of the Project; and

WHEREAS, the City Council finds that all elements of the Project, including changes to and extensions of the City’s water rights, are necessary for the City to reliably serve the residents, other customers and members of the public who use water from the City’s water system; and

WHEREAS, all of the Project’s elements are necessary to meet the City’s objectives of reliably serving those who rely on the City’s water system while protecting sensitive fishes that

rely on the San Lorenzo River, Newell Creek, and the North Coast streams because each of the Project's elements will help to improve the water system's flexibility in light of those fishes' needs for particular streamflows; and

WHEREAS, while the City historically has relied on surface-water storage as a large part of its dry-year supplies, the history of dry years have demonstrated the need for the City to augment its storage capacity through groundwater storage; and

WHEREAS, the City continues to grapple with a history of dry years even though the City's long-term success in reducing water consumption through conservation and demand-management efforts has driven down demand to a statewide low; and

WHEREAS, in 2014 the City Council appointed the 14-member Water Supply Advisory Committee (WSAC) to assess and make recommendations about approaches to improving the reliability of the City's water supply; and

WHEREAS, the WSAC's recommendations acknowledged that a key factor affecting water supply reliability is the lack of local storage and that pursuing storage of available water during the winter in local groundwater aquifers should be explored and pursued; and

WHEREAS, climate change, which is already being experienced in Santa Cruz, is resulting in increasingly variable annual supply, which further emphasizes the need for increased storage of water in years when it is available; and

WHEREAS, as demonstrated by the City's participation in the work of local groundwater management agencies created under the Sustainable Groundwater Management Act in both the Santa Cruz Mid-County Basin and the Santa Margarita Basin, the City is committed to working with neighboring agencies to improve regional coordination of surface-water and groundwater supplies, particularly given that Santa Cruz County does not receive water supplies from any other part of the state.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz hereby finds and determines the following:

1. The foregoing recitals are true and correct and are included herein by reference as findings.
2. The City Council has considered the Final EIR, all information provided by City staff and consultants pertaining to the Project, and all other pertinent documents relating to the Project.
3. The City Council finds, pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, that the proposed mitigation measures as set forth in Exhibits A and B are feasible, and will therefore become binding on the City when the Project is approved. The City Council further finds that, for the reasons set forth in Exhibit A, none of the alternatives to the Project, as set forth in the Final EIR, are feasible. The City Council hereby adopts the CEQA Findings of Fact and Statement

of Overriding Considerations attached hereto as Exhibit A and incorporated herein by reference, pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15093.

4. The City Council adopts, pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097, the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B and incorporated herein by reference. The City Council further determines that the Mitigation Monitoring and Reporting Program is designed to ensure that, during implementation of the Project, all other responsible parties implement the components of the Project and comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program.
5. The City Council approves the Project, as described in Resolution No. NS-xx,xxx, and therefore authorizes and directs the City to take the following actions:
 - A. Implement the changes and extensions to the City's water-right permits and licenses that are part of the Project upon the related petitions' approval by the State Water Resources Control Board (SWRCB), subject to City staff presenting the SWRCB's approval orders to the City Council for further consideration and possible additional actions if those orders contain terms that are materially inconsistent with the changes and extensions that are part of the Project.
 - B. Construct, implement and operate aquifer storage and recovery (ASR) facilities at the Beltz 8, 9, 10, and 12 wells as described in the Final EIR's project description (see Resolution No. NS-xx,xxx, Exhibit B) promptly upon the SWRCB approval of the necessary changes to the City's water-right permits and licenses, subject to City staff presenting the SWRCB's approval orders to the City Council for further consideration and possible additional actions if those orders contain terms that are materially inconsistent with the changes and extensions that are part of the Project.
 - C. Plan new ASR facilities at other sites in the Santa Cruz Mid-County Basin, the Santa Margarita Basin or both of those basins consistent with the Project's programmatic elements described in Final EIR's project description (see Resolution No. NS-xx,xxx, Exhibit B), present further necessary environmental impact analyses, as warranted, and propose approvals of those additional facilities to the Water Commission and the City Council for their consideration.
 - D. Plan other programmatic elements of the Project, including water transfers and exchanges with other regional water providers and associated intertie improvements, and surface water diversion improvements, consistent with the Project's programmatic elements described in Final EIR's project description (see Resolution No. NS-xx,xxx, Exhibit B), present further necessary

environmental impact analyses, as warranted, and propose approvals of those components to the City Council for their consideration.

- E. Promptly, upon receiving the SWRCB's orders concerning the pending change and extension petitions that are part of the Project, present the Project's proposed changes to the City's pre-1914 water rights in the North Coast streams to the City Council for its consideration.
6. The City Council directs City Staff to file with the County Clerk and the Office of Planning and Research in Sacramento a Notice of Determination commencing the 30-day statute of limitations for any legal challenge to the Project based on alleged non-compliance with CEQA.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

City Council of the City of Santa Cruz

**Santa Cruz Water Rights Project
Environmental Impact Report**

State Clearinghouse Number 2018102039

DECEMBER 14, 2021

Printed on 30% post-consumer recycled material.

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
ADI	Area of Direct Impact
ASHCP	Anadromous Fisheries Habitat Conservation Plan
ASR	Aquifer Storage and Recovery
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
City	City of Santa Cruz
CHRIS	California Historical Resources Information System
CNPS	California Native Plant Society
CWD	Central Water District
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
ESA	Federal Endangered Species Act
GHG	greenhouse gas
GSP	Groundwater Sustainability Plan
HMCP	Hazardous Materials Contingency Plan
LACM	Natural History Museum of Los Angeles County
MLD	Most Likely Descendant
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NMFS	National Marine Fisheries Service
NOP	Notice of Preparation
POU	place of use
PRIMP	Paleontological Resources Impact Mitigation Program
Project	Santa Cruz Water Rights Project
SAA	Streambed Alteration Agreement
SCWD	Santa Cruz Water Department
SLF	Sacred Lands File
SLVWD	San Lorenzo Valley Water District
SqCWD	Soquel Creek Water District
SVWD	Scotts Valley Water District
SVP	Society of Vertebrate Paleontology

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1 Introduction

The City of Santa Cruz (City), as lead agency, prepared an environmental impact report (EIR) for the Santa Cruz Water Rights Project (Project). In its entirety, the EIR consists of the June 2021 Draft EIR (Draft EIR) and the November 2021 Final EIR (Final EIR). The Project includes components that are considered in the EIR at a “project” level (project components) and components that are considered at a “programmatic” level (programmatic components), and therefore the EIR is both a project EIR and a program EIR pursuant to Section 15161 and Section 15168(a)(2) of the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

The underlying purpose of the Project is to improve flexibility in operation of the City’s water system while enhancing stream flows for local anadromous fisheries. During the development of the City’s pending Anadromous Fisheries Habitat Conservation Plan (ASHCP), the City negotiated with the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS) to develop levels of stream flows that would better protect federally listed Central California Coast coho salmon (coho) and Central California Coast steelhead (steelhead) in all watersheds from which the City diverts water (Agreed Flows). Incorporating these Agreed Flows into all City water rights is necessary to benefit local fisheries, specifically for coho and steelhead, but would further constrain the City’s limited surface water supply. Consequently, the City needs to improve operational flexibility of the water system within existing rights, permits, and licenses to allow better use of limited water resources. To do this, the City is proposing water rights modifications to its existing rights, permits, and licenses to expand the authorized place of use (POU), to better utilize existing diversions, and to extend the City’s time to put water to full beneficial use. Therefore, the EIR analyses these water rights modifications and potential future activities that may occur after the City water rights are modified.

These findings, as well as the accompanying statement of overriding considerations in Section 9, have been prepared in accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and its implementing guidelines, the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). Specifically, the findings are prepared pursuant to Public Resources Code Section 21081, subdivision (a), and CEQA Guidelines Section 15091, subdivision (a). The statement of overriding considerations has been prepared pursuant to Public Resources Code Section 21081, subdivision (b), and CEQA Guidelines Section 15093.

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2 Project Description

2.1 Project Location and Setting

The Project involves the water system and areas served by the City of Santa Cruz (City);¹ the water service areas of San Lorenzo Valley Water District (SLVWD), Scotts Valley Water District (SVWD), Soquel Creek Water District (SqCWD), and Central Water District (CWD); and the remainder of the Santa Cruz Mid-County Groundwater Basin and the Santa Margarita Groundwater Basin. The Project is located within Santa Cruz County and is generally bounded by the unincorporated communities of Aptos and Le Selva Beach on the east, Bonny Doon Road on the west, Boulder Creek on the north, and the Pacific Ocean on the south.

The City's water supply system draws water from surface water sources, including two diversions on the San Lorenzo River (the Felton Diversion in Felton and the Tait Diversion in the City) and four diversions on local North Coast streams (Laguna Creek, Reggiardo Creek, Liddell Spring, and Majors Creek), which make up approximately 95% of the annual supply. That amount is supplemented, primarily during the dry season, by limited production from groundwater wells in the Santa Cruz Mid-County Groundwater Basin in unincorporated Santa Cruz County. The City stores water in Loch Lomond Reservoir in Ben Lomond, which is formed by Newell Creek Dam to help meet dry-season water demand and provide back-up supply during winter storms that make river diversions problematic due to turbidity issues. The City, like other water suppliers in Santa Cruz County, has no imported water supply from outside the region. Due to limited water supply and storage, the City faces inadequate water supply during dry years and critical shortages during drought years.

2.2 City Water Supply Planning Background

Due to limited water supply and storage, the City faces inadequate water supply during dry years and critical shortages during drought years. The City has been pursuing possible new water supplies for the past several decades to address these shortages. Most recently, the Water Supply Advisory Committee (WSAC) Final Report on Agreements and Recommendations (October 2015) provides the Water Supply Augmentation Strategy portfolio elements to address the agreed upon worst-year gap of 1.2 billion gallons per year during modeled worst-year conditions identified during the WSAC planning process, including the following:

- **Element 0: Additional water conservation** with a goal of achieving an additional 200 to 250 million gallons per year (mgy) of demand reduction by 2035 by expanding water conservation programs.
- **Element 1: Passive recharge of regional aquifers** by working to develop agreements for delivering surface water to the SqCWD and/or the SVWD² so they can rest their groundwater wells, help the aquifers recover, and potentially store water for use by the City in drought years.
- **Element 2: Active recharge of regional aquifers** by using existing infrastructure and potential new infrastructure in the Santa Cruz Mid-County Groundwater Basin, the Santa Margarita Groundwater Basin, or in both to store water that can be available for use by the City in drought years.

¹ The City owns and operates a water system that diverts and serves water both within the City limits and outside of those limits. References to the City's water system, rights and supplies therefore refer to areas both inside and outside of the City limits.

² While WSAC recommendations considered only delivering surface water to SqCWD and SVWD, current conceptual-level planning considers delivering surface water to SLVWD and CWD as well.

- **Element 3: A potable water supply using advanced-treated recycled water** as its source as a supplemental or replacement supply in the event the groundwater storage strategies described above prove insufficient to meet the goals of cost-effectiveness, timeliness, or yield. In the event advanced-treated recycled water does not meet the City’s needs, desalination would become Element 3.

Implementation of the Project would support Elements 1 and 2 above.

2.3 Project Purpose and Objectives

The underlying purpose of the Project is to improve flexibility in operation of the City’s water system while enhancing stream flows for local anadromous fisheries. During the development of the City’s ASHCP, the City negotiated with the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS) to develop levels of stream flows that would better protect federally listed Central California Coast coho salmon (coho) and Central California Coast steelhead (steelhead) in all watersheds from which the City diverts water (Agreed Flows). Incorporating these Agreed Flows into all City water rights is necessary to benefit local fisheries, specifically for coho and steelhead, but would further constrain the City’s limited surface water supply. Consequently, the City needs to improve operational flexibility of the water system within existing rights, permits, and licenses to allow better use of limited water resources. To do this, the City is proposing water rights modifications to its existing rights, permits, and licenses to expand the authorized place of use (POU), to better utilize existing diversions, and to extend the City’s time to put water to full beneficial use. The objectives for the Project are as follows:

1. Improve the flexibility with which the City operates the water system to facilitate the City’s ability to meet drinking water demand while providing flow conditions protective of coho and steelhead.
2. Provide flow conditions that are protective of coho and steelhead within all streams from which the City diverts water, as negotiated with CDFW and NMFS during the preparation of the pending ASHCP, which is the habitat conservation plan being developed under the federal ESA and CESA.
3. To improve the City’s limited storage and support the implementation of the City’s Water Supply Augmentation Strategy Element 1 (passive recharge of regional aquifers via water transfers and exchanges) and Element 2 (active recharge of regional aquifers via ASR) in order to deliver a safe, adequate, reliable and environmentally sustainable water supply.
4. Facilitate opportunities within the City and regionally for conjunctive use³ of the City’s surface water rights in combination with groundwater, including by addressing significant barriers to implementing conjunctive use due to the place of use associated with the City’s water-right permits and licenses to, among other things, assist in implementation of the “Water Transfers/In Lieu Groundwater Recharge” element of the Santa Cruz Mid-County Groundwater Basin Groundwater Sustainability Plan (GSP).
5. Provide more options for where and how the City can utilize its existing appropriative water rights.
6. Provide for the underground storage of surface water primarily to support more reliable and improved water supply by allowing the City to use such stored water during dry periods and also to contribute to the protection of groundwater quality from seawater intrusion per the Santa Cruz Mid-County Groundwater Basin GSP and to allow for the implementation of the “Aquifer Storage and Recovery” element of the Santa Cruz Mid-County Groundwater Basin GSP.

³ Conjunctive use refers to a range of actions and projects that provide for the coordinated management of surface water and groundwater supplies to increase total supplies and enhance water supply reliability. Conjunctive use actions and projects can also be used to sustainably manage groundwater supplies.

7. Remove potential operational constraints on City water rights that do not explicitly recognize direct diversion.
8. Allow additional time for the City to fully reach beneficial use under existing water-right permits at Felton.
9. Improve fish screening at the Felton Diversion and Tait Diversion and improve fish passage at the Felton Diversion. Consideration of fish passage improvements at Tait Diversion would be incorporated into future projects as required.
10. Address reliability and operational deficits at the Tait Diversion and Coast Pump Station to meet other project objectives.
11. Implement state policy favoring integrated regional water management by involving the City and other local agencies in “significantly improving” the “reliability of water supplies” by “diversifying water portfolios, taking advantage of local and regional opportunities, and considering a broad variety of water management strategies,” specifically by making more extensive conjunctive use of the surface-water, groundwater and groundwater-storage resources available to the City and, when Agreed Flows and City demands are met, making excess surface water under the City’s surface-water rights available to neighboring agencies who are dependent on overdrafted groundwater basins. (Water Code Section 10531(c).)
12. Consider other related actions or activities that would be foreseeable as a logical part in a chain of contemplated actions should the Project be approved, including facilities that would provide for ASR, water transfers, and water exchanges.

2.4 Project Characteristics

The Project includes proposed modifications to the City’s existing water rights to improve flexibility in operation of the City’s water system to better use limited water resources, while enhancing stream flows for local anadromous fisheries. The Project also includes water supply augmentation components and surface water diversion improvements that could be implemented after the water rights modifications are approved.

As shown in Table 1-1 and summarized below, the Project includes components that are considered in the EIR for the Project at a “project” level (project component) and components that are considered at a “programmatic” level (programmatic component), and therefore the EIR is both a project EIR and a programmatic EIR. The programmatic components of the Project would include potential future activities that may occur after the City water rights are modified. Because most of these activities are considered to be reasonably foreseeable as a logical part in a chain of contemplated actions, but the full physical extent and timing of these improvements are not known at this time, most of these activities are addressed in the EIR at a programmatic level. Some of these actions would be undertaken in conjunction with surrounding water districts and some would be undertaken solely by the City. If warranted, additional environmental analysis will be undertaken at the time these foreseeable future activities or actions are under active consideration. The project and programmatic components include the following:

- **Water rights modifications**, which are evaluated at a project level in this EIR, including modifications related to place of use, method of diversion, points of diversion and redirection, underground storage and purpose of use, extension of time and stream bypass requirements for fish habitat (referred to in this EIR as Agreed Flows);
- **Water supply augmentation components**, which are evaluated at a project or programmatic level in this EIR, depending on what is known about the components, including:
 - Aquifer storage and recovery (ASR):
 - New ASR facilities at unidentified locations (referred to as “new ASR facilities” in this EIR), which are evaluated at a programmatic level.

- Beltz ASR facilities at the existing Beltz well facilities (referred to as “Beltz ASR facilities” in this EIR), which are evaluated at a project level.
 - Water transfers and exchanges and associated intertie improvements, which are evaluated at a programmatic level in this EIR.
 - **Surface water diversion improvements**, which are evaluated at a programmatic level in this EIR, including the Felton Diversion fish passage improvements and the Tait Diversion and Coast Pump Station improvements.

The subsections below further describe these project components and programmatic components.

Table 2-1. Project and Programmatic Components

Project Components	Project Components	Programmatic Components
WATER RIGHTS MODIFICATIONS		
Place of Use	✓	
Points of Diversion	✓	
Underground Storage and Purpose of Use	✓	
Method of Diversion	✓	
Extension of Time	✓	
Bypass Requirement (Agreed Flows)	✓	
INFRASTRUCTURE COMPONENTS		
<i>Water Supply Augmentation</i>		
Aquifer Storage and Recovery (ASR)		✓
New ASR Facilities at Unidentified Locations		✓
Beltz ASR Facilities at Existing Beltz Well Facilities	✓	
Water Transfers and Exchanges and Intertie Improvements		✓
<i>Surface Water Diversion Improvements</i>		
Felton Diversion Fish Passage Improvements		✓
Tait Diversion and Coast Pump Station Improvements		✓

2.4.1 Water Rights Modifications

Project components include modifications to the City’s existing pre-1914 and post-1914 appropriative water rights. The City will pursue changes to its pre-1914 water rights through action by the Santa Cruz City Council and changes to its post-1914 permits and licenses through the filing of change and extension petitions with the State Water Resources Control Board (SWRCB). No change to the authorized amounts of diversions under any of the City’s appropriative water rights is proposed as part of the Project. Overall, implementation of these water rights modifications would provide the City greater flexibility in the operation of the water system while enhancing stream flows for local anadromous fisheries. The water rights modifications include the following:

- **Expansion of POUs.** The Project would expand the authorized POUs of the City’s pre-1914 and post-1914 appropriative water rights to include the areas served by the City, two local groundwater basins, and the service areas of neighboring water agencies. Expanded POUs are necessary for improving the potential for conjunctive use of the region’s resources with adjoining water agencies and within the region’s groundwater basins.

- **Method of Diversion.** The Project would result in explicit authorization of direct diversion as a method of diversion under the City's Newell Creek License and Felton Permits, which is not explicitly authorized under the current license and permits.
- **Points of Diversion.** To provide for the needed flexibility in the operation of the City's water system, the Project would add points of diversion and rediversion. Specifically, the Project would add the City's existing Beltz system as points of rediversion⁴ into and out of groundwater storage to the City's Tait Licenses, Felton Permits and pre-1914 appropriative rights. This would provide flexibility for utilizing the City's San Lorenzo River surface water supplies for the Beltz ASR subcomponent of the Project (see below). The Project would also add the Tait Diversion as a new point of diversion on the Felton Permits, which would give the City the option of diverting water under the existing Felton Diversion water rights at either the Felton Diversion or downstream at the Tait Diversion. This would provide the ability to divert water under the Felton Permits with or without activation of the Felton Diversion inflatable dam and improve operational flexibility. Additionally, when water under the Felton Permits would be diverted at the Tait Diversion, water would remain in the San Lorenzo River longer, bypassing the Felton Diversion before being diverted at the Tait Diversion, thus providing fisheries benefits.
- **Underground Storage and Purpose of Use.** In addition to adding points of rediversion into and out of groundwater in the Beltz system, as described above, the Project would add underground storage supplements to the City's Tait Licenses and Felton Permits to allow for the proposed Beltz ASR facilities of the Project. An underground storage supplement is required to be filed with the SWRCB for post-1914 water right permits and licenses seeking to divert surface water to groundwater aquifers to artificially recharge these aquifers for further beneficial use. The underground storage supplements to allow for the Beltz ASR facilities are the only underground storage supplements being pursued now because these facilities are the only proposed ASR facilities whose locations and proposed capacities are currently known. The City would not be able to implement and operate other ASR facilities under its post-1914 permits and licenses without submitting additional underground storage supplements to those permits and licenses to the SWRCB and obtaining the SWRCB's approval. See Section 2.4.2, Water Supply Augmentation Components, for additional information about ASR. Protection of water quality would also be added as a new purpose of use to all City appropriative water rights to support the use of surface water for ASR as it contributes to the protection of groundwater quality from seawater intrusion per the Santa Cruz Mid-County GSP.
- **Extension of Time.** The Project would extend the time under the Felton Permits to December 31, 2043 in which the City could make full beneficial use of the 3,000 afy of diversion authorized by the Felton Permits. Additional time is needed by the City as (1) total water use has declined due to an extensive and successful water conservation program among other factors; (2) full implementation of the Agreed Flows (see below) necessitates increased flexibility within the water system, requiring additional time to fully reach beneficial use; and (3) water supply options that may be necessary to meet City water supply needs, including projects such as ASR, require time to implement. The extension of time, in combination with the addition of underground storage supplements on the Felton Permits, would enable those permits to serve their original function for enabling the City to supplement the Loch Lomond Reservoir's storage, but through a means that has become feasible since those permits were issued. ASR has become a viable technology over the last several decades and will enable the City to use the water available under the Felton Permits through the new, more efficient means of groundwater storage. The City's groundwater storage under the Felton Permits also will allow the City to contribute to the sustainability of the currently critically overdrafted Santa Cruz Mid-County Groundwater Basin, consistent with the Sustainable Groundwater Management Act.

⁴ A point of rediversion is a point, other than the point of initial diversion, where controlled water is diverted from a natural stream or another water source. In this case, water would be rediverted into and out of groundwater storage in the Beltz system.

- **Bypass Requirements (Agreed Flows).** The Project would include modifying City water rights to incorporate the bypass requirements for each water right the City negotiated with CDFW and NMFS during development of the pending ASHCP to better protect federally listed coho and steelhead in all watersheds from which the City diverts water. The Agreed Flows would be incorporated into both pre-1914 rights on the North Coast streams and post-1914 permits and licenses on the San Lorenzo River and Newell Creek. While it is expected that Agreed Flows will become terms and conditions of permits and authorizations issued under the Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), and Section 1600 et seq. of the California Fish and Game Code, the Project would commit the City to these flows regardless of the outcomes of these processes.

2.4.2 Water Supply Augmentation Components

2.4.2.1 Aquifer Storage and Recovery

As indicated in Section 2.2, the City's Water Supply Augmentation Strategy includes active recharge of regional aquifers, referred to as aquifer storage and recovery or ASR. ASR involves using existing infrastructure and potential new infrastructure to inject surface water, treated to drinking water standards, and storage of this water during normal or wet periods in local groundwater basins, which would act as underground storage reservoirs. This stored water can then be available for use by the City in dry periods via extraction.

The Project includes the City installing and operating ASR facilities within the Santa Cruz Mid-County Groundwater Basin inside or outside the areas served by the City, and in the Santa Margarita Groundwater Basin outside the areas served by the City. ASR would include new ASR facilities at unidentified locations (referred to as "new ASR facilities" in this EIR) and Beltz ASR facilities at the existing Beltz well facilities (referred to as "Beltz ASR facilities" in this EIR). Overall, ASR is a programmatic component of the Project; however, as a subcomponent of ASR, Beltz ASR facilities are a project component of the Project.

To the extent ASR facilities and operations would occur outside of the City's existing water-right place of use, they would be enabled by the Project's expansion of the POU of the City's appropriative water rights. As described in Section 2.4.1, the Project includes the addition of underground storage supplements to the City's post-1914 appropriative permits and licenses only for the Beltz ASR facilities because those are the only proposed ASR facilities whose locations and proposed capacities are currently known.

The total ASR capacity is intended to provide sufficient capacity to address the City's agreed-upon worst-year water supply gap of 1.2 billion gallons per year, described in Section 2.2. As a subcomponent of ASR, Beltz ASR would provide only a portion of the total ASR capacity at Beltz 8, 9, 10 and 12 groundwater well facilities and would include the installation of upgrades to the existing Beltz system to allow for injection of treated water from the City's GHWTP and subsequent extraction. The remainder of the total capacity would be provided at new ASR facilities. Further planning and analysis are required to determine locations for any potential new ASR facilities. Actual capacity and operational characteristics for new ASR facilities and Beltz ASR facilities would be based on completion of ASR pilot programs, design-level groundwater modeling, and the ASR design process.

Standard operational practices for all ASR facilities would be implemented during development and operation of ASR facilities. Operation of ASR facilities would be consistent with applicable adopted existing or future GSPs and could contribute to groundwater sustainability of the Santa Cruz Mid-County Groundwater Basin and the Santa Margarita Groundwater Basin, depending on the facilities' location. Contribution to groundwater sustainability of

the Santa Cruz Mid-County Groundwater Basin would also contribute to the protection of groundwater quality from seawater intrusion per the Santa Cruz Mid-County GSP in support of the proposed water quality beneficial use, identified in Section 2.4.1.

2.4.2.2 Water Transfers and Exchanges and Intertie Improvements

The City's Water Supply Augmentation Strategy also includes passive recharge of regional aquifers by transferring treated drinking water to other water districts in the area so they can rest their groundwater wells, help the aquifers recover, and potentially store water for use by the City in dry periods.

Modification of the City's appropriative water rights would facilitate the opportunity for potential future water transfers and exchanges with neighboring water agencies, including SVWD, SLVWD, SqCWD and CWD. Water transfers and exchanges and associated interties are evaluated as a programmatic component of the Project. Such transfers and exchanges would likely be provided for via agreements with defined terms related to timing, volume of water, water year conditions, return of water, etc., that would be developed between the City and one or more of the neighboring agencies. New or improved interties between the water systems of the City and of neighboring water agencies may be needed to facilitate future water transfers and exchanges once City water rights are modified. The Project anticipates these potential water transfers and exchanges and new and improved interties, which include new or upgraded pipelines and new or upgraded pump stations needed to transfer water between and through the service areas of the referenced water agencies. Specifically, the Project anticipates a new pipeline and pump station to intertie the water systems of the City and SVWD (referred to in this EIR as the City/SVWD intertie). Additionally, two segments of replacement piping, an upgraded pump station and two new pump stations are needed to intertie the water systems of the City, SqCWD and CWD (referred to in this EIR as the City/SqCWD/CWD intertie).

2.4.3 Surface Water Diversion Improvement Components

Improvements at the Felton Diversion and Tait Diversion and Coast Pump Station are included as programmatic components of the Project.

2.4.3.1 Felton Diversion Fish Passage Improvements

The Felton Diversion is a surface water diversion/intake on the San Lorenzo River that pumps raw water from the river to the City's Loch Lomond Reservoir. Proposed fish passage improvements at the Felton Diversion would provide for compliance with current fish passage and screening requirements. The modifications would be designed to support use of City water rights while improving passage for coho and steelhead. These improvements may include fish screen replacement, installation of a traveling brush system to keep the fish screens operating at optimum efficiency, and construction of a continuous downstream outmigration bypass route within the existing bypass channel with downstream opening slide gate.

2.4.3.2 Tait Diversion and Coast Pump Station Improvements

The Tait Diversion is located on a fairly straight, low-gradient section of the San Lorenzo River approximately 2.4 miles upstream of the mouth of the river and adjacent to the Coast Pump Station facility. Improvements at the Tait Diversion could include, but would not be limited to, (1) a new or modified intake design with increased capacity to allow the City the option of diverting water under the existing Felton Diversion water rights at either the

Felton Diversion or at the Tait Diversion, (2) upstream and/or downstream hydraulic modifications, (3) improvements to the check dam, and (4) any required fish passage upgrades to meet current state and federal fisheries protection criteria. The River Pumps at the Coast Pump Station facility would also require improvements, which could include, but would not be limited to, (1) new pumps and motors, (2) primary and backup power upgrades, which could include upgrades to the Pacific Gas & Electric substation, (3) a new or modified concrete wet well, and (4) a solids handling system.

2.4.4 Standard Operational and Construction Practices

The Project includes standard operational practices to provide for the implementation of ramping rates at all City diversion facilities. Ramping rates are diversion rates that gradually alter diversions from a stream channel to limit the downstream rate of change to stream stage, which is the water level in a stream or river. The operation of all ASR injections and extractions will be consistent with the sustainable management criteria and will avoid any undesirable results as identified in the adopted Santa Cruz Mid-County Groundwater Basin GSP and in any future revisions to the GSP. ASR facilities and associated injections and extractions in the Santa Margarita Groundwater Basin will be planned to be installed and operated after the Santa Margarita Groundwater Basin GSP is prepared, adopted, and submitted to the Department of Water Resources in January 2022. The proposed timing will provide for ASR injections and extractions consistent with the sustainable management criteria, and will avoid any undesirable results identified in the pending Santa Margarita Groundwater Basin GSP and in any future revisions to the GSP. ASR facilities will also be permitted, constructed, and operated in accordance with the SWRCB Water Quality Order 2012-0010, General Waste Discharge Requirements for Aquifer Storage and Recovery Projects that Inject Drinking Water into Groundwater, which provides for compliance with applicable regulations and policies, including the RWQCB Basin Plans and State Water Board Resolution 68-18 (the Antidegradation Policy). Additionally, stream diversions for ASR injections and to support City water transfers and/or exchanges will be avoided during certain dry conditions.

The Project also includes standard construction practices to provide for erosion control, air quality control, water quality protection, in-channel work measures including those related to dewatering, general habitat protection, and other construction practices.

3 Environmental Review Process

In accordance with Section 15082 of the CEQA Guidelines, the City issued a Notice of Preparation (NOP) of a Draft EIR on October 15, 2018. Pursuant to CEQA Guidelines Sections 15023, subdivision (c), and 15087, subdivision (f), the State Clearinghouse in the Office of Planning and Research was responsible for distributing environmental documents to state agencies, departments, boards, and commissions for review and comment. The City followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The State Clearinghouse made that information available to interested agencies for review and comment. The NOP was circulated for a 30-day review period on October 15, 2018. Additionally, two public scoping meetings regarding the scope of the analysis for the EIR were held on November 7, 2018 in the City of Santa Cruz, and on November 8, 2018 in the community of Ben Lomond. These meetings were held to receive comments regarding the scope of issues to be addressed in the EIR. The NOP and all comments received on the NOP are presented in Appendix A of the Draft EIR and summarized in Chapter 2, Introduction, of the Draft EIR. (Draft EIR p. 2-10.)

The EIR includes an analysis of the following issue areas:

- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards, Hazardous Materials, and Wildfire
- Hydrology and Water Quality
- Land Use, Agriculture and Forestry, and Mineral Resources
- Noise and Vibration
- Transportation
- Utilities and Energy
- CEQA-Required Sections: Significant Unavoidable Impacts, Growth Inducement, Cumulative Impacts (incorporated into each technical section above), and Alternatives

On June 10, 2021, the City released the Draft EIR to public agencies, other interested parties, the general public, and the State Clearinghouse for a 45-day public review period that ended on July 26, 2021. (Final EIR, p. 2-5.) The Final EIR was published on November 22, 2021. The Water Commission considered the Final EIR and the Project at a public meeting held on December 6, 2021. The City Council considered the Project and Final EIR at a regularly scheduled public meeting on December 14, 2021, and then certified the Final EIR and approved the Project.

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4 Record of Proceedings

In accordance with Public Resources Code Section 21167.6, subdivision (e), the record of proceedings for the City's decision on the project includes the following documents:

- The NOP (October 15, 2018), including related comments from agencies, organizations, and individuals, and all other public notices issued by the City in conjunction with the Project;
- The Draft EIR for the Project (June 2021) and all appendices, as well as all documents cited or referenced therein;
- The Final EIR for the Project (November 2021) and all appendices, as well as all documents cited or referenced therein;
- Any minutes and/or verbatim transcripts of all information sessions and public meetings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions and public meetings;
- Any and all resolutions adopted by the City Council regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in the Draft and Final EIRs and these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The City Council has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the City Council or City Staff as part of the City files generated in connection with the Project.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members by appointment at the City of Santa Cruz Water Department Engineering Counter, located at 212 Locust Street, Suite C, Santa Cruz, California 95060.

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5 Findings Required Under CEQA

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute provides that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to provide that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must adopt a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. (CEQA Guidelines, § 15091, subd. (a).) Under CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*); see also *Cal. Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001–1002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. CEQA requires the lead agency to adopt feasible mitigation measures or, in some instances, feasible alternatives, to substantially lessen or avoid significant environmental impacts that would otherwise occur.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the agency found the project’s benefits outweigh its unavoidable adverse environmental effects. Two significant unavoidable environmental effects were identified for the Project. Impact NOI-2: Substantial Increase in Ambient Noise Levels in Excess of Standards, discussed in Section 4.10, Noise and Impact UTL-1: New or Expanded Facilities, discussed in Section 4.13, Utilities and Energy.

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6 Mitigation Monitoring and Reporting Program

A Mitigation Monitoring and Reporting Program has been prepared for the Project and is included in the Final EIR as Chapter 10. The Mitigation Monitoring and Reporting Program has been approved by the City Council by the same Resolution that adopts these findings. The City will use the Mitigation Monitoring and Reporting Program to track compliance with project mitigation measures. The Mitigation Monitoring and Reporting Program will remain available for public review during the compliance period.

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7 Environmental Effects and Mitigation Measures

The Final EIR identified significant environmental effects (or impacts) resulting from the implementation of the Project. Specifically, significant environmental effects were identified during the construction-phase of the proposed infrastructure improvements of the Project. Most of these construction effects, however, can be avoided by the adoption of feasible mitigation measures or alternatives. Other construction effects specifically related to ASR well drilling, however, cannot be avoided by the adoption of feasible mitigation measures, and thus will be significant and unavoidable. While several alternatives avoid the significant unavoidable impacts associated with ASR well drilling, none of these alternatives were determined to be environmentally superior to the Project on an overall basis. Moreover, for reasons discussed in Section 8 below of these findings, none of the alternatives that avoid these significant unavoidable impacts is feasible in the judgment of the City Council. Moreover, these unavoidable significant effects can be substantially lessened by the adoption of feasible mitigation measures. In addition, for reasons set forth in Section 9 of this document, the City Council has determined that overriding economic, social, and other considerations outweigh these construction-phase significant, unavoidable effects of the Project.

The City's findings with respect to the project's significant effects and mitigation measures are set forth below for each significant impact. The following statement of findings does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, it provides a summary description of each impact, describes the applicable mitigation measures identified in the Final EIR and adopted by the City, and states the City's findings on the significance of each impact after imposition of the adopted mitigation measures. Full explanations of these environmental findings and conclusions can be found in the Final EIR. These findings hereby incorporate those explanations by reference. In making these findings, the City Council ratifies, adopts, and incorporates into these findings the analysis and explanation in the Final EIR and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures.

7.1 Beneficial Impacts

While CEQA does not require the identification of beneficial impacts, such impacts were identified for the Project in the Final EIR, as such impacts would result with the Project for a few of the impact categories addressed by the identified standards of significance. This determination applies if there is a beneficial change in any of the physical conditions within the area affected by the Project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. The beneficial impacts below were identified in the EIR as a result of evaluating the identified standards of significance that were the basis for the determination of significant impacts. This list is not intended to document all beneficial impacts of the Project.

7.1.1 Recreation

Impact REC-1: Conflicts with Existing Recreational Uses. The Project will not change or conflict with existing recreational uses.⁵

7.1.2 Utilities and Service Systems

Impact UTL-2: Water Supplies. The Project will provide sufficient water supplies to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years.

7.2 Impacts Determined to be Less than Significant

The following impacts were evaluated in the EIR and determined to be below a level of significance due to the design, location, and scope of the Project and/or through adherence with existing laws, codes, and statutes. Based on the environmental analysis presented in the Final EIR and the comments received by the public on the Draft EIR, substantial evidence indicates that, even in the absence of mitigation, the Project would not have potentially significant impacts with respect to the environmental categories listed below. Support for the environmental impact conclusions listed below are provided throughout Chapter 4, Environmental Setting, Impacts, and Mitigation Measures, of the Final EIR.

7.2.1 Impacts Not Found to be Significant

Issues related to aesthetics, population and housing, and public services were found not to be significant.

7.2.2 Air Quality

Impact AIR-1: Conflict with an Applicable Air Quality Plan. Construction and operation of the Project will result in emissions of criteria pollutants, but will not exceed adopted thresholds of significance and therefore will not conflict with the MBARD's AQMP.

Impact AIR-2: Criteria Pollutant Emissions. Construction and operation of the Project will result in emissions of criteria pollutants, but will not exceed adopted thresholds of significance, violate any air quality standard or contribute substantially to an existing or projected air quality violation. Therefore, the Project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Impact AIR-3: Exposure of Sensitive Receptors. Construction and operation of the Project will not expose sensitive receptors to substantial pollutant concentrations.

Impact AIR-4: Result in Other Emissions Adversely Affecting a Substantial Number of People. Construction and operation of the Project will not result in other emissions that will adversely affect a substantial number of people.

⁵ The Proposed Project will have a beneficial effect on boating in Loch Lomond Reservoir, given that it will improve conditions for boating compared to existing conditions by increasing lake levels, which will allow for a full season of boating more frequently. Given this beneficial effect, the Proposed Project will not conflict with existing recreational uses at Loch Lomond Reservoir.

Impact AIR-5: Cumulative Air Quality Impacts. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, will not result in a significant cumulative impact related to air quality, with the exception of substantial pollutant concentrations, but the Project's contribution to this impact will not be cumulatively considerable.

7.2.3 Biological Resources

Impact BIO-4: Wildlife Movement. Construction of the Project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Operation of the Project will have no adverse effects.

Impact BIO-5: Cumulative Biological Resources Impacts. Construction of the Project, in combination with past, present, and reasonably foreseeable future development, could result in a significant cumulative impact related to biological resources, but the Project's contribution to this impact will not be cumulatively considerable. Operation of the Proposed Project would not result in a significant cumulative impact.

7.2.4 Cultural Resources and Tribal Cultural Resources

Impact CUL-4: Cumulative Cultural Resource and Tribal Cultural Resource Impacts. Construction of the Project, in combination with past, present, and reasonably foreseeable future development, could result in a significant cumulative impact related to cultural resources and tribal cultural resources, but the Project's contribution will not be cumulatively considerable.

7.2.5 Geology and Soils

Impact GEO-2: Unstable Geologic Unit or Soils. Construction and operation of the Project will not cause adverse effects involving landslides or be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the Project, and potentially result in on- or off-site landslide, slope failure/instability, subsidence, or collapse.

Impact GEO-3: Expansive Soil. Construction of Project infrastructure components may be located on expansive soil, as defined by the 2019 California Building Code, but will not create substantial direct or indirect risks to life or property caused in whole or in part by the Project's exacerbation of the existing environmental conditions.

Impact GEO-5: Cumulative Geologic Hazards. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, could result in a significant cumulative impact related to geology and soils, but the Project's contribution to this impact will not be cumulatively considerable.

Impact GEO-6: Cumulative Paleontological Resources Impacts. Construction of the Project, in combination with past, present, and reasonably foreseeable future development, could result in a significant cumulative impact related to paleontological resources, but the Project's contribution to this impact will not be cumulatively considerable.

7.2.6 Greenhouse Gas Emissions

Impact GHG-1: Greenhouse Gas Emissions. Construction and operation of the Project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Impact GHG-2: Conflict with an Applicable Greenhouse Gas Reduction Plan. Construction and operation of the Project will not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Impact GHG-3: Cumulative GHG Impacts. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, will result in a significant cumulative impact related to greenhouse gas emissions, but the Project's contribution to this impact will not be cumulatively considerable.

7.2.7 Hazards and Hazardous Materials, and Wildfire

Impact HAZ-1: Routine Transport, Use, Production, or Disposal of Hazardous Materials. Construction and operation of the Project will require use and transportation of petroleum products and small quantities of hazardous materials but will not result in a significant hazard to the public or environment.

Impact HAZ-4: Impair Emergency Response. Construction of the Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Impact HAZ-5: Wildfire Hazards. Construction and operation of the Project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, even though some programmatic components may be located in or near state responsibility areas.

Impact HAZ-6: Cumulative Hazardous Materials and Emergency Response Impacts. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, will not result in a significant cumulative impact related to routine transport, use, disposal, or accidental release of hazardous materials, or related to interference with an adopted emergency response plan or emergency evacuation plan.

Impact HAZ-7: Cumulative Wildfire Impacts. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, could result in a significant cumulative impact related to exposing people or structures to a significant risk of loss, injury, or death involving wildland fires, but the Project's contribution will be less than cumulatively considerable.

7.2.8 Hydrology and Water Quality

Impact HYD-1: Surface Water Quality Standards and Waste Discharge Requirements. Construction and operation of the Project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality. In addition, the Project will not conflict with or obstruct implementation of a water quality control plan related to surface water.

Impact HYD-4: Flood, Tsunamis, and Seiche Zones. Construction and operation of the Project in flood hazard, tsunami, or seiche zones will not risk release of pollutants due to project inundation.

Impact HYD-5: Cumulative Hydrology and Water Quality Impacts. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, will not result in a significant cumulative impact related to hydrology and water quality.

7.2.9 Land Use, Agriculture and Forestry, and Mineral Resources

Impact LU-1: Conflicts with Land Use Plans, Policies, or Regulations. Construction and operation of the Project will not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Impact LU-3: Loss of Mineral Resources. Construction of the Project could potentially result in the location of infrastructure components on lands containing mineral resources in existing quarries; however, the Project will not result in the loss of availability of a mineral resource.

Impact LU-4: Cumulative Land Use Impacts. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, will not result in a significant cumulative impact related to conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Impact LU-5: Cumulative Agriculture and Forestry Impacts. Construction of the Project, in combination with past, present, and reasonably foreseeable future development, will result in a significant cumulative impact related to loss of Farmland and forest land, but the Project's contribution will not be cumulatively considerable.

Impact LU-6: Cumulative Mineral Resource Impacts. Construction of the Project, in combination with past, present, and reasonably foreseeable future development, will not result in a significant cumulative impact related to loss of availability of mineral resources.

7.2.10 Noise

Impact NOI-4: Cumulative Noise Impacts. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, will not result in a significant cumulative impact related to noise and vibration.

7.2.11 Recreation

Impact REC-2: Increased Use of Existing Parks or Recreational Facilities. Operation of the Project will not increase the use of parks or recreational facilities such that substantial physical deterioration of the facilities will occur or be accelerated.

Impact REC-3: Cumulative Recreation Impacts. Operation of the Project, in combination with past, present, and reasonably foreseeable future development, will not change or conflict with existing recreational uses, but could increase the use of parks or recreational facilities such that substantial physical deterioration of the facilities will occur or be accelerated. However, the Project's contribution will not be cumulatively considerable.

7.2.12 Transportation

Impact TRA-1: Conflict with Program, Plan, Ordinance, or Policy Addressing the Circulation System. Construction and operation of the Project will not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Impact TRA-2: Vehicle Miles Traveled. Construction and operation of the Project will not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) or cause an increase in VMT which is greater than 15% below the regional average VMT.

Impact TRA-3: Geometric Design Hazards. Construction and operation of the Project will not substantially increase hazards due to a geometric design feature or incompatible use.

Impact TRA-4: Emergency Access. Construction of the Project will not result in inadequate emergency access.

Impact TRA-5: Cumulative Transportation Impacts. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, will not result in a significant cumulative impact related to transportation.

7.2.13 Utilities and Energy

Impact UTL-3: Wastewater Treatment Capacity. Operation of the Project will have adequate wastewater treatment capacity to serve project demand.

Impact UTL-4: Solid Waste Generation. Construction and operation of the Project will not generate solid waste in excess or state or local standards, or of the capacity of local infrastructure, or impair attainment of solid waste reduction goals.

Impact UTL-5: Compliance with Solid Waste Regulation. Construction and operation of the Project will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Impact UTL-6: Result in Wasteful, Inefficient or Unnecessary Consumption of Energy Resources. Construction and operation of the Project will not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Impact UTL-7: Conflict with an Applicable Renewable Energy or Energy Efficiency Plan. Construction and operation of the Project will not result in conflicts with or otherwise obstruct a state or local plan for renewable energy or energy efficiency.

Impact UTL-8: Cumulative Water and Wastewater Impacts. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, will not result in a significant cumulative impact related to water and wastewater.

Impact UTL-9: Cumulative Landfill Impacts. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, will not result in a significant cumulative impact related to landfill capacity.

Impact UTL-10: Cumulative Energy Impacts. Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development, will not result in a significant cumulative impact related to energy.

7.3 Significant Impacts That Can Be Mitigated to a Less-Than-Significant Level

The following summary describes impacts of the Project that, without mitigation, will result in significant adverse impacts. However, upon implementation of the mitigation measures provided in the EIR, these impacts will be reduced to less-than-significant levels.

7.3.1 Biological Resources

Potential Effects. Potentially significant effects were identified for the Project in the following categories for biological resources:

- **Impact BIO-1A: Special-Status Species – Fish.** Construction of the Project could have a substantial adverse effect on special-status fish, but will not interfere with the movement of special-status fish, reduce the habitat, cause a population to drop below self-sustaining levels, or substantially reduce the number or restrict the range of any special-status fish species. Operation of the Project will not have such substantial adverse effects.
- **Impact BIO-1B: Special-Status Species – Other Wildlife.** Construction of the Project could have a substantial adverse effect on other special-status wildlife, but will not interfere substantially with the movement of special-status wildlife, and will not reduce habitat, cause a population to drop below self-sustaining levels, or substantially reduce the number or restrict the range of any special-status wildlife species. Operation of the Project will not have such substantial adverse effects.
- **Impact BIO-1C: Special-Status Species – Plants.** Construction of the Project could have a substantial adverse effect on special-status plants, but will not threaten to eliminate a plant community or restrict the range of any special-status plant species. Operation of the Project will not have such substantial adverse effects.
- **Impact BIO-2: Riparian and Sensitive Vegetation Communities.** Construction of the Project could have a substantial adverse effect on riparian and sensitive vegetation communities, but will not threaten to eliminate a plant community. Operation of the Project will not have such substantial adverse effects.
- **Impact BIO-3: Jurisdictional Aquatic Resources.** Construction of the Project could have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, or hydrological interruption. Operation of the Project will not have such substantial adverse effects.

Support for these environmental impact conclusions are fully discussed in Section 4.3, Biological Resources, of the Final EIR. (Final EIR pp. 4.3-77 – 4.3-110.)

Mitigation Measures. Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts related to special-status species, sensitive vegetation communities, and jurisdictional non-wetland waters were developed for the Project and are listed below.

- MM BIO-1: Project Siting (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements and Tait Diversion and Coast Pump Station Improvements).** The City shall locate construction activities, including staging on and adjacent to current development to the maximum extent feasible. All worker parking, equipment storage, and laydown areas should occur within developed areas and maintained rights-of-way, to the extent possible. Dirt or gravel pull-offs to the side of existing roads shall not be used except for temporary staging areas. To minimize temporary disturbances, the City shall restrict all vehicle traffic to established roads, construction areas, and other designated area.
- If ground disturbing activities associated with staging and work areas will occur outside existing developed areas and maintained rights-of-way, avoidance and minimization of impacts to special-status species and their habitats, sensitive vegetation communities, and jurisdictional aquatic resources shall be prioritized during the site selection process. Other Project mitigation measures will provide for compensatory mitigation to address potentially significant impacts to special-status species and their habitats (MM BIO-4 through MM-BIO-10), sensitive vegetation communities (MM BIO-11), and jurisdictional aquatic resources (MM BIO-12 through MM BIO-14).
- MM BIO-2: Instream Construction (Applies to Tait Diversion and Coast Pump Station Improvements).** All instream construction activities shall be limited to the low-flow period between June 15 through November 1, except by extension approved by the California Department of Fish and Wildlife (CDFW) and National Marine Fisheries Service (NMFS). If an extension of instream construction activities is determined necessary beyond the low-flow period, then the City shall provide the CDFW and NMFS with a rationale and method that ensures protection of fish species.
- MM BIO-3: Aquatic Vertebrate Rescue and Relocation Plan (Applies to Tait Diversion and Coast Pump Station Improvements).** If native fish or native aquatic vertebrates are present during construction of a new or modified intake design, check dam modifications/notching, Coanda intake screen, and other required fish passage upgrades at the Tait Diversion facility, a native fish and aquatic vertebrate rescue and relocation plan shall be prepared. The plan shall be implemented by a qualified biologist during dewatering to ensure that significant numbers of native fish and aquatic vertebrates are not stranded.
- MM BIO-4: Preconstruction Nesting Bird Survey (Applies to New Aquifer Storage and Recovery [ASR] Facilities and Beltz ASR Facilities, Intertie Improvements, Felton Diversion Improvements, and Tait Diversion and Coast Pump Station Improvements).** During the nesting season (February 1 – August 31), no more than two weeks prior to any ground disturbing activities, including removal of vegetation and clearing and grubbing activities, a nesting bird survey shall be completed by a qualified biologist to determine if any native birds are nesting in or adjacent to the study area (including within a 50-foot buffer for passerine species and a 250-foot buffer for raptors). If any active nests of native birds are observed during surveys, an avoidance buffer around the nests shall be established in the field to ensure compliance with California Fish and Game Code Section 3503. The avoidance buffer shall be determined by a qualified biologist in coordination with City staff, based on species, location, and extent and type of planned construction activity. Impacts to active nests shall be avoided until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist.
- MM BIO-5: Preconstruction Wildlife Surveys (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements).** A qualified biologist shall conduct preconstruction surveys of all ground disturbance areas within off-pavement project footprint areas to determine if special-status wildlife species are present prior to the start of construction. The biologist will conduct these surveys no more than 2 weeks prior to the beginning of construction.

- MM BIO-6: Exclusionary Fencing (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements).** High-visibility fencing for Environmentally Sensitive Areas shall be installed around all adjacent special-status species identified during the preconstruction surveys, which shall be retained and not disturbed by the Project, to preclude encroachment within the root-zone of these plants by construction crews or vehicles. A biological monitor shall also accompany the work crew during excavation and installation of exclusion fencing to prevent harm to species that may be active present and moving along the fence route. Buffers that are established around active bird nests and special-status species (including potentially active woodrat nests) to be avoided shall be delineated with flagging. Buffers and fencing for nesting birds shall be maintained until the biological monitor verifies that the birds have fledged. All other fencing shall be maintained in good repair throughout the entire construction period.
- MM BIO-7: Biological Construction Monitoring (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements).** A qualified biologist shall monitor vegetation removal and ground disturbing activities during all work hours for off-pavement work or once a week for all other construction activities. The monitor shall check the exclusion fencing and buffers for active nesting birds once a week, and shall verify when birds have fledged if found present before construction. The biologist shall have stop-work authority in the event that a protected species is found within the active construction footprint. During construction, the biological monitor shall keep a daily observation log and a photo log to describe monitoring activities, remedial actions, non-compliance, and other issues and actions taken. These logs shall be kept on-site and made available for inspection by agency personnel.
- MM BIO-8: Species Relocation (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements).** If special-status wildlife species are observed within the construction area prior to or during construction activities, the biologist shall capture and relocate such individuals out of the area affected by construction activities to nearby habitat that has equivalent value to support the species. The biologist shall identify suitable habitats as potential release sites prior to start of construction activities. If the special-status species is a federally- or state-listed as threatened or endangered, the biologist shall notify the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and/or National Marine Fisheries Service, as appropriate, prior to capture and relocation to obtain approval.
- MM BIO-9: Entrapment Avoidance (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements).** The construction contractor shall cover all construction-related holes in the ground overnight to prevent entrapment of any native wildlife species. The monitoring biologist shall inspect all construction pipes, culverts, or similar structures that are stored at the work area for one or more nights before the pipe is used or moved. If wildlife species are present, they shall be allowed to exit on their own or a qualified biologist shall move them out of the construction area to nearby habitat that has equivalent value to support the species. If special-status species are present and are federally or state-listed as threatened or endangered, the biologist shall notify the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and/or National Marine Fisheries Service, as appropriate, prior to capture and relocation to obtain approval.
- MM BIO-10: Preconstruction Special-Status Plant Surveys and Compensation (Applies to New Aquifer Storage and Recovery Facilities and Intertie Improvements).** If ground disturbing activities associated with

staging and work areas occur outside existing developed areas and maintained rights-of-way, a qualified biologist shall conduct a focused botanical survey for special-status plants during the appropriate bloom period for each species. If special-status species are not detected, no further surveys or mitigation would be necessary. If any individuals or populations are detected, the location(s) shall be mapped, and a plan focused on compensating for impacts to special-status plants shall be developed and include the following elements and criteria. This plan shall be a component of the project's Habitat Mitigation and Monitoring Plan described in MM BIO-11:

- a. A description of any areas of habitat occupied by special-status plants to be preserved and/or removed by the project;
- b. Identification and evaluation of the suitability of on-site or off-site areas for preservation, restoration, enhancement or translocation;
- c. Analysis of species-specific requirements and considerations and specific criteria for success relative to the project's impact on this species and restoration, enhancement or translocation;
- d. A description of proposed methods of preservation, restoration, enhancement, and/or translocation;
- e. A description of specific performance standards, including a required replacement ratio and minimum success standard of 1:1 for impacted individuals or populations;
- f. A monitoring and reporting program to ensure mitigation success; and
- g. A description of adaptive management and associated remedial measures to be implemented in the event that performance standards are not achieved.

MM-BIO-11 Sensitive Vegetation Communities Compensation (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements). Direct impacts to sensitive vegetation communities shall be mitigated via a combination of on-site and off-site measures. On-site measures shall include rehabilitation for areas temporarily impacted at a 1:1 mitigation ratio, and enhancement for areas permanently impacted at a 2:1 mitigation ratio. Areas temporarily impacted shall be returned to conditions similar to those that existed prior to grading and/or ground-disturbing activities. It is anticipated that a one-time restoration effort at the completion of the project followed by monitoring and invasive weed removal for a minimum of 3 years would adequately compensate for the direct temporary impacts to these vegetation communities. Areas permanently impacted shall be mitigated through on-site enhancement activities including removal of non-native and invasive species for a minimum of 3 years. If additional area is needed to compensate for permanent impacts at a 2:1 ratio, then an off-site location will be identified and evaluated. A Habitat Mitigation and Monitoring Plan shall be prepared and implemented to compensate for the loss of all sensitive vegetation communities (see below).

Rehabilitation and enhancement activities with Zayante soils, such as along the City/Scotts Valley Water District intertie, will be revegetated with plants native to the Zayante Sandhills, such as sticky monkeyflower (*Mimulus aurantiacus*), deer weed (*Lotus scoparius*), and silver bush lupine (*Lupinus albifrons* var. *albifrons*). These native plants will provide suitable habitat conditions for special-status species that might eventually colonize the temporarily impacted portion of the impact area. These revegetated areas will not include any landscape elements that degrade habitat for the special-status species, including mulch, bark, weed matting, rock, aggregate, or turf grass.

The Habitat Mitigation and Monitoring Plan shall detail the habitat restoration activities and shall specify the criteria and standards by which the revegetation and restoration actions will

compensate for impacts of the Project on sensitive vegetation communities and shall at a minimum include discussion of the following:

- a. The rehabilitation and enhancement objectives, type, and amount of revegetation to be implemented taking into account enhanced areas where non-native invasive vegetation is removed and replanting specifications that take into natural regeneration of native species when applicable.
- b. The specific methods to be employed for revegetation.
- c. Success criteria and monitoring requirements to ensure vegetation community restoration success.
- d. Remedial measures to be implemented in the event that performance standards are not achieved.

MM BIO-12: Preconstruction Jurisdictional Delineation (Applies to New Aquifer Storage and Recovery Facilities and Tait Diversion and Coast Pump Station Improvements). If ground disturbing activities associated with staging and work areas will occur outside existing developed areas and maintained rights-of-way, a qualified biologist shall conduct a formal jurisdictional delineation to determine the extent of jurisdictional aquatic resources regulated by the U.S. Army Corps of Engineers, Regional Water Control Board, and/or California Department of Fish and Wildlife within the impact area.

MM BIO-13: Jurisdictional Aquatic Resources Avoidance (Applies to New Aquifer Storage and Recovery Facilities and Tait Diversion and Coast Pump Station Improvements). Future refinements to the Project shall endeavor to avoid jurisdictional aquatic resources regulated by the U.S. Army Corps of Engineers, Regional Water Control Board, and California Department of Fish and Wildlife, to the extent practicable, through design changes or implementation of alternative construction methodologies. Where feasible and appropriate, all jurisdictional aquatic resources not directly affected by construction activities will be avoided and protected by establishing staking, flagging or fencing between the identified construction areas and aquatic resources to be avoided/preserved.

MM BIO-14: Jurisdictional Aquatic Resources Compensation (Applies to New Aquifer Storage and Recovery Facilities and Tait Diversion and Coast Pump Station Improvements). For unavoidable impacts to jurisdictional aquatic resources, a project-specific mitigation plan shall be developed, approved by the U.S. Army Corps of Engineers, Regional Water Control Board, and/or California Department of Fish and Wildlife, as appropriate, through their respective regulatory permitting processes, and implemented. The mitigation plan shall specify the criteria and standards by which the mitigation will compensate for impacts of the Project and include discussion of the following:

- a. The mitigation objectives and type and amount of mitigation to be implemented (in-kind mitigation at a minimum mitigation ratio of 1:1);
- b. The location of the proposed mitigation site(s) (within the San Lorenzo River watershed, if possible);
- c. The methods to be employed for mitigation implementation (jurisdictional aquatic resource establishment, re-establishment, enhancement, and/or preservation);
- d. Success criteria and a monitoring program to ensure mitigation success; and
- e. Adaptive management and remedial measures in the event that performance stands are not achieved.

Finding. The City Council finds that the above mitigation measures are feasible, are adopted, and will reduce the potentially significant biological resources impacts of the Project to less-than-significant levels. Accordingly, the City Council finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant biological resources impacts of the Project identified in the EIR.

7.3.2 Cultural Resources and Tribal Cultural Resources

Potential Effects. Potentially significant effects were identified for the Project in the following categories for cultural resources and tribal cultural resources:

- **Impact CUL-1: Historic Built Environment Resources.** Construction of some of the Project infrastructure components could cause a substantial adverse change in the significance of historical built environment resource.
- **Impact CUL-2: Archaeological Resources and Human Remains.** Construction of Project infrastructure components could cause a substantial adverse change in the significance of unique archaeological resources or historical resources of an archaeological nature, and/or disturb human remains.
- **Impact CUL-3: Tribal Cultural Resources.** Construction of Project infrastructure components could cause a substantial adverse change in the significance of a tribal cultural resource.

Support for these environmental impact conclusions are fully discussed in Section 4.4, Cultural Resources and Tribal Cultural Resources, of the Final EIR. (Final EIR pp. 4.4-21 – 4.4-31.)

Mitigation Measures. Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts related to historical built environment resources, archaeological resources or historical resources of an archaeological nature, human remains, and tribal cultural resources were developed for the Project and are listed below.

MM CUL-1: Historic Era Built Environment Resources. Potentially significant impacts to historic built environmental resources on the infrastructure component sites shall be addressed through the following measures:

- a. **Identify Potential Historic Built Environment Resources (Applies to New Aquifer Storage and Recovery [ASR] Facilities and the Felton Diversion).** When new or upgraded facilities move into project-level design and those developments are being pursued by the City of Santa Cruz (City), a qualified cultural resource specialist shall review the project site and conduct a California Historical Resources Information System (CHRIS) records search. If there are no previously recorded resources or historic era buildings or structures located on the site, no further action is warranted. If these project site review efforts indicate a potential for California Environmental Quality Act (CEQA) historical resources, all buildings and structures within the component site that are 45 years or older, shall be identified and measure b shall be implemented.
- b. **Evaluate Potential Built Environment Resources (Applies to New ASR Facilities, City/Soquel Creek Water District/Central Water District Intertie – Soquel Village and Park Avenue Pipelines, and the Felton Diversion).** Should potential CEQA historical resources be identified within the above programmatic infrastructure component sites, prior to project implementation, the City or other lead agency overseeing the Project shall retain a qualified architectural historian,

meeting the Secretary of the Interior’s Professional Qualification Standards (36 Code of Federal Regulations Part 61), to record such potential resources based on professional standards, to formally assess their significance under CEQA Guidelines Section 15064.5. A Historic Resources Evaluation Report (HRER) shall be prepared by the architectural historian to evaluate properties over 45 years of age under all applicable significance criteria. In consideration of the historic context for the existing water management systems in the region there is a low-likelihood that water management structures that postdate the late 1800s or early 1900s (pioneering water system era) will be found historically significant. Therefore, for existing infrastructure component sites it is likely that the HRER will find that no properties meet the significance criteria and therefore, no CEQA historical resources are likely to be present. No further work shall be required for historic era-built environment properties, buildings, or structures 45 years old or older at these sites that are not found to meet the CEQA historical significance criteria as historical resources. If a property is found to be eligible for listing under the applicable significance criteria and therefore considered a CEQA historical resource, the resource shall be avoided or preserved in place. If avoidance or preservation in place is not feasible, and the historical resource will be modified through design such that it may not be able to convey its historic significance, the City will retain a qualified architectural historian to prepare a subsequent technical report. This required report will assess the Project design plans and/or schematics in conjunction with the subject CEQA historical resource and determine whether the Project conforms with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, specifically, the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Structures). The City shall modify the Project, as needed, to ensure that the Secretary of the Interior’s Standards are met such that the historical resource continues to convey its historical significance.

MM CUL-2: Unique Archaeological Resources, Historical Resources of Archaeological Nature, and Subsurface Tribal Cultural Resources. Potentially significant impacts to unique archaeological resources, historical resources of an archaeological nature, or subsurface tribal cultural resources on the infrastructure component sites shall be addressed through the following measures:

- a. **Identify Potential Unique Archaeological Resources, Historical Resources of Archaeological Nature, and Subsurface Tribal Cultural Resources (Applies to New Aquifer Storage and Recovery [ASR] Facilities and Other Components where Five Years Have Elapsed).** When new ASR facilities sites are identified and those components are being pursued by the City of Santa Cruz (City), a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, shall conduct a California Historical Resources Information System (CHRIS) records search, a Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search and perform an intensive surface reconnaissance within a specifically defined Area of Direct Impact (ADI). Based on the above, all archaeological sites within or near the component site or area of potential effect shall be identified. The sensitivity of the site for discovering unknown resources, shall also be identified. The qualified archaeologist will prepare a technical report with the results of the above. The qualified archaeologist shall attempt to ascertain whether the archaeological sites qualify as unique archaeological resources, historical resources of an archaeological nature, or subsurface tribal cultural resources. If known or identified resources of these kinds are present on the site, measure c shall be implemented.

This measure shall also be implemented for any other project or programmatic components that are implemented more than five years after the CHRIS records search and NAHC SLF search were conducted.

b. **Standard Sensitivity Training and Inadvertent Discovery Clauses (Applies to all Components).**

The City or other lead agency shall include a standard clause in every construction contract for the Project, which requires cultural resource sensitivity training for workers prior to conducting earth disturbance in the vicinity of a documented cultural-resource-sensitive area, should one be identified in the future. Prior to site mobilization or construction activities on the project site, a qualified archaeologist with training and experience in California prehistory and historical period archaeology shall conduct the cultural resources awareness training for all project construction personnel. The training shall address the identification of buried cultural deposits, including Native American and historical period archaeological deposits and potential tribal cultural resources, and cover identification of typical prehistoric archaeological site components including midden soil, lithic debris, and dietary remains as well as typical historical period remains such as glass and ceramics. The training must also explain procedures for stopping work if suspected resources are encountered. Any personnel joining the work crew subsequent to the training shall also receive the same training before beginning work.

Consistent with Standard Construction Practice #24, standard inadvertent discovery clauses shall also be included in every construction contract for the Project by the City or other lead agency, which requires that in the event that an archaeological resource is discovered during construction (whether or not an archaeologist is present), all soil disturbing work within 100 feet of the find shall cease until a qualified archaeologist can evaluate the find and make a recommendation for how to proceed, as specified in measure c.

c. **Evaluate Potential Unique Archaeological Resources, Historical Resources of Archaeological Nature, and Subsurface Tribal Cultural Resources (Applies to all Components).** For an archaeological resource that is discovered during initial site review (measure a) or during construction (measure b), the City or other lead agency shall:

- Retain a qualified archaeologist to determine whether the resource has potential to qualify as either a unique archaeological resource, a historical resource of an archaeological nature, or a subsurface tribal cultural resource under Public Resources Code section 21074, California Environmental Quality Act (CEQA) Guidelines Section 15064.5, or Section 106 of the National Historic Preservation Act.
- If the resource has potential to be a unique archaeological resource, a historical resource of an archaeological nature, or a subsurface tribal cultural resource, the qualified archaeologist, in consultation with the lead agency, shall prepare a research design and archaeological evaluation plan to assess whether the resource should be considered significant under CEQA criteria.
- If the resource is determined significant, the lead agency shall provide for preservation in place, if feasible. If preservation in place is not feasible, the qualified archaeologist, in consultation with the lead agency, will prepare a data recovery plan for retrieving data relevant to the site's significance. The data recovery plan shall be implemented prior to, or during site development (with a 100-foot buffer around the resource). The archaeologist shall also perform appropriate technical analyses, prepare a full written report and file it with the Northwest Information Center, and provide for the permanent curation of

recovered materials. The written report will provide new recommendations, which could include, but would not be limited to, archaeological and Native American monitoring for the remaining duration of project construction.

Finding. The City Council finds that the above mitigation measures are feasible, are adopted, and will reduce the potentially significant cultural resources and tribal cultural resources impacts of the Project to less-than-significant levels. Accordingly, the City Council finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant cultural resources and tribal cultural resources impacts of the Project identified in the EIR.

7.3.3 Geology and Soils

Potential Effects. Potentially significant effects were identified for the Project in the following categories for geology and soils:

- **Impact GEO-1: Seismic Hazards.** Construction and operation of the Project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death resulting from seismic ground shaking, landslides, or seismic related ground failure, including liquefaction and associated lateral spreading.
- **Impact GEO-4: Paleontological Resources.** Construction of the Project could potentially directly or indirectly destroy a unique paleontological resource or site during construction. However, the Project will not directly or indirectly destroy a unique geological feature.

Support for these environmental impact conclusions are fully discussed in Section 4.5, Geology and Soils, of the Final EIR. (Final EIR pp. 4.5-22 – 4.5-27 and 4.5-31 – 4.5-34.)

Mitigation Measures. Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts related to seismic hazards and paleontological resources were developed for the Project and are listed below.

MM GEO-1: Operation of New Aquifer Storage and Recovery (ASR) Facilities in Liquefaction-Prone Areas (Applies to New ASR Facilities). To avoid increasing the potential for liquefaction, ASR injections in new wells located in potential liquefaction zones, as depicted on Figure 4.5-3, shall be maintained and operated such that existing shallow groundwater (i.e., depth generally less than 100 feet) does not rise to within 40 feet of the ground surface. Similarly, ASR injections in potential liquefaction zones shall be maintained and operated such that existing groundwater within a depth of 40 feet or less does not rise closer to the ground surface.

MM GEO-2: Paleontological Resources Impact Mitigation Program and Paleontological Monitoring. Potentially significant impacts to paleontological resources on the project and programmatic infrastructure component sites shall be addressed through the following measures:

- a. **Identify Potential Paleontological Resources (Applies to New Aquifer Storage and Recovery [ASR] Facilities).** When new ASR facilities sites are identified and those components are being pursued by the City or other lead agency, a qualified paleontologist pursuant to the Society of Vertebrate Paleontology (SVP) 2010 guidelines, shall conduct a paleontological records search from the Natural History Museum of Los Angeles County (LACM) and conduct a desktop geological and

paleontological research. Based on the above, all paleontological sites within or near the programmatic component site shall be identified. The sensitivity of the site for discovering unknown paleontological resources, shall also be identified. The qualified paleontologist will prepare a brief technical report with the results of the above. If known or identified resources are present on the site, or if the site has moderate to high sensitivity for paleontological resources, measures b and c shall be implemented.

b. **Develop Paleontological Resources Impact Mitigation Program (Applies to all Known Infrastructure Components and May Apply to New ASR Facilities).** Prior to commencement of any grading activity on infrastructure component sites with moderate to high paleontological sensitivity or that may have such sensitivity at depth, the City or other lead agency shall retain a qualified paleontologist pursuant to the SVP (2010) guidelines. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the Project. The PRIMP can be written to include all infrastructure components located in sites with moderate to high paleontological sensitivity. The PRIMP shall be consistent with the SVP (2010) guidelines and shall, at a minimum, contain the following elements:

- Introduction to the project, including project location, description of grading activities with the potential to impact paleontological resources, and underlying geologic units.
- Description of the relevant laws, ordinances, regulations, and standards pertinent to the project and potential paleontological resources.
- Requirements for preconstruction meeting attendance by the qualified paleontologist and/or their designee and worker environmental awareness training for grading contractors that outlines laws protecting paleontological resources and the types of resources that may be encountered on site.
- Identification of locations where full-time paleontological monitoring within geological units with high paleontological sensitivity is required within the project or programmatic sites based on construction plans and/or geotechnical reports.
- Requirements and frequency of paleontological monitoring spot-checks below a depth of five feet below the ground surface in areas underlain by Holocene sedimentary deposits.
- The types of paleontological field equipment the paleontological monitor shall have on-hand during monitoring.
- Discoveries treatment protocols and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils).
- Requirements for adequate reporting and collections management, including daily logs, monthly reports, and a final paleontological monitoring report that details the monitoring program and includes analyses of recovered fossils and their significance and the stratigraphy exposed during construction.
- Requirements for collection and complete documentation of fossils identified within the project site prior to construction and during construction, including procedures for temporarily halting construction within a 50-foot radius of the find while documentation and salvage occurs and allowing construction to resume once collection and documentation of the find is completed. Prepared fossils along with copies of all pertinent field notes, photos, maps, and the final paleontological monitoring report shall be deposited in a scientific institution with paleontological collections. Any curation costs shall be paid for by the City.

- c. **Standard Paleontological Clauses in Construction Contracts (Applies to all Infrastructure Components).** The City or other lead agency shall include standard clauses in construction contracts for infrastructure components located in areas with moderate to high paleontological sensitivity. A standard clause shall be included that requires paleontological resource sensitivity training for workers prior to conducting earth disturbance activities. A standard inadvertent discovery clause shall also be included that indicates that in the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot-radius buffer. Once documentation and collection of the find is completed, the monitor will allow grading to recommence in the area of the find.

Finding. The City Council finds that the above mitigation measures are feasible, are adopted, and will reduce the potentially significant geology and soils impacts of the Project to less-than-significant levels. Accordingly, the City Council finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant geology and soils impacts of the Project identified in the EIR.

7.3.4 Hazards, Hazardous Materials, and Wildfire

Potential Effects. Potentially significant effects were identified for the Project in the following categories for hazards, hazardous materials, and wildfire:

- **Impact HAZ-2: Upset and Release of Hazardous Materials.** Construction of the Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- **Impact HAZ-3: Hazardous Materials Near Schools.** Construction and operation of the Project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Support for these environmental impact conclusions are fully discussed in Section 4.7, Hazards, Hazardous Materials, and Wildfire, of the Final EIR. (Final EIR pp. 4.7-23 – 4.7-28.)

Mitigation Measures. Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts related to hazardous materials were developed for the Project and are listed below.

MM HAZ-1: Review of Hazardous Materials Site Databases (Applies to New Aquifer Storage and Recovery Facilities). Prior to construction where ground disturbance is required, a review of hazardous materials site databases will be conducted within 0.5 miles of the project site where the construction is proposed (project site). A search shall be conducted no more than six months prior to construction. In addition to sites identified in this environmental impact report, each new site identified within 0.5 miles of the project site will be reviewed for environmental contamination that could impact the project site, including soil, soil vapor, and groundwater contamination. If soil, soil vapor, and/or groundwater contamination is identified in the review, MM HAZ-2 will be implemented.

MM HAZ-2: Hazardous Materials Contingency Plan (Applies to New Aquifer Storage and Recovery Facilities and City of Santa Cruz/Soquel Creek Water District/Central Water District Intertie – Soquel Village

Pipeline). Prior to commencement of any construction activities, a Hazardous Materials Contingency Plan (HMCP) shall be developed that addresses known and suspected impacts in soil, soil vapor, and groundwater from releases on or near the project sites. The HMCP shall include training procedures for identification of contamination. The HMCP shall describe procedures for assessment, characterization, management, and disposal of hazardous constituents, materials, and wastes, in accordance with all applicable state and local regulations. Contaminated soils and/or groundwater shall be managed and disposed of in accordance with local and state regulations. These regulations, as further described in Section 4.7.2, Regulatory Framework, include hazardous material transportation (California Department of Transportation and Department of Toxic Substances Control [DTSC]), hazardous waste regulations (U.S. Environmental Protection Agency and DTSC), worker health and safety during excavation of contaminated materials (California Division of Occupational Safety and Health Administration), and local disposal requirements (DTSC and landfill-specific). The HMCP shall include health and safety measures, which may include but are not limited to periodic work breathing zone monitoring and monitoring for volatile organic compounds using a handheld organic vapor analyzer in the event impacted soils are encountered during excavation activities.

Finding. The City Council finds that the above mitigation measures are feasible, are adopted, and will reduce the potentially significant hazardous materials impacts of the Project to less-than-significant levels. Accordingly, the City Council finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant hazardous materials impacts of the Project identified in the EIR.

7.3.5 Hydrology and Water Quality

Potential Effects. Potentially significant effects were identified for the Project in the following categories for hydrology and water quality:

- **Impact HYD-2: Decrease Groundwater Supplies, Interfere with Groundwater Recharge, or Conflict with Groundwater Plan.** Construction and operation of the Project will not decrease groundwater supplies or interfere substantially with groundwater recharge such that sustainable groundwater management of the basin will be impeded. However, the Project could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan by potentially affecting local groundwater quality or causing restrictive effects in nearby wells.
- **Impact HYD-3: Alteration to the Existing Drainage Pattern of the Site Area.** Construction and operation of the Project could not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (a) result in substantial erosion or siltation on or off site; (b) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site; (c) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (d) impede or redirect flood flows.

Support for these environmental impact conclusions are fully discussed in Section 4.8, Hydrology and Water Quality of the Final EIR. (Final EIR pp. 4.8-43 – 4.8-66.)

Mitigation Measures. Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts related to groundwater supplies and alterations to existing drainage patterns were developed for the Project and are listed below.

MM HYD-1: Ammonia Monitoring (Applies to Beltz 12 Aquifer Storage and Recovery [ASR] Facility). Consistent with groundwater monitoring completed for the Beltz 12 ASR Pilot Test Project (Pueblo Water Resources 2020), monitoring for ammonia shall be completed in the Beltz 12 well and the Soquel Creek Water District (SqCWD) O'Neill Ranch well during future Beltz 12 ASR pilot tests and ASR operations. The City shall establish ammonia concentrations beginning at least 12 months prior to commencement of Beltz 12 ASR operations, by conducting quarterly sampling, and obtaining similar sampling data for the SqCWD's O'Neill Ranch well, as provided by SqCWD. During the first year of Beltz 12 ASR injection and extraction operations, the City shall conduct monthly monitoring of ammonia concentrations in groundwater. Following the first year of operations, monitoring of ammonia shall be quarterly. In the event that over a two-year sampling period after initiation of Beltz 12 ASR operations, City ammonia monitoring data, in combination with ammonia monitoring data from the SqCWD O'Neill Ranch well, indicates Beltz 12 ASR operations are not resulting in changes to ammonia concentrations that could adversely affect operations at the SqCWD's O'Neill Ranch well, ammonia sampling shall be discontinued in the Beltz 12 ASR well.

The City ammonia monitoring data, in combination with ammonia monitoring data from the SqCWD O'Neill Ranch well, shall be evaluated to determine if Beltz 12 ASR operations are resulting in changes to ammonia concentrations that could adversely affect operations at the SqCWD's O'Neill Ranch well. If ammonia levels increase above baseline, the City and SqCWD shall cooperatively develop, fund, and implement a hydrogeologic investigation to evaluate the source(s) and distribution of ammonia in the aquifer system and potential causes of the observed ammonia increases. The investigation shall include, if applicable, installation of a monitoring well cluster between the Beltz 12 ASR well and the O'Neill Ranch well to evaluate the gap in data between these two wells.

To the extent that the results of the hydrogeologic investigation indicate that Beltz 12 ASR operations are resulting in ammonia concentrations above baseline concentrations, ASR injection and/or extraction operations shall be modified until ammonia concentrations decrease to baseline (or lower) levels, as demonstrated with monthly (during the first year of operations) or quarterly monitoring data from the Beltz 12 ASR well, and the SqCWD's O'Neill Ranch well, as provided by SqCWD. The Beltz 12 ASR modifications shall be proportional to the degree of impact being caused by Beltz 12 ASR operations (versus O'Neill Ranch well operations). Quarterly monitoring reports shall be prepared to document monitoring results.

Additionally, during the next Mid-County Groundwater Sustainability Plan update process, the City shall work with other member agencies of the Mid-County Groundwater Sustainability Agency to address ammonia as a groundwater quality issue in the basin if warranted based on the outcome of monitoring and any hydrogeologic investigation performed, and incorporate the City's Beltz 12 ASR well and the SqCWD's O'Neill Ranch well into the plan update to allow for the ongoing assessment and monitoring of ammonia concentrations.

MM HYD-2: Groundwater Level Monitoring (Applies to Beltz 12 Aquifer Storage and Recovery [ASR] Facility). Consistent with restrictive effects criteria established in private well baseline assessment reports (Hydro Metrics 2015a, 2015b, 2015c, 2015d, 2015e), the private well monitoring program currently in place under the April 2015 cooperative monitoring/adaptive groundwater management agreement (cooperative groundwater management agreement) and the April 2015 stream flow and well monitoring agreement, between the City of Santa Cruz (City) and Soquel Creek Water District (SqCWD), shall be continued with respect to groundwater levels, and the City will contact and enroll any additional residents with private domestic wells within a 3,300-foot radius of the City's Beltz 12 ASR facility who want to join the program. Consistent with the existing cooperative groundwater management agreement, the City and SqCWD shall share monitoring and mitigating for impacts to third parties, such as private wells found in the area of overlap of 3,300-foot radius around SqCWD's O'Neill Ranch Well and 3,300-foot radius around the City's Beltz 12 well. Monitoring expenses shall be shared equally while mitigation expenses shall be shared proportionately. If private well monitoring reveals impacts to private wells due to the presence of restrictive effects, pump tests shall be conducted to determine proportionality. Monitoring and mitigation of impacts to private wells within a 3,300-foot radius of either the O'Neill Ranch well or Beltz 12 well, but not located in the overlap area, shall be the sole responsibility of the agency whose 3,300-foot radius encompasses the private well.

If demonstrated restrictive effects to nearby private domestic wells occur during ASR pilot testing or operations, the City and SqCWD shall cooperatively develop, fund, and implement a hydrogeologic investigation to evaluate the potential causes of the observed restricted effects in private wells. To the extent that the results of the hydrogeologic investigation indicate that Beltz 12 ASR operations are resulting in restrictive effects, ASR injection and/or extraction operations shall be modified until the corresponding undesirable effects are eliminated, as demonstrated with biannual monitoring data from the private wells. The Beltz 12 ASR modifications shall be proportional to the degree of impact being caused by Beltz 12 ASR operations (versus O'Neill Ranch well operations). Biannual and annual monitoring reports shall be prepared to document monitoring results. In the event that restrictive effects to nearby private domestic wells does not occur during ASR pilot testing or operations, for a period of five years after initiation of Beltz 12 ASR operations, the City's participation in the private well monitoring program will be discontinued. However, the five-year monitoring period will be extended, if necessary, to account for multi-year drought conditions. The determination as to whether to extend the monitoring period will be based on an evaluation of the groundwater monitoring data collected over the five-year monitoring period, in combination with a review of any drought conditions present during that period. Results of this evaluation will be shared with SqCWD and any associated comments by SqCWD will be considered in determining the need for extension of the monitoring program beyond the five-year period.

Additionally, during the next Mid-County Groundwater Sustainability Plan (GSP) update process, the City shall work with other member agencies of the Mid-County Groundwater Sustainability Agency to update information in the GSP related to private wells and the ongoing assessment and monitoring of groundwater levels at these wells, if warranted based on the outcome of monitoring and any hydrogeologic investigation performed.

MM HYD-3: Drainage Improvements (Applies to City of Santa Cruz/Scotts Valley Water District Intertie Pump Station and City of Santa Cruz/Soquel Creek Water District/Center Water District New Intertie Pump Stations). Final pump station designs shall include Low Impact Development features, which would: (1) reduce post-construction stormwater runoff rates to be less than or equal to existing conditions, for a 24-hour, 25-year storm event; and (2) minimize off-site runoff of stormwater pollutants through filtration features, such as oil-water separators, vegetated swales, and bioretention basins. These features shall be inspected monthly to ensure functionality.

Finding. The City Council finds that the above mitigation measures are feasible, are adopted, and will reduce the potentially significant groundwater supplies and drainage impacts of the Project to less-than-significant levels. Accordingly, the City Council finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant groundwater and drainage impacts of the Project identified in the EIR.

7.3.6 Land Use, Agriculture, Forestry, and Mineral Resources

Potential Effects. Potentially significant effects were identified for the Project in the following category for land use, agriculture, forestry, and mineral resources:

- **Impact LU-2: Conversion or Loss of Farmland or Forest Land and Conflicts with Zoning for Agricultural Land, Forest Land, or Timberland.** Construction of the Project could convert prime, unique, or important agricultural land to non-agricultural use, convert forest land to non-forest land, conflict with existing zoning for agricultural or timber production uses or conflict with a Williamson Act contract.

Support for this environmental impact conclusion is fully discussed in Section 4.9, Land Use, Agriculture, Forestry and Mineral Resources of the Final EIR. (Final EIR pp. 4.9-29 – 4.9-32.)

Mitigation Measures. Consistent with CEQA Guidelines Section 15126.4(a)(1), a feasible measure that can minimize significant adverse impacts to agriculture and forestry resources was developed for the Project and is listed below.

MM LU-1: Avoidance of Agricultural and Forest Lands (Applies to New Aquifer Storage and Recovery [ASR] Facilities). The following measures shall be implemented to avoid conversion of Farmland or forest/timberland, and/or conflicts with agricultural zoning in the coastal zone:

- a. Locate new ASR facilities on sites that do not contain Farmland (i.e., prime, unique, or important farmland under the State Farmland Mapping and Monitoring Program) unless site-specific application of the Land Evaluation and Site Assessment model determines that the site would not result in a significant impact to agricultural lands.
- b. Locate new ASR facilities on sites that do not contain forest/timberland.
- c. Locate new ASR facilities on sites that are not zoned for agricultural uses in the coastal zone.

Finding. The City Council finds that the above mitigation measure is feasible, is adopted, and will reduce the potentially significant agriculture and forestry impacts of the Project to less-than-significant levels. Accordingly, the City Council finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant agricultural and forest land impacts of the Project identified in the EIR.

7.3.7 Noise

Potential Effects. Potentially significant effects were identified for the Project in the following categories for noise:

- **Impact NOI-1: Substantial Permanent Increase in Ambient Noise Levels.** Operation of the Project will result in generation of a substantial permanent increase in ambient noise levels during long-term operation in the vicinity of one of the programmatic infrastructure components.
- **Impact NOI-3: Groundborne Vibration.** Construction of the Project will result in the potential generation of excessive groundborne vibration or groundborne noise levels.

Support for these environmental impact conclusions are fully discussed in Section 4.10, Noise, of the Final EIR. (Final EIR pp. 4.10-24 – 4.10-28 and 4.10-34 – 4.10-36).

Mitigation Measures. Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts related to a substantial temporary increase in ambient noise levels and groundborne vibration were developed for the Project and are listed below.

MM NOI-1: Operational Noise Levels (Applies to Coast Pump Station Improvements). The Project shall implement the following measures to reduce the potential for exposure of nearby noise-sensitive receptors to excessive noise levels:

- Where feasible, a primary element for the selection of proposed noise-generating equipment (e.g., pumps, motors, transformers, etc.) shall be equipment that inherently does not generate an increase of +3 dB in the ambient noise levels where the existing ambient is below 60 dBA L_{dn} , or a +5 dB increase in the ambient noise levels where the existing ambient is above 65 dBA L_{dn} , as measured at the nearest sensitive receptor.
- Where this is not feasible, noise-generating equipment shall be located within a full or partial noise reduction enclosure. The effectiveness of the equipment enclosure to reduce noise level exposure to within the applicable noise level threshold shall be demonstrated through submittal of a focused acoustical assessment.

MM NOI-3: Construction Vibration (Applies to New Aquifer Storage and Recovery Facilities and all Intertie Improvements). The Project shall implement the following measures to reduce the potential for structural damage from groundborne noise and vibration:

- Vibratory rollers or compactors shall not be used within 15 feet of sensitive receptors.
- Heavy equipment required to operate within 9 feet of sensitive receptors shall be limited to rubber-tired equipment.

Finding. The City Council finds that the above mitigation measures are feasible, are adopted, and will reduce the potentially significant noise impacts of the Project to less-than-significant levels. Accordingly, the City Council finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that avoid potentially significant noise impacts of the Project identified in the EIR.

7.4 Significant Unavoidable Impacts

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the City Council, pursuant to Public Resources Code Section 21081, subdivision (b), and CEQA Guidelines Section 15093 if the Project is approved. Based on the analysis contained in the Final EIR, the following impacts have been determined to be significant and unavoidable:

7.4.1 Noise

Potential Effects. Potentially significant effects were identified for the Project in the following category for noise:

- **Impact NOI-2: Substantial Increase in Ambient Noise Levels in Excess of Standards.** Construction of the Project will result in generation of a substantial temporary increase in ambient noise levels in the vicinity of some project and programmatic infrastructure components in excess of applicable standards established in local general plans or noise ordinances. (Significant and Unavoidable)

Support for this environmental impact conclusion is fully discussed in Section 4.10, Noise, of the Final EIR. (Final EIR pp. 4.10-27 – 4.10-34).

Mitigation Measures. Implementation of Mitigations NOI-2 identified in the EIR will reduce the impact on noise, but not to a less-than-significant level; therefore, the impact will remain significant and unavoidable.

MM NOI-2: Construction Noise (Applies to all Infrastructure Components). The Project shall implement the following measures related to construction noise:

- Restrict construction activities and use of equipment that have the potential to generate significant noise levels (e.g., use of concrete saw, mounted impact hammer, jackhammer, rock drill, etc.) to between the hours of 8:00 a.m. and 5:00 p.m., unless specifically identified work outside these hours is authorized by the City's Water Director as necessary to allow for safe access to a construction site, safe construction operations, efficient construction progress, and/or to account for prior construction delays outside of a contractor's control (e.g., weather delays).
- Construction activities requiring operations continuing outside of the standard work hours of 8:00 a.m. and 5:00 p.m. (e.g., borehole drilling operations) shall locate noise generating equipment as far as possible from noise-sensitive receptors, and/or within an acoustically rated enclosure (meeting or exceeding Sound Transmission Class [STC] 27), shroud or temporary barrier as needed to prevent the propagation of sound into the surrounding areas in excess of the 60 dBA nighttime (10:00 p.m. to 8:00 a.m.) and 75 dBA daytime (8:00 a.m. to 10:00 p.m.) criteria at the nearest sensitive receptor. Noisy construction equipment, such as temporary pumps that are not submerged, aboveground conveyor systems, and impact tools will likely require location within such an acoustically rated enclosure, shroud or barrier to meet these above criteria. Impact tools, in particular, shall have the working area/impact area shrouded or shielded whenever possible, with intake and exhaust ports on power equipment muffled or suppressed. Impact tools may necessitate the use of temporary or portable, application-specific noise shields or barriers to achieve compliance.

- Portable and stationary site support equipment (e.g., generators, compressors, and cement mixers) shall be located as far as possible from nearby noise-sensitive receptors.
- Construction equipment and vehicles shall be fitted with efficient, well-maintained mufflers that reduce equipment noise emission levels at the project site. Internal-combustion-powered equipment shall be equipped with properly operating noise suppression devices (e.g., mufflers, silencers, wraps) that meet or exceed the manufacturer’s specifications. Mufflers and noise suppressors shall be properly maintained and tuned to ensure proper fit, function, and minimization of noise.
- Construction equipment shall not be idled for extended periods of time (i.e., 5 minutes or longer) in the immediate vicinity of noise-sensitive receptors.

Finding. The City Council finds that the above mitigation measures are feasible, are adopted, and will substantially lessen, but not avoid, the significant noise impacts of the Project. Accordingly, the City Council finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid the significant noise impacts of the Project identified in the EIR. In other words, the significant impact of the Project related to construction noise cannot be mitigated to a less-than-significant level despite the imposition of Mitigations NOI-2, which has been required or incorporated into the Project. However, this impact is temporary, and the effects of this impact will only be present during construction activities associated specifically with new ASR facilities and the Beltz 9 ASR facility well drilling. The City hereby directs that this mitigation measure be adopted. Specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures, or the project alternatives identified in the EIR that will avoid or reduce the significant impact related to construction noise to a less-than-significant level. See Section 8, Alternatives, of these findings and Section 9, Statement of Overriding Considerations, of this document for additional information.

7.4.2 Utilities and Energy

Potential Effects. Potentially significant effects were identified for the Project in the following category for utilities:

- **Impact UTL-1: New or Expanded Facilities.** Construction and operation of the Project will result in new or expanded water facilities that will result in significant impacts, but will not require or result in new or expanded wastewater treatment, storm drainage, electric power, natural gas, or telecommunications facilities or a new sewer trunk line.

Support for this environmental impact conclusion is fully discussed in Section 4.13, Utilities and Energy, of the Final EIR. The only aspect of this Impact (UTL-1) that is significant and unavoidable is associated with the construction of new ASR facilities, which, as indicated above in the discussion of Impact NOI-2, will result in significant and unavoidable temporary noise impacts from well drilling operations, which must be conducted at night. All other aspects of Impact UTL-1 are either less than significant without mitigation or less than significant with mitigation. (Final EIR pp. 4.13-26 – 4.13-29.)

Mitigation Measures. Implementation of the mitigation measures identified in other technical sections of EIR Chapter 4, Environmental Setting, Impacts, and Mitigation Measures, will reduce potentially significant impacts of the Project related to new or expanded water facilities identified in Impact UTL-1, to a less-than-significant level for most project and programmatic infrastructure components. However, as indicated in Impact UTL-1, the

new ASR facilities and the Beltz 9 ASR facility will have significant and unavoidable temporary construction noise impacts due to well drilling operations.

Finding. The City Council finds that the above-referenced mitigation measures are feasible, are adopted, and will substantially lessen, but not avoid, the significant utility impacts of the Project related to new or expanded water facilities. Accordingly, the City Council finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid the significant utility impacts of the Project related to new or expanded water facilities identified in the EIR. In other words, the significant impact of the Project related to new or expanded water facilities cannot be mitigated to a less-than-significant level despite the imposition of mitigation measures identified in other technical sections of EIR Chapter 4, which have been required or incorporated into the Project. However, this impact is temporary, and the effects of this impact will only be present during construction activities associated specifically with new ASR facilities and the Beltz 9 ASR facility well drilling. The City hereby directs that these mitigation measures be adopted, as previously indicated. Specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures, or the project alternatives identified in the EIR that will avoid or reduce the significant impact related to new or expanded water facilities to a less-than-significant level. See Section 8, Alternatives, of these findings and Section 9, Statement of Overriding Considerations, of this document for additional information.

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8 Project Alternatives

8.1 Basis for Alternatives-Feasibility Analysis

As noted earlier, Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an agency decision-making body (here, the City Council) may ultimately conclude that a potentially feasible alternative is actually infeasible. (*Cal. Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 981, 999.) As explained earlier, grounds for such a conclusion might be the failure of an alternative to fully satisfy project objectives deemed to be important by decision-makers, or the fact that an alternative fails to promote policy objectives of concern to such decision-makers. (*Id.* at pp. 992, 1000–1003; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 [“‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors”]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [upholding CEQA findings rejecting alternatives in reliance on project objectives]; *Citizens for Open Government v. City of Lodi* (2012) 296 Cal.App.4th 296, 314-315 [court upholds agency action where alternative selected “entirely fulfill” a particular project objective and “would be ‘substantially less effective’ in meeting” the lead agency’s “goals”]; and *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 (Bay-Delta) [“feasibility is strongly linked to achievement of each of the primary program objectives”; “a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”].) Alternatives may also be determined to be economically infeasible and can be rejected on that ground. (*The Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 621–623.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of a Project as mitigated, the decision-makers may reject the alternative as infeasible for such reasons.

Under CEQA Guidelines Section 15126.6, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project[.]” For this reason, the objectives described above in Section 3.3 of these findings provided the framework for defining possible alternatives. Based on the objectives, the City developed three alternatives in addition to the No Project Alternative that were addressed in detail in the Final EIR.

Per CEQA Guidelines Section 15126.6 and the project’s objectives, the following alternatives to the Project were identified:

- No Project Alternative – Required by CEQA
- Alternative 1 – Agreed Flows Only Without Other Project Components
- Alternative 2 – All Project Components Except Place of Use Expansion
- Alternative 3 – All Project Components Except Aquifer Storage and Recovery

The City Council finds that a good faith effort was made to evaluate a range of potentially feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain most of the basic objectives of the Project, even when the alternatives might impede the attainment of the Project’s objectives and might be more costly.

8.1.1 No Project Alternative

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate the specific alternative of “no project” along with its impact. As stated in this section of the CEQA Guidelines, the purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the Project with the impacts of not approving the Project. CEQA Guidelines Section 15126.6(e) generally provides that “[t]he ‘no project’ analysis shall discuss the existing conditions at the time the notice of preparation is published, ... as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” Section 15126(e)(3)(B) provides that, where, as here, a Project is something “other than a land use or regulatory plan,” the “No Project” Alternative is “the circumstance under which the project does not proceed.” “[W]here failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.” (CEQA Guidelines Section 15126.6[e][3][B]).

Under the No Project Alternative, all conditions are generally based on those existing in 2018 and include existing water rights and existing infrastructure capacities. Unlike the 2018 baseline, however, this alternative cannot rely on the approval of a subsequent interim agreement related to bypass flows, such as is currently in place with CDFW. Additionally, none of the project and programmatic components of the Project would be implemented, including: (1) water rights modifications, including modifications related to POU, method of diversion, points of diversion and rediversion, underground storage and purpose of use, extension of time, and stream bypass requirements for fish habitat (Agreed Flows); (2) water supply augmentation components, including ASR (new ASR facilities at unidentified locations and Beltz ASR facilities at the existing Beltz well facilities), and water transfers and exchanges, and associated intertie improvements; and (3) surface water diversion improvements, including the Felton Diversion fish passage improvements and the Tait Diversion and Coast Pump Station improvements.

The Agreed Flows would not be implemented under the No Project Alternative. While they are currently expected to be required as part of the pending ASHCP and related incidental take permits, which is anticipated to be approved by late 2022 or early 2023, the ASHCP and incidental take permits would not be able to be implemented or committed to under the No Project Alternative. This is because the approval of the Project is required to ensure the Agreed Flows would be practicable and such approval was a condition precedent for the finalization of the ASHCP and submittal of applications for incidental take permits. Additionally, as noted above, this alternative cannot rely on the approval of a subsequent interim agreement related to bypass flows, such as is currently in place with CDFW, as continuation of the interim agreement related to bypass flows would not be practicable and such agreement would not be renewed. While the final Operations and Maintenance HCP (OMHCP) developed with the USFWS and associated incidental take permit includes minimum bypass flows, these flows do not encompass all life stages and therefore are not as protective as the interim bypass flows and the Agreed Flows. As such, delivery of water to customers under the No Project Alternative could lead to conflicts with species protection goals and could lead to enforcement and/or litigation regarding the scope of requirements under the FESA and CESA to avoid take of federally and state-listed species. Additionally, the fish

screening at the Felton Diversion and Tait Diversion and fish passage at the Felton Diversion would not be improved under the No Project Alternative.

Under the No Project Alternative, the existing significant barrier to implementing more conjunctive use of the City's sources of supply would remain in place without the proposed water rights modifications related to expansion of POUs, underground storage and points of rediversion. Likewise, the barriers to improving conjunctive use of the region's resources with adjoining water agencies and within the region's groundwater basins would also remain. Specifically, ASR and water transfers and exchanges and associated intertie improvements could not be implemented under the No Project Alternative. Additionally, without the other water rights modifications (relating to method of diversion, points of diversion, and extension of time), under the No Project Alternative, the operational flexibility anticipated by the Project would not be provided, such as the option of diverting water under the existing Felton Diversion water rights at either the Felton Diversion or downstream at the Tait Diversion. Therefore, the No Project Alternative would not provide the ability to divert water under the Felton Permits with or without activation of the Felton Diversion inflatable dam. The No Project Alternative therefore would not enhance the City's ability to fully utilize the 3,000 acre-feet per year diversion provided under the Felton Permits, and would not allow water to remain in the San Lorenzo River longer, bypassing the Felton Diversion before being diverted at the Tait Diversion and therefore would not provide associated fisheries benefits. Further, under the No Project Alternative, no extension of time would be provided for the City to put all of its 3,000 acre-feet per year entitlement to divert water at the Felton Diversion to full beneficial use. The lack of such an extension could result in the City losing some of its authorized diversion amount under the Felton Permits. This outcome would limit the City's ability to use the Felton Permits for their original function of augmenting Loch Lomond Reservoir storage through the new technology of ASR. The City projects that it will need that supplemental storage in the future as it implements the Agreed Flows, which will constrain its instantaneous surface-water supplies. Among other things, while the City's water conservation program has been very successful at constraining demand and therefore making supplemental storage less necessary to date, one result of that program has been that demand within the City's service area is sufficiently hardened that further conservation efforts are unlikely to generate significantly increased yield. With the Agreed Flows' implementation, the City therefore needs the increment of supplemental storage that the Felton Permits always were intended to provide.

Given the above, the No Project Alternative would not provide for any elements of the Project that would allow the City to expand its storage capacity to deliver a safe, adequate (i.e., filling the worst-year water supply gap), reliable and environmentally sustainable water supply. As a result, the No Project Alternative would require the City to prioritize and immediately pursue Water Supply Augmentation Strategy Element 3 options (i.e., recycled water or seawater desalination), which are currently considered as back-up water sources, if passive and active recharge solutions identified in Elements 1 and 2 and included in the Project are not sufficient. (Final EIR pp. 8-15 – 8-17.)

Environmental Effects. Under the No Project Alternative, the Project would not be implemented, and the project and programmatic infrastructure components would not be constructed. Therefore, the potentially significant impacts associated with constructing and/or operating new or upgraded infrastructure facilities identified in this EIR would not occur impacts related to: biological resources, cultural resources, seismic hazards, paleontological resources, hazardous materials release, conflict with a groundwater plan, alteration to drainage patterns, conversion of farmland or forest land, permanent increase in noise, permanent or temporary increase in noise in excess of standards, vibration, and new or expanded utilities. In particular, the significant unavoidable construction noise impact due to well drilling activities for the new ASR facilities and the Beltz 9 ASR facility would not occur with the No Project Alternative.

However, the No Project Alternative would also not realize the benefits of the Project to biological resources due to improved conditions for fish in the San Lorenzo River, Newell Creek and the North Coast streams with the implementation of the Agreed Flows as part of the Project, and improved fish passage and/or fish screening at the Felton Diversion and Tait Diversion. Specifically, the No Project Alternative would likely result in a significant and unavoidable impact for fish as the Agreed Flows would not be implemented and the interim bypass flow agreement with CDFW would not be renewed. The No Project Alternative would also not realize the benefits of the Project to recreational uses due to increased lake levels at Loch Lomond Reservoir. In contrast to the beneficial impact of the Project, the No Project Alternative impact on recreational uses at Loch Lomond would be potentially significant and unavoidable until an alternative source of water supply is developed (i.e., recycled water or seawater desalination). As the No Project Alternative would not include ASR or water transfers, it would not have the potential to contribute sustainability benefits in the Santa Margarita Groundwater Basin and the Santa Cruz Mid-County Groundwater Basin, whereas the Project would have such potential. Lastly, the No Project Alternative would not provide additional water supply to meet projected demand in the areas served by the City during currently constrained dry periods. In contrast to the beneficial impact of the Project, the No Project Alternative water supply impact would be potentially significant and unavoidable until an alternative source of water supply is developed.

Given that the City's water supply objectives would not be met with the No Project Alternative, the City's likely prioritization and pursuit of recycled water or seawater desalination under Water Supply Augmentation Strategy Element 3 could result in some additional impacts that would not result from the Project. For example, if seawater desalination were selected, marine biological and hydrological impacts offshore in the Monterey Bay National Marine Sanctuary would likely result, as documented in the Proposed scwd² Regional Seawater Desalination Project Draft Environmental Impact Report (URS 2013). The impacts of various recycled water options would be evaluated if and when one or more of the recycled water options are pursued by the City as part of Element 3 of the Water Supply Augmentation Strategy. (Final EIR pp. 8-17 – 8-18.)

Finding. The City Council rejects the No Project Alternative as infeasible, despite the fact that it would avoid the two significant and unavoidable effects of the Project (Impact NOI 2: Substantial Increase in Ambient Noise Levels in Excess of Standards; and Impact UTL-1: New or Expanded Facilities), both of which involve temporary construction-related noise. Measured against the Project, the No Project Alternative represents an undesirable policy outcome that would not meet any of the identified project objectives. In particular, the No Project Alternative would not improve the operational flexibility of the City's system, support the implementation of the City's Water Supply Augmentation Strategy Element 1 (passive recharge of regional aquifers via water transfers) and Element 2 (active recharge of regional aquifers via ASR) to deliver a safe, adequate (i.e., filling the worst-year water supply gap), reliable and environmentally sustainable water supply, and meet state policy favoring integrated regional water management (Objectives #1, #3, #7, #8, #11, and #12). The water supply gap would remain under the No Project Alternative and the City would not be able to contribute to regional conjunctive use and groundwater basin recovery in both the Santa Cruz Mid-County Groundwater Basin and the Santa Margarita Groundwater Basin (Objectives #4, #6 and #11). Additionally, the No Project alternative would not meet the objectives related to providing improved/protective conditions for fisheries and would not address operational deficiencies at the Tait Diversion and Coast Pump Station (Objectives #2, #9 and #10). (Final EIR p. 8-18.)

In addition, the City Council agrees with the authors of the EIR that the Project is environmentally superior to the No Project Alternative, when the differing environmental impacts are given what the City Council considers to be their proper weight. Compared with all of the alternatives included in the EIR, the Project has the greatest environmental benefit to regional groundwater conditions. In addition, the Project would avoid the potentially significant and unavoidable water supply impact of all of the alternatives and the potentially significant and unavoidable recreation impact of the No Project Alternative, and would reduce all impacts to less-than-significant

levels with identified mitigation measures, with the exception of temporary construction noise impacts from ASR well-drilling activities. In the City Council’s policy judgment, the groundwater benefits of the Project outweigh in importance the limited significant and unavoidable noise impacts associated with temporary ASR well-drilling activities.

8.1.2 Alternative 1: Agreed Flows Only Without Other Project Components

Alternative 1 consists of implementation of the Agreed Flows, consistent with the Project. None of the other components of the Project, as summarized above in the No Project Alternative, would be implemented under Alternative 1. All other conditions are generally based on those existing in 2018 and include existing water rights and existing infrastructure capacities, with the exception that all the City’s cumulative infrastructure improvements are also included in the modeling for this Alternative, similar to the Project. These include improvements related to the Newell Creek Pipeline and the Graham Hill Water Treatment Plant.

As for the No Project Alternative, Alternative 1 would not provide for any elements of the Project that would allow the City to expand its storage capacity to deliver a safe, adequate (i.e., filling the worst-year water supply gap), reliable and environmentally sustainable water supply. As a result, Alternative 1 would require the City to prioritize and immediately pursue Water Supply Augmentation Strategy Element 3 options (recycled water or seawater desalination), which are currently considered as back-up water sources, if passive and active recharge solutions identified in Elements 1 and 2 and included in the Project are not sufficient.

While Alternative 1 would not meet the project objectives, the State Water Resources Control Board, a responsible agency, requested that such an alternative be evaluated in this EIR, during the scoping period and therefore it is included in this analysis. CEQA encourages lead agencies to include in their Draft EIRs information specifically requested by responsible agencies (CEQA Guidelines Sections 15082(b) and 15125(d)(1)(C).) Alternative 1 will be helpful to the State Water Resources Control Board as it assesses the City’s water rights petitions, and should give that agency a better understanding of the water supply benefits and environmental benefits of the components of the Project not included within Alternative 1. (Final EIR pp. 8-18 through 8-19.)

Environmental Effects. Alternative 1 would have nearly identical long-term operational effects on habitat conditions for steelhead and coho as the Project and involve an improvement of habitat conditions for these species relative to baseline conditions. However, the improvement in habitat effects in Newell Creek downstream of Newell Creek Dam would be less under Alternative 1 than under the Project. As a result of less frequent reservoir spills under Alternative 1, habitat values in Newell Creek would show less improvement over the baseline compared to the Project. Alternative 1 would have the same negative effect as the Project (relative to the baseline) to rearing habitat index in wet years for coho in Laguna Creek. Additionally, there would be a decline in the adult migration index for coho downstream of the Tait Diversion in critically dry years that would not result from the Project. Similar to the Project, the above habitat effects would not likely be biologically meaningful and would not result in a significant impact under CEQA.

While Alternative 1 would realize some of the benefits of the Project to biological resources due to improved conditions for fish in the San Lorenzo River, Newell Creek and the North Coast streams with the implementation of the Agreed Flows, this Alternative would not result in improved fish passage and/or fish screening at the Felton Diversion and Tait Diversion. Additionally, given that this Alternative would not result in improved fish passage and/or fish screening at these diversions and would not result in intertie improvements, no potentially significant

construction impacts on special-status fish associated with these improvements would result and the mitigation measures identified for the Project to address construction impacts would not be required.

Other long-term operational impacts of Alternative 1 on other special-status species, riparian and sensitive habitat, jurisdictional aquatic resources, and wildlife movement are also expected to be less than significant, similar to the Project. Additionally, no potentially significant impacts would result from Alternative 1 associated with constructing new or upgraded infrastructure components, including those related to other special-status species, riparian and sensitive habitat, jurisdictional aquatic resources and the biological resource mitigation measures identified for the Project would not be required.

As the Project's infrastructure components would not be constructed or operated under Alternative 1, the other potentially significant impacts associated with constructing and/or operating new or upgraded infrastructure facilities identified in this EIR would not occur, including those related to cultural resources, seismic hazards, paleontological resources, hazardous materials release, conflict with a groundwater plan, alteration to drainage patterns, conversion of farmland or forest land, permanent increase in noise, permanent or temporary increase in noise in excess of standards, vibration, and new or expanded utilities. In particular, the significant unavoidable construction noise impact due to well drilling activities for the new ASR facilities and the Beltz 9 ASR facility would not occur with the Alternative 1.

However, Alternative 1 would not realize the benefits of the Project to recreational uses due to increased lake levels at Loch Lomond Reservoir. As compared to the beneficial impact of the Project, the impact of Alternative 1 on recreational uses at Loch Lomond Reservoir would be potentially significant and unavoidable until an alternative source of water supply is developed (i.e., recycled water or seawater desalination). As Alternative 1 would not include ASR or water transfers, it would not have the potential to contribute sustainability benefits in the Santa Margarita Groundwater Basin and the Santa Cruz Mid-County Groundwater Basin, whereas the Project would have such potential. Lastly, Alternative 1 would not provide additional water supply to meet projected demand in the areas served by the City during currently constrained dry periods. In contrast to the beneficial impact of the Project, the Alternative 1 water supply impact would be potentially significant and unavoidable until an alternative source of water supply is developed. (Final EIR pp. 8-19 – 8-21.)

Finding. The City Council rejects Alternative 1 as infeasible, despite the fact that it would avoid the two significant and unavoidable effects of the Project (Impact NOI 2: Substantial Increase in Ambient Noise Levels in Excess of Standards; and Impact UTL-1: New or Expanded Facilities), both of which involve temporary construction-related noise. Measured against the Project, Alternative 1 represents an undesirable policy outcome that would not meet what the City Council, in its legislative capacity, considers to be important project objectives. While Alternative 1 would technically meet the project objective to provide flow conditions that are protective of coho and steelhead within all streams from which the City diverts water (Agreed Flows) (Objective #2), it is possible that, without the other elements of the Project, the City would not be able to comply with the Agreed Flows at certain times and therefore Alternative 1 would only moderately meet this objective. Under Alternative 1, the City would have to rely on surface water sources in Loch Lomond Reservoir more heavily, as compared to the Project.

Alternative 1 would not meet any of the other identified project objectives. In particular, the Alternative 1 would not improve the operational flexibility of the City's system, support the implementation of the City's Water Supply Augmentation Strategy Element 1 (passive recharge of regional aquifers via water transfers) and Element 2 (active recharge of regional aquifers via ASR) to deliver a safe, adequate (i.e., filling the worst-year water supply gap), reliable and environmentally sustainable water supply, and meet state policy favoring integrated regional water management (Objectives #1, #3, #7, #8, #11 and #12). The water supply gap would remain and would likely

increase under Alternative 1 and the City would not be able to contribute to regional conjunctive use and groundwater basin recovery in both the Santa Cruz Mid-County Groundwater Basin and the Santa Margarita Groundwater Basin (Objectives #4, #6 and #11). Alternative 1 would also not improve fish screening at the Felton Diversion and Tait Diversion and improve fish passage at the Felton Diversion or address operational deficits at the Tait Diversion and Coast Pump Station (Objectives #9 and #10). (Final EIR p. 8-22.)

In addition, the City Council agrees with the authors of the EIR that the Project is environmentally superior to Alternative 1, when the differing environmental impacts are given what the City Council considers to be their proper weight. Compared with all of the alternatives included in the EIR, the Project has the greatest environmental benefit to regional groundwater conditions. In addition, the Project would avoid the potentially significant and unavoidable water supply impact of all of the alternatives and the potentially significant and unavoidable recreation impact of Alternative 1, and would reduce all impacts to less-than-significant levels with identified mitigation measures, with the exception of temporary construction noise impacts from ASR well-drilling activities. In the City Council's policy judgment, the groundwater benefits of the Project outweigh in importance the limited significant and unavoidable noise impacts associated with temporary ASR well-drilling activities.

8.1.3 Alternative 2: All Project Components Except Place of Use Expansion

Alternative 2 includes most components of the Project, except there would be no place of use expansion focused on expanding the City's groundwater-storage capacity through a larger number of ASR sites, and on supporting regional water supply reliability in neighboring districts and groundwater basin. The places of use for the City's water rights would still be refined to ensure those rights have consistent POUs.⁶ Alternative 2 would not include water transfers to neighboring water agencies and ASR would be possible only within the areas served by the City. Therefore, Alternative 2 would include Beltz ASR facilities and potentially new ASR facilities within the areas served by the City. Given the limited area to implement ASR, the modeling considers a reduced injection and extraction capacity, as described in more detail in EIR Appendix D. All other modeling conditions for Alternative 2 are consistent with the Project. (Final EIR p. 8-22.)

Environmental Effects. Alternative 2 would have nearly identical long-term operational effects on habitat conditions for steelhead and coho as the Project and involve an improvement of habitat conditions for these species relative to baseline conditions. Alternative 2 would have the same negative effect as the Project (relative to the baseline) to rearing habitat index in wet years for coho in Laguna Creek. Additionally, there would be a decline in the adult migration index for coho downstream of the Tait Diversion in critically dry years that would not result from the Project. Similar to the Project, the above habitat effects would not likely be biologically meaningful and would not result in a significant impact under CEQA.

Alternative 2 would realize some of the benefits of the Project to biological resources due to improved conditions for fish in the San Lorenzo River, Newell Creek and the North Coast streams with the implementation of the Agreed Flows. This Alternative would also result in improved fish passage and/or fish screening at the Felton Diversion and Tait Diversion during operations. As Alternative 2 would also include the Tait Diversion and Coast Pump Station

⁶ The Newell Creek License (License No 9847) still would be inconsistent because its POU includes areas in the upper San Lorenzo Valley and Scotts Valley.

improvements, it would result in similar potentially significant construction impacts on special-status fish and would require the same mitigation measures as the Project to reduce the impacts to less-than-significant levels.

Other long-term operational impacts of Alternative 2 on other special-status species, riparian and sensitive habitat, jurisdictional aquatic resources, and wildlife movement are also expected to be less than significant, similar to the Project. Additionally, the potentially significant impacts associated with constructing new or upgraded infrastructure components with Alternative 2 would be somewhat reduced given that intertie improvements would not be constructed and likely fewer new ASR facilities would be constructed. These somewhat reduced potentially significant impacts include those related to other special-status species, riparian and sensitive habitat, and jurisdictional aquatic resources. Alternative 2 would require the same biological resource mitigation measures identified as the Project to reduce the potentially significant impacts to less-than-significant levels.

Under Alternative 2, most other potentially significant impacts associated with constructing and/or operating new or upgraded infrastructure facilities identified in this EIR would be somewhat reduced, including those related to cultural resources, seismic hazards, paleontological resources, hazardous materials release, conflict with a groundwater plan, conversion of farmland or forest land, permanent or temporary increase in noise in excess of standards, vibration, and new or expanded facilities. However, the potentially significant impact associated with alteration of drainage patterns would be avoided with Alternative 2. Likewise, the potentially significant impact associated with conversion of farmland and forest land would be avoided with Alternative 2, as this impact would only result with new ASR facilities located in more rural areas, which would not be construction under this alternative. Alternative 2 would require most of the same mitigation measures identified as the Project to reduce most of the above potentially significant impacts to less-than-significant levels, with the exception of the mitigation measures to address Impact HYD-3 and Impact LU-2. The significant unavoidable construction noise impact due to well drilling activities for the new ASR facilities and the Beltz 9 ASR facility would be somewhat reduced given that there would be fewer new ASR facilities; however, it would remain significant and unavoidable with the Alternative 2. Most other impacts related to the Project would also be somewhat reduced under Alternative 2, given the reduced facility construction and operation.

Similar to the Project, the impact of Alternative 2 on recreational uses at Loch Lomond Reservoir would also be beneficial given that it would improve conditions for boating compared to existing conditions; however, the improvement under Alternative 2 would be less than for the Project. Alternative 2 would not include water transfers and only limited ASR and therefore would not have as much of a potential to contribute sustainability benefits in the Santa Cruz Mid-County Groundwater Basin and would not have potential to contribute such benefits in the Santa Margarita Groundwater Basin, whereas the Project would have such potential. Lastly, Alternative 2 would not provide as much additional water supply and would therefore not meet projected demand in the areas served by the City during currently constrained dry periods. In contrast to the beneficial impact of the Project, the Alternative 2 water supply impact would also likely be potentially significant and unavoidable until an alternative source of water supply is developed. (Final EIR pp. 8-23 through 8-24.)

Finding. The City Council rejects Alternative 2 as infeasible, despite the fact that the two significant and unavoidable noise-related effects of the Project (Impact NOI 2: Substantial Increase in Ambient Noise Levels in Excess of Standards; and Impact UTL-1: New or Expanded Facilities) would be somewhat reduced compared with the Project, though they would still be significant and unavoidable. Measured against the Project, Alternative 2 represents an undesirable policy outcome that would not meet what the City Council, in its legislative capacity, considers to be important project objectives either at all or to the same degree as the Project. While Alternative 2 would technically meet the project objective to provide flow conditions that are protective of coho and steelhead within all streams from which the City diverts water (Agreed Flows) (Objective #2), it is possible that without water transfers and less ASR

operations the City would not be able to comply with the Agreed Flows at certain times and therefore Alternative 2 would only moderately meet this objective. Under Alternative 2, the City would have to rely on surface water sources in Loch Lomond Reservoir more heavily, as compared to the Project.

Alternative 2 would fully meet the project objectives regarding removal of operational constraints on City water rights that do not explicitly recognize direct diversion (Objective #7), allowance for additional time for the City to fully reach beneficial use in existing Felton water-right permits (Objective #8), and improved fish passage and/or screening at the Felton and Tait Diversions and addressing operational deficiencies at the Tait Diversion and Coast Pump Station (Objectives #9 and #10). However, given that no water transfers and exchanges and intertie improvements, and fewer new ASR facilities would be implemented under Alternative 2, it would only moderately meet objectives related to: improving the operational flexibility of the City's system (Objective #1), supporting the implementation of the City's Water Supply Augmentation Strategy (Objective #3), finding more options for where and how the City can utilize its existing appropriate water rights (Objective #5), providing for underground storage of surface water via ASR in conformance with the Santa Cruz Mid-County GSP (Objective #6), implementing state policy favoring integrated regional water management (Objective #11), and considering other related actions or activities that would be foreseeable if the Project is approved (Objective #12). Additionally, Alternative 2 would not meet the objective to facilitate opportunities within the City and regionally for conjunctive use of the City's surface water and groundwater (Objective #4), given that water transfers would not be implemented under this alternative.

Given the above, Alternative 2 would not fully support the implementation of the City's Water Supply Augmentation Strategy Element 1 (passive recharge of regional aquifers via water transfers) and Element 2 (active recharge of regional aquifers via ASR) to deliver a safe, adequate (i.e., filling the worst-year water supply gap), reliable and environmentally sustainable water supply (Objective #3). Some amount of water supply gap would remain under Alternative 2 and the City would not be able to contribute as much to regional conjunctive use, as compared to the Project. While the City could somewhat contribute to groundwater basin recovery in the Santa Cruz Mid-County Groundwater Basin through some ASR operations, with no water transfers to neighboring agencies, it would not contribute to groundwater basin recovery in the Santa Margarita Groundwater Basin under this Alternative, given that new ASR facilities could not be sited outside of the areas served by the City. (Final EIR p. 8-25.)

In addition, the City Council agrees with the authors of the EIR that the Project is environmentally superior to Alternative 2, when the differing environmental impacts are given what the City Council considers to be their proper weight. Compared with all of the alternatives included in the EIR, the Project has the greatest environmental benefit to regional groundwater conditions. In addition, the Project would avoid the potentially significant and unavoidable water supply impact of all of the alternatives, and would reduce all impacts to less-than-significant levels with identified mitigation measures, with the exception of temporary construction noise impacts from ASR well-drilling activities. In the City Council's policy judgment, the groundwater benefits of the Project outweigh in importance the limited significant and unavoidable noise impacts associated with temporary ASR well-drilling activities. Importantly, these two effects would remain significant and unavoidable with Alternative 2, though somewhat reduced.

8.1.4 Alternative 3: All Project Components Except Aquifer Storage and Recovery

Alternative 3 includes most components of the Project, except there would be no ASR. Therefore, Alternative 3 would not include Beltz ASR facilities or other new ASR facilities within or beyond the areas served by the City. Alternative 3 accordingly also would not include the City obtaining the State Water Resources Control Board's

approval of the addition of underground storage supplements on any of its water-right permits or licenses. All other modeling conditions for Alternative 3 are consistent with the Project. (Final EIR pp. 8-25 through 8-24.)

Environmental Effects. Alternative 3 would have nearly identical long-term operational effects on habitat conditions for steelhead and coho as the Project and involve an improvement of habitat conditions for these species relative to baseline conditions. Alternative 3 would have the same negative effect as the Project (relative to the baseline) to rearing habitat index in wet years for coho in Laguna Creek. Additionally, there would be a decline in the adult migration index for coho downstream of the Tait Diversion in critically dry years that would not result from the Project. Similar to the Project, the above habitat effects would not likely be biologically meaningful and would not result in a significant impact under CEQA.

Alternative 3 would realize some of the benefits of the Project to biological resources due to improved conditions for fish in the San Lorenzo River, Newell Creek and the North Coast streams with the implementation of the Agreed Flows. This Alternative would also result in improved fish passage and/or fish screening at the Felton Diversion and Tait Diversion during operations. As Alternative 3 would also include the Tait Diversion and Coast Pump Station improvements, it would result in similar potentially significant construction impacts on special-status fish and would require the same mitigation measures as the Project to reduce the impacts to less-than-significant levels.

Other long-term operational impacts of Alternative 3 on other special-status species, riparian and sensitive habitat, jurisdictional aquatic resources, and wildlife movement are expected to be less than significant, similar to the Project. However, the potentially significant impacts associated with constructing new or upgraded infrastructure components with Alternative 3 would be somewhat reduced for impacts related to special-status wildlife or nesting birds. All other potentially significant impacts associated with constructing new or upgraded infrastructure components with Alternative 3 would be similar to those of the Project; Alternative 3 would require the same mitigation measures identified as the Project to reduce these potentially significant impacts to less-than-significant levels.

Under Alternative 3, most other potentially significant impacts associated with constructing and/or operating new or upgraded infrastructure facilities identified in this EIR would be somewhat reduced with this Alternative, including those related to cultural resources, paleontological resources, hazardous materials release, alteration to drainage patterns, permanent or temporary increase in noise in excess of standards, vibration, and new or expanded utilities. The potentially significant impact associated with conflict with a groundwater plan would be avoided with Alternative 3. Likewise, the potentially significant impact associated with conversion of farmland and forest land would be avoided with Alternative 3. The significant unavoidable construction noise impact due to well drilling activities for the new ASR facilities and the Beltz 9 ASR facility would also be avoided under this alternative as no well drilling for these facilities would be required under Alternative 3. Alternative 3 would require most of the same mitigation measures identified as the Project to reduce the above potentially significant impacts to less-than-significant levels, with the exception of the mitigation measures to address Impact HYD-2 and Impact LU-2. Also, potentially significant impacts related to seismic hazards would be reduced to less than significant under Alternative 3.

Similar to the Project, the impact of Alternative 3 on recreational uses at Loch Lomond Reservoir would also be beneficial given that it would improve conditions for boating compared to existing conditions; however, the improvement under Alternative 3 would be less than for the Project. Alternative 3 would not have as much of a potential to contribute sustainability benefits in the Santa Cruz Mid-County Groundwater Basin and the Santa Margarita Groundwater Basin, whereas the Project would have such potential. Lastly, Alternative 3 would not provide as much additional water supply and would therefore not meet projected demand in the areas served by

the City during currently constrained dry periods. In contrast to the beneficial impact of the Project, the Alternative 3 water supply impact would also likely be potentially significant and unavoidable until an alternative source of water supply is developed. (Final EIR pp. 8-26 – 8-28.)

Finding. The City Council rejects Alternative 1 as infeasible, despite the fact that it would avoid the two significant and unavoidable effects of the Project (Impact NOI 2: Substantial Increase in Ambient Noise Levels in Excess of Standards; and Impact UTL-1: New or Expanded Facilities), both of which involve temporary construction-related noise. Measured against the Project, Alternative 3 represents an undesirable policy outcome that would not meet what the City Council, in its legislative capacity, considers to be important project objectives either at all or to the same degree as the Project. While Alternative 3 would technically meet the project objective to provide flow conditions that are protective of coho and steelhead within all streams from which the City diverts water (Agreed Flows) (Objective #2), it is possible that without ASR operations the City would not be able to comply with the Agreed Flows at certain times and therefore Alternative 3 would only moderately meet this objective. Under Alternative 3, the City would have to rely on surface water sources more heavily, as compared to the Project.

Alternative 3 would fully meet the project objectives regarding facilitating opportunities within the City and regionally for conjunctive use of the City's surface water and groundwater through transfers (Objective #4), removal of operational constraints on City water rights that do not explicitly recognize direct diversion (Objective #7), and improved fish passage and/or screening at the Felton and Tait Diversions and addressing operational deficiencies at the Tait Diversion and Coast Pump Station (Objectives #9 and #10). However, given that no ASR facilities, including Beltz ASR, would be implemented under Alternative 3 it would only moderately meet objectives related to: improving the operational flexibility of the City's system (Objective #1), supporting the implementation of the City's Water Supply Augmentation Strategy (Objective #3), finding more options for where and how the City can utilize its existing appropriative water rights (Objective #5), implementing state policy favoring integrated regional water management (Objective #11) and considering other related actions or activities that would be foreseeable if the Project is approved (Objective #12). Additionally, Alternative 3 would not meet the objective to provide for underground storage of surface water via ASR in conformance with the Santa Cruz Mid-County GSP (Objective #6). Alternative 3 may not meet the objective of allowing for additional time for the City to fully reach beneficial use in existing Felton water-right permits. Water diverted to underground storage via ASR under the Felton permits may be an element of maximizing use of the Felton permits (Objective #8).

Given the above, Alternative 3 would not fully support the implementation of the City's Water Supply Augmentation Strategy Element 1 (passive recharge of regional aquifers via water transfers) and Element 2 (active recharge of regional aquifers via ASR) to deliver a safe, adequate (i.e., filling the worst-year water supply gap), reliable and environmentally sustainable water supply (Objective #3). Some amount of water supply gap would remain under Alternative 3 and the City would not be able to contribute as much to regional conjunctive use, as compared to the Project. While the City could somewhat contribute to groundwater basin recovery in both the Santa Cruz Mid-County Groundwater Basin and the Santa Margarita Groundwater Basin under this Alternative, with the implementation of water transfers, that contribution would be limited without ASR facilities. (Final EIR p. 8-28.)

In addition, the City Council agrees with the authors of the EIR that the Project is environmentally superior to Alternative 3, when the differing environmental impacts are given what the City Council considers to be their proper weight. Compared with all of the alternatives included in the EIR, the Project has the greatest environmental benefit to regional groundwater conditions. In addition, the Project would avoid the potentially significant and unavoidable water supply impact of all of the alternatives, and would reduce all impacts to less-than-significant levels with identified mitigation measures, with the exception of temporary construction noise impacts from ASR well-drilling

activities. In the City Council’s policy judgment, the groundwater benefits of the Project outweigh in importance the limited significant and unavoidable noise impacts associated with temporary ASR well-drilling activities.

9 Statement of Overriding Considerations

As set forth in the preceding sections, the Santa Cruz City Council's approval of the Project will result in significant and adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures; and there are no feasible project alternatives that would mitigate or substantially lessen all of these impacts. Despite the occurrence of these effects, however, the City Council, in accordance with CEQA Guidelines Section 15093, chooses to approve the Project because, in the Council's considered judgment, the economic, social, environmental, and other benefits that the Project will produce will render the significant effects acceptable.

9.1 Significant and Unavoidable Impacts

As described above in Section 7.4 of these findings, the Project will result in the following potentially significant and unavoidable impacts associated with construction well drilling for new ASR facilities and the Beltz 9 ASR facility, even with the implementation of all feasible mitigation measures:

Noise (Impact NOI 2): Substantial Increase in Ambient Noise Levels in Excess of Standards. Construction of the Project would result in generation of a substantial temporary increase in ambient noise levels in the vicinity of some project and programmatic infrastructure components in excess of applicable standards established in local general plans or noise ordinances.

Utilities and Energy (Impact UTL-1): New or Expanded Facilities. Construction and operation of the Project would result in new or expanded water facilities that would result in significant impacts, but would not require or result in new or expanded wastewater treatment, storm drainage, electric power, natural gas, or telecommunications facilities or a new sewer trunk line.

Notably, the only aspect of Impact UTL-1 that is significant and unavoidable is associated with the construction of new ASR facilities, which, as also reflected in Impact NOI-2, will result in significant and unavoidable temporary noise impacts from well drilling operations, which must be conducted at night. All other aspects of Impact UTL-1 are either less than significant without mitigation or less than significant with mitigation. (Final EIR pp. 4.13-26 – 4.13-29.)

Thus, the only two significant effects of the Project are essentially the same: temporary construction-related noise impacts. All other potentially significant effects can be rendered less than significant through the adoption of feasible mitigation measures.

9.2 Overriding Considerations

In the City Council's judgment, the Project and its benefits outweigh its unavoidable significant effects due to temporary construction-related noise. The following statement identifies the specific reasons why, in the City Council's judgment, the benefits of the project as approved outweigh these unavoidable significant effects. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual

reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings.

1. The Project will improve the City's water supply storage and improve flexibility with which the City operates the water system, facilitating the City's ability to deliver a safe, adequate, and reliable water supply.

The Project will provide needed supplemental water supplies during times of identified water supply shortfalls. With the flexibility provided by the Project's water rights modifications and in combination with conjunctive management and water augmentation options, the Project will eliminate potential water shortfalls during dry and multiple-dry years to meet the projected demand in the areas served by the City. The hydrological and water supply modeling conducted for the Project includes ASR facilities and water transfers. The results show that water supplies will be adequate to meet the estimated projected demand for all customers in the City's water service area. Therefore, the Project, including all project and programmatic components, provides adequate water supplies to serve projected demand from new City staff associated with the Project and projected demand in the areas served by the City during currently constrained dry periods.

2. The Project will provide flow conditions that are protective of coho and steelhead within all streams from which the City diverts water.

The Project will enhance stream flows for local anadromous fisheries. Incorporating the Agreed Flows into City water rights will benefit local fisheries, specifically for coho and steelhead. The Agreed Flows would be incorporated into both pre-1914 rights on the North Coast streams and post-1914 permits and licenses on the San Lorenzo River and Newell Creek. The Agreed Flows, as incorporated into the City's water rights, will improve instream habitat and flow conditions for these fish species in the San Lorenzo River compared to historic operations. Application of the Agreed Flows to all City surface water rights as part of the Project will limit the amount of water the City can divert.

The Agreed Flows are not feasible for the City to implement without all of the other elements of the Project. The Project in its entirety will serve to provide additional flexibility in the use of all City water sources to address the reduced storage at Loch Lomond Reservoir while benefiting instream flows for salmonid habitat. Without such flexibility, it would not be feasible for the City to implement the Agreed Flows and meet current and future demands.

3. The Project will facilitate opportunities within the City and region for conjunctive use of the City's surface water rights in combination with groundwater.

The Project will expand the POU's of the City's pre-1914 and post-1914 appropriate water rights to include the areas served by the City, two local groundwater basins, and the service areas of neighboring water agencies. A significant barrier to implementing more conjunctive use of the City's sources of supply is existing constraints on the POU's for these sources. The Project will align the POU's of all of the City's appropriate water rights to cover the same area and expand those authorized POU's to include the Santa Cruz Mid-County Groundwater Basin and Santa Margarita Groundwater Basin as well as the service areas of the SqCWD, SVWD, SLVWD, and CWD. Expanded POU's are also necessary for improving the potential for conjunctive use of the region's resources with adjoining water agencies and within the region's groundwater basins. Conjunctive use of surface and groundwater supplies through the City's ASR operations will make some additional recovered groundwater available to the City and potentially to the region during dry periods.

4. The Project will implement state policy favoring integrated regional water management involving the City and other local agencies.

The Project will implement state policy favoring integrated regional water management by involving the City and other local agencies in “significantly improving” the “reliability of water supplies” by “diversifying water portfolios, taking advantage of local and regional opportunities, and considering a broad variety of water management strategies,” specifically by making more extensive conjunctive use of the surface-water, groundwater and groundwater-storage resources available to the City and, when Agreed Flows and City demands are met, making excess surface water under the City’s surface-water rights available to neighboring agencies who are dependent on overdrafted groundwater basins. (Water Code Section 10531[c].)

5. The Project will contribute to the protection of groundwater quality from seawater intrusion in the Santa Cruz Mid-County Groundwater GSP and will contribute to groundwater sustainability in both the Santa Cruz Mid-County Groundwater Basin and the Santa Margarita Groundwater Basin.

The Project provides for operation of ASR facilities consistent with applicable adopted existing or future GSPs and could contribute to groundwater sustainability of the Santa Cruz Mid-County Groundwater Basin and the Santa Margarita Groundwater Basin, depending on the facilities’ locations. Contribution to groundwater sustainability of the Santa Cruz Mid-County Groundwater Basin will also contribute to the protection of groundwater quality from seawater intrusion per the Santa Cruz Mid-County GSP in support of the proposed water quality beneficial use. Protection of water quality will be added as a new purpose of use to all City appropriate water rights to support the use of surface water for ASR as it contributes to the protection of groundwater quality from seawater intrusion per the Santa Cruz Mid-County GSP.

6. The Project will improve fish screening and passage at surface water diversion points within the City.

The Project includes fish passage improvements at the Felton Diversion that will provide for compliance with current fish passage and screening requirements. Minor modifications to the existing Felton Diversion are needed to comply with the latest fish passage and screening criteria. The modifications will be designed to support use of City water rights while improving passage for coho and steelhead. These improvements may include fish screen replacement, installation of a traveling brush system to keep the fish screens operating at optimum efficiency, and construction of a continuous downstream outmigration bypass route within the existing bypass channel with downstream opening slide gate. The Project also includes improvements at the Tait Diversion that will provide for compliance with current fish screening requirements. Upgrades will be implemented to meet current state and federal fisheries protection criteria.

7. The Project will benefit recreational uses at Loch Lomond Reservoir by increasing the lake’s water level.

Under current conditions, during the recreational use period of Loch Lomond Reservoir, from March 1 to mid-October, on average there are approximately 12% of days under existing conditions where a full season of boating and related operations do not occur because lake levels fall below approximately 564 feet above mean sea level (amsl). In comparison, under Project conditions, on average there will be approximately 4.5% of days where a full season of boating and related operations will not occur because lake levels fall below approximately 564 feet amsl, which represents an improvement over existing the condition. Therefore, the Project will have a beneficial effect on boating in Loch Lomond Reservoir, given that the Project will improve conditions for boating compared to existing conditions by increasing lake levels, which will allow for a full season of boating more frequently.

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10 Mitigation Monitoring and Reporting Program

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires that, whenever a public agency approves a project based on a mitigated negative declaration or an environmental impact report (EIR), the public agency shall establish a mitigation monitoring or reporting program to ensure that all adopted mitigation measures are implemented.

This mitigation monitoring and reporting program (MMRP) for the Santa Cruz Water Rights Project (Proposed Project) has been prepared pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations, Chapter 3, Sections 15074 and 15097). This is a new chapter that was not included in the Draft EIR. This MMRP is intended to be used by City of Santa Cruz Water Department (SCWD) staff, its contractors and mitigation monitoring personnel to ensure compliance with mitigation measures during project construction and implementation. Mitigation measures identified in this MMRP were developed during the preparation of the EIR prepared for the Proposed Project. A master copy of this MMRP shall be kept in the office of the SCWD and shall be available for viewing upon request.

The EIR for the Proposed Project presents a detailed set of mitigation measures required for implementation. As noted above, the intent of the MMRP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMRP includes all mitigation measures identified in the EIR and, for each measure, the party responsible for implementation and implementation timing (see Table 10-1). The MMRP also includes the City's standard operation and construction practices, which are described in Chapter 3, Project Description, and would be implemented by the City and its contractors during project operations and construction activities.

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
MITIGATION MEASURES IDENTIFIED IN THE ENVIRONMENTAL IMPACT REPORT		
<i>Biological Resources</i>		
<p>MM BIO-1: Project Siting (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements). The City shall locate construction activities, including staging, on and adjacent to current development to the maximum extent feasible. All worker parking, equipment storage, and laydown areas should occur within developed areas and maintained rights-of-way, to the extent possible. Dirt or gravel pull-offs to the side of existing roads shall not be used except for temporary staging areas. To minimize temporary disturbances, the City shall restrict all vehicle traffic to established roads, construction areas, and other designated area.</p> <p>If ground disturbing activities associated with staging and work areas will occur outside existing developed areas and maintained rights-of-way, avoidance and minimization of impacts to special-status species and their habitats, sensitive vegetation communities, and jurisdictional aquatic resources shall be prioritized during the site selection process. Other Proposed Project mitigation measures will provide for compensatory mitigation to address potentially significant impacts to special-status species and their habitats (MM BIO-4 through MM-BIO-10), sensitive vegetation communities (MM BIO-11), and jurisdictional aquatic resources (MM BIO-12 through MM BIO-14).</p>	<p>City responsible for limiting construction activities, including staging, to existing developed areas and restricting all vehicle traffic to designated areas.</p> <p>City responsible for implementing other referenced mitigation measures if ground disturbing activities will occur outside existing developed areas.</p> <p>City responsible for inclusion of measure in construction specifications and contracts and periodic inspection.</p> <p>Contractor responsible for implementation.</p>	<p>Include measure in construction specifications and contracts: Prior to construction.</p> <p>Limit construction activities to designated areas: Prior to and during construction.</p> <p>Periodic inspections: During construction.</p>
<p>MM BIO-2: Instream Construction (Applies to Tait Diversion and Coast Pump Station Improvements). All instream construction activities shall be limited to the low-flow period between June 15 through November 1, except by extension approved by the California Department of Fish and Wildlife (CDFW) and National Marine Fisheries Service (NMFS). If an extension of instream construction activities is determined necessary beyond the low-flow period, then the City shall provide the CDFW and NMFS with a rationale and method that ensures protection of fish species.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts.</p> <p>Contractor responsible for implementation.</p> <p>City responsible for providing CDFW and NMFS with a rationale and method for protection of fish</p>	<p>Include measure in construction specifications and contracts: Prior to construction.</p> <p>Limit in-stream construction to low-flow period: During construction.</p> <p>Coordination with CDFW and NMFS: During construction.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
	species, if instream construction activities need to extend beyond low-flow period.	
<p>MM BIO-3: Aquatic Vertebrate Rescue and Relocation Plan (Applies to Tait Diversion and Coast Pump Station Improvements). If native fish or native aquatic vertebrates are present during construction of a new or modified intake design, check dam modifications/notching, Coanda intake screen, and other required fish passage upgrades at the Tait Diversion facility, a native fish and aquatic vertebrate rescue and relocation plan shall be prepared. The plan shall be implemented by a qualified biologist during dewatering to ensure that significant numbers of native fish and aquatic vertebrates are not stranded.</p>	City responsible for inclusion of measure in construction specifications and contracts, and for hiring a qualified biologist to prepare and implement relocation plan.	<p>Include measure in construction specifications and contracts: Prior to construction.</p> <p>Plan preparation: Prior to construction.</p> <p>Plan implementation: During construction.</p>
<p>MM BIO-4: Preconstruction Nesting Bird Survey (Applies to New Aquifer Storage and Recovery [ASR] Facilities and Beltz ASR Facilities, Intertie Improvements, Felton Diversion Improvements, and Tait Diversion and Coast Pump Station Improvements). During the nesting season (February 1 – August 31), no more than two weeks prior to any ground disturbing activities, including removal of vegetation and clearing and grubbing activities, a nesting bird survey shall be completed by a qualified biologist to determine if any native birds are nesting in or adjacent to the study area (including within a 50-foot buffer for passerine species and a 250-foot buffer for raptors). If any active nests of native birds are observed during surveys, an avoidance buffer around the nests shall be established in the field to ensure compliance with California Fish and Game Code Section 3503. The avoidance buffer shall be determined by a qualified biologist in coordination with City staff, based on species, location, and extent and type of planned construction activity. Impacts to active nests shall be avoided until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist.</p>	City responsible for hiring qualified biologist to conduct surveys.	<p>Nesting bird pre-construction survey: Within 7 days prior to initiation of construction activities.</p> <p>Roosting bat survey: Within 30 days prior to tree removal.</p>
<p>MM BIO-5: Preconstruction Wildlife Surveys (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements). A qualified biologist shall conduct preconstruction surveys of all ground disturbance areas within off-pavement project footprint areas to determine if special-status wildlife species are present prior to the start of construction. The biologist will conduct these surveys no more than two weeks prior to the beginning of construction.</p>	City responsible for hiring qualified biologist to conduct surveys.	Pre-construction survey: Two weeks prior to initiation of construction activities.
<p>MM BIO-6: Exclusionary Fencing (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements). High-visibility fencing for Environmentally Sensitive Areas shall be installed around all adjacent special-status species identified during the preconstruction surveys, which shall be retained and not disturbed by the Project, to preclude</p>	City responsible for inclusion of measure in construction specifications and contracts.	Include measure in construction specifications and contracts: Prior to construction.

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>encroachment within the root-zone of these plants by construction crews or vehicles. A biological monitor shall also accompany the work crew during excavation and installation of exclusion fencing to prevent harm to species that may be active present and moving along the fence route. Buffers that are established around active bird nests and special-status species (including potentially active woodrat nests) to be avoided shall be delineated with flagging. Buffers and fencing for nesting birds shall be maintained until the biological monitor verifies that the birds have fledged. All other fencing shall be maintained in good repair throughout the entire construction period.</p>	<p>Contractor responsible for installing and maintaining fencing. City responsible for hiring qualified biologist to monitor work crew during installation of fencing, delineate buffers with flagging around active bird nest and special-status species, and verify that birds have fledged.</p>	<p>Installation of fencing: Prior to construction Delineating buffers: Prior to construction. Maintaining fencing: During construction. Fencing removal: After birds have fledged.</p>
<p>MM BIO-7: Biological Construction Monitoring (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements). A qualified biologist shall monitor vegetation removal and ground disturbing activities during all work hours for off-pavement work or once a week for all other construction activities. The monitor shall check the exclusion fencing and buffers for active nesting birds once a week, and shall verify when birds have fledged if found present before construction. The biologist shall have stop-work authority in the event that a protected species is found within the active construction footprint. During construction, the biological monitor shall keep a daily observation log and a photo log to describe monitoring activities, remedial actions, non-compliance, and other issues and actions taken. These logs shall be kept on-site and made available for inspection by agency personnel.</p>	<p>City responsible for hiring qualified biologist to conduct construction monitoring.</p>	<p>Conduct construction monitoring: During construction.</p>
<p>MM BIO-8: Species Relocation (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements). If special-status wildlife species are observed within the construction area prior to or during construction activities, the biologist shall capture and relocate such individuals out of the area affected by construction activities to nearby habitat that has equivalent value to support the species. The biologist shall identify suitable habitats as potential release sites prior to start of construction activities. If the special-status species is a federally- or state-listed as threatened or endangered, the biologist shall notify the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and/or National Marine Fisheries Service, as appropriate, prior to capture and relocation to obtain approval.</p>	<p>City responsible for hiring qualified biologist to conduct surveys, identify potential release sites, monitor project activities, relocate individuals, and notify noted resource agencies if a special-status species is identified prior to relocation.</p>	<p>Surveys and identification of potential release sites: Prior to construction. Monitoring and species relocation: During construction.</p>
<p>MM BIO-9: Entrapment Avoidance (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements). The construction contractor</p>	<p>City responsible for inclusion of measure in</p>	<p>Include measure in construction specifications</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>shall cover all construction-related holes in the ground overnight to prevent entrapment of any native wildlife species. The monitoring biologist shall inspect all construction pipes, culverts, or similar structures that are stored at the work area for one or more nights before the pipe is used or moved. If wildlife species are present, they shall be allowed to exit on their own or a qualified biologist shall move them out of the construction area to nearby habitat that has equivalent value to support the species. If special-status species are present and are federally or state-listed as threatened or endangered, the biologist shall notify the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and/or National Marine Fisheries Service, as appropriate, prior to capture and relocation to obtain approval.</p>	<p>construction specifications and contracts. Contractor responsible for covering construction-related holes. Biologist responsible for inspection of work area.</p>	<p>and contracts: Prior to construction. Cover holes and inspect work area: During construction.</p>
<p>MM BIO-10: Preconstruction Special-Status Plant Surveys and Compensation (Applies to New Aquifer Storage and Recovery Facilities and Intertie Improvements). If ground-disturbing activities associated with staging and work areas occur outside existing developed areas and maintained rights-of-way, a qualified biologist shall conduct a focused botanical survey for special-status plants during the appropriate bloom period for each species. If special-status species are not detected, no further surveys or mitigation would be necessary. If any individuals or populations are detected, the location(s) shall be mapped, and a plan focused on compensating for impacts to special-status plants shall be developed and include the following elements and criteria. This plan shall be a component of the project’s Habitat Mitigation and Monitoring Plan described in MM BIO-11:</p> <ol style="list-style-type: none"> a. A description of any areas of habitat occupied by special-status plants to be preserved and/or removed by the project; b. Identification and evaluation of the suitability of on-site or off-site areas for preservation, restoration, enhancement or translocation; c. Analysis of species-specific requirements and considerations and specific criteria for success relative to the project’s impact on this species and restoration, enhancement or translocation; d. A description of proposed methods of preservation, restoration, enhancement, and/or translocation; e. A description of specific performance standards, including a required replacement ratio and minimum success standard of 1:1 for impacted individuals or populations; f. A monitoring and reporting program to ensure mitigation success; and g. A description of adaptive management and associated remedial measures to be implemented in the event that performance standards are not achieved. 	<p>City responsible for hiring qualified biologist to conduct surveys, prepare plan and implement rehabilitation and monitoring.</p>	<p>Conduct focused plant survey: Prior to construction and during appropriate bloom period. Plan preparation if special-status species are found: Prior to construction. Plan implementation: During construction.</p>
<p>MM BIO-11: Sensitive Vegetation Communities Compensation (Applies to New Aquifer Storage and Recovery Facilities, Intertie Improvements, and Tait Diversion and Coast Pump Station Improvements).</p>	<p>City responsible for hiring qualified biologist to</p>	<p>Plan preparation: Prior to construction.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>Direct impacts to sensitive vegetation communities shall be mitigated via a combination of on-site and off-site measures. On-site measures shall include rehabilitation for areas temporarily impacted at a 1:1 mitigation ratio, and enhancement for areas permanently impacted at a 2:1 mitigation ratio. Areas temporarily impacted shall be returned to conditions similar to those that existed prior to grading and/or ground-disturbing activities. It is anticipated that a one-time restoration effort at the completion of the project followed by monitoring and invasive weed removal for a minimum of 3 years would adequately compensate for the direct temporary impacts to these vegetation communities. Areas permanently impacted shall be mitigated through on-site enhancement activities including removal of non-native and invasive species for a minimum of 3 years. If additional area is needed to compensate for permanent impacts at a 2:1 ratio, then an off-site location will be identified and evaluated. A Habitat Mitigation and Monitoring Plan shall be prepared and implemented to compensate for the loss of all sensitive vegetation communities (see below).</p> <p>Rehabilitation and enhancement activities with Zayante soils, such as along the City/Scotts Valley Water District intertie, will be revegetated with plants native to the Zayante Sandhills, such as sticky monkeyflower (<i>Mimulus aurantiacus</i>), deer weed (<i>Lotus scoparius</i>), and silver bush lupine (<i>Lupinus albifrons</i> var. <i>albifrons</i>). These native plants will provide suitable habitat conditions for special-status species that might eventually colonize the temporarily impacted portion of the impact area. These revegetated areas will not include any landscape elements that degrade habitat for the special-status species, including mulch, bark, weed matting, rock, aggregate, or turf grass.</p> <p>The Habitat Mitigation and Monitoring Plan shall detail the habitat restoration activities and shall specify the criteria and standards by which the revegetation and restoration actions will compensate for impacts of the Proposed Project on sensitive vegetation communities and shall at a minimum include discussion of the following:</p> <ol style="list-style-type: none"> a. The rehabilitation and enhancement objectives, type, and amount of revegetation to be implemented taking into account enhanced areas where non-native invasive vegetation is removed and replanting specifications that take into natural regeneration of native species when applicable. b. The specific methods to be employed for revegetation. c. Success criteria and monitoring requirements to ensure vegetation community restoration success. d. Remedial measures to be implemented in the event that performance standards are not achieved. 	<p>prepare plan and implement rehabilitation and monitoring.</p>	<p>Rehabilitation and plan implementation: After completion of construction activities.</p> <p>Monitoring/weed removal: At least 3 years following rehabilitation.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>MM BIO-12: Preconstruction Jurisdictional Delineation (Applies to New Aquifer Storage and Recovery Facilities and Tait Diversion and Coast Pump Station Improvements). If ground disturbing activities associated with staging and work areas will occur outside existing developed areas and maintained rights-of-way, a qualified biologist shall conduct a formal jurisdictional delineation to determine the extent of jurisdictional aquatic resources regulated by the U.S. Army Corps of Engineers, Regional Water Control Board, and/or California Department of Fish and Wildlife within the impact area.</p>	<p>City responsible for hiring qualified biologist to perform jurisdictional delineation.</p>	<p>Conduct delineation: Prior to construction.</p>
<p>MM BIO-13: Jurisdictional Aquatic Resources Avoidance (Applies to New Aquifer Storage and Recovery Facilities and Tait Diversion and Coast Pump Station Improvements). Future refinements to the Proposed Project shall endeavor to avoid jurisdictional aquatic resources regulated by the U.S. Army Corps of Engineers, Regional Water Control Board, and California Department of Fish and Wildlife, to the extent practicable, through design changes or implementation of alternative construction methodologies. Where feasible and appropriate, all jurisdictional aquatic resources not directly affected by construction activities will be avoided and protected by establishing staking, flagging or fencing between the identified construction areas and aquatic resources to be avoided/preserved.</p>	<p>City responsible for hiring qualified biologist to establish fencing or flagging to identify aquatic resources to be avoided.</p>	<p>Establish fencing and flagging: Prior to construction.</p>
<p>MM BIO-14: Jurisdictional Aquatic Resources Compensation (Applies to New Aquifer Storage and Recovery Facilities and Tait Diversion and Coast Pump Station Improvements). For unavoidable impacts to jurisdictional aquatic resources, a project-specific mitigation plan shall be developed, approved by the U.S. Army Corps of Engineers, Regional Water Control Board, and/or California Department of Fish and Wildlife, as appropriate, through their respective regulatory permitting processes, and implemented. The mitigation plan shall specify the criteria and standards by which the mitigation will compensate for impacts of the Proposed Project and include discussion of the following:</p> <ul style="list-style-type: none"> a. The mitigation objectives and type and amount of mitigation to be implemented (in-kind mitigation at a minimum mitigation ratio of 1:1); b. The location of the proposed mitigation site(s) (within the San Lorenzo River watershed, if possible); c. The methods to be employed for mitigation implementation (jurisdictional aquatic resource establishment, re-establishment, enhancement, and/or preservation); d. Success criteria and a monitoring program to ensure mitigation success; and e. Adaptive management and remedial measures in the event that performance stands are not achieved. 	<p>City responsible for hiring qualified biologist to prepare plan. City responsible for implementing plan.</p>	<p>Plan preparation: Prior to construction. Plan implementation: After completion of construction activities, or as specified in the plan.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<i>Cultural Resources and Tribal Cultural Resources</i>		
<p>MM CUL-1: Historic-Era Built Environment Resources. Potentially significant impacts to historic built environmental resources on the infrastructure component sites shall be addressed through the following measures:</p> <ul style="list-style-type: none"> a. Identify Potential Historic Built Environment Resources (Applies to New Aquifer Storage and Recovery Facilities and the Felton Diversion). When new or upgraded facilities move into project-level design and those developments are being pursued by the City of Santa Cruz (City), a qualified cultural resource specialist shall review the project site and conduct a California Historical Resources Information System (CHRIS) records search. If there are no previously recorded resources or historic era buildings or structures located on the site, no further action is warranted. If these project site review efforts indicate a potential for California Environmental Quality Act (CEQA) historical resources, all buildings and structures within the component site that are 45 years or older, shall be identified and measure b shall be implemented. b. Evaluate Potential Built Environment Resources (Applies to New ASR Facilities, City/Soquel Creek Water District/Central Water District Intertie – Soquel Village and Park Avenue Pipelines, and the Felton Diversion). Should potential CEQA historical resources be identified within the above programmatic infrastructure component sites, prior to project implementation, the City or other lead agency overseeing the Proposed Project shall retain a qualified architectural historian, meeting the Secretary of the Interior’s Professional Qualification Standards (36 Code of Federal Regulations Part 61), to record such potential resources based on professional standards, to formally assess their significance under CEQA Guidelines Section 15064.5. A Historic Resources Evaluation Report (HRER) shall be prepared by the architectural historian to evaluate properties over 45 years of age under all applicable significance criteria. In consideration of the historic context for the existing water management systems in the region there is a low-likelihood that water management structures that postdate the late 1800s or early 1900s (pioneering water system era) will be found historically significant. Therefore, for existing infrastructure component sites it is likely that the HRER will find that no properties meet the significance criteria and therefore, no CEQA historical resources are likely to be present. No further work shall be required for historic era-built environment properties, buildings, or structures 45 years old or older at these sites that are not found to meet the CEQA historical significance criteria as historical resources. If a property is found to be eligible for listing under the applicable significance criteria and therefore considered a CEQA historical resource, the resource shall be avoided or preserved in place. If avoidance or preservation in place is not feasible, and the historical resource will be modified through design such that it 	<p>City responsible for hiring a qualified cultural resource specialist and architectural historian to conduct records search and evaluate potential historic built environment resources.</p>	<p>Conduct records search and evaluate resources: Prior to construction.</p>

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Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>may not be able to convey its historic significance, the City will retain a qualified architectural historian to prepare a subsequent technical report. This required report will assess the proposed project design plans and/or schematics in conjunction with the subject CEQA historical resource and determine whether the Proposed Project conforms with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, specifically, the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Structures). The City shall modify the Proposed Project, as needed, to ensure that the Secretary of the Interior’s Standards are met such that the historical resource continues to convey its historical significance.</p>		
<p>MM CUL-2: Historic or Unique Archaeological Resources. Unique Archaeological Resources, Historical Resources of Archaeological Nature, and Subsurface Tribal Cultural Resources. Potentially significant impacts to unique archaeological resources, historical resources of an archaeological nature, or subsurface tribal cultural resources on the infrastructure component sites shall be addressed through the following measures:</p> <p>a. Identify Potential Unique Archaeological Resources, Historical Resources of Archaeological Nature, and Subsurface Tribal Cultural Resources (Applies to New Aquifer Storage and Recovery [ASR] Facilities and Other Components where Five Years Have Elapsed). When new ASR facilities sites are identified and those components are being pursued by the City of Santa Cruz (City), a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, shall conduct a California Historical Resources Information System (CHRIS) records search, a Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search and perform an intensive surface reconnaissance within a specifically defined Area of Direct Impact (ADI). Based on the above, all archaeological sites within or near the component site or area of potential effect shall be identified. The sensitivity of the site for discovering unknown resources, shall also be identified. The qualified archaeologist will prepare a technical report with the results of the above. The qualified archaeologist shall attempt to ascertain whether the archaeological sites qualify as unique archaeological resources, historical resources of an archaeological nature, or subsurface tribal cultural resources. If known or identified resources of these kinds are present on the site, measure c shall be implemented.</p> <p>This measure shall also be implemented for any other project or programmatic components that are implemented more than five years after the CHRIS records search and NAHC SLF search were conducted.</p>	<p>City responsible for hiring a qualified archaeologist to conduct records search, prepare cultural resources technical report, evaluate identified resources, and prepare and implement data recovery plan, as warranted</p> <p>City responsible for inclusion of inadvertent discovery clause in construction specifications and contracts.</p> <p>Contractor responsible for implementation of inadvertent discovery clause, which includes cultural resource sensitivity training for workers.</p>	<p>Include measure in construction specifications and contracts: Prior to construction.</p> <p>Identifying and evaluate cultural resources: Prior to construction.</p> <p>Training: Prior to construction and prior to new work crews coming onto the site.</p> <p>Evaluate potential cultural resources: Prior to and during construction, as warranted.</p> <p>Data recovery plan preparation and implementation: During construction if identified resource is determined to be significant.</p>

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Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>b. Standard Sensitivity Training and Inadvertent Discovery Clauses (Applies to all Components). The City or other lead agency shall include a standard clause in every construction contract for the Proposed Project, which requires cultural resource sensitivity training for workers prior to conducting earth disturbance in the vicinity of a documented cultural-resource-sensitive area, should one be identified in the future. Prior to site mobilization or construction activities on the project site, a qualified archaeologist with training and experience in California prehistory and historical period archaeology shall conduct the cultural resources awareness training for all project construction personnel. The training shall address the identification of buried cultural deposits, including Native American and historical period archaeological deposits and potential tribal cultural resources, and cover identification of typical prehistoric archaeological site components including midden soil, lithic debris, and dietary remains as well as typical historical period remains such as glass and ceramics. The training must also explain procedures for stopping work if suspected resources are encountered. Any personnel joining the work crew subsequent to the training shall also receive the same training before beginning work.</p> <p>Consistent with Standard Construction Practice #24, standard inadvertent discovery clauses shall also be included in every construction contract for the Proposed Project by the City or other lead agency, which requires that in the event that an archaeological resource is discovered during construction (whether or not an archaeologist is present), all soil disturbing work within 100 feet of the find shall cease until a qualified archaeologist can evaluate the find and make a recommendation for how to proceed, as specified in measure c.</p> <p>c. Evaluate Potential Unique Archaeological Resources, Historical Resources of Archaeological Nature, and Subsurface Tribal Cultural Resources (Applies to all Components). For an archaeological resource that is discovered during initial site review (measure a) or during construction (measure b), the City or other lead agency shall:</p> <ul style="list-style-type: none"> • Retain a qualified archaeologist to determine whether the resource has potential to qualify as either a unique archaeological resource, a historical resource of an archaeological nature, or a subsurface tribal cultural resource under Public Resources Code section 21074, California Environmental Quality Act (CEQA) Guidelines Section 15064.5, or Section 106 of the National Historic Preservation Act. • If the resource has potential to be a unique archaeological resource, a historical resource of an archaeological nature, or a subsurface tribal cultural resource, the qualified archaeologist, in consultation with the lead agency, shall prepare a research 		

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Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>design and archaeological evaluation plan to assess whether the resource should be considered significant under CEQA criteria.</p> <ul style="list-style-type: none"> If the resource is determined significant, the lead agency shall provide for preservation in place, if feasible. If preservation in place is not feasible, the qualified archaeologist, in consultation with the lead agency, will prepare a data recovery plan for retrieving data relevant to the site’s significance. The data recovery plan shall be implemented prior to, or during site development (with a 100-foot buffer around the resource). The archaeologist shall also perform appropriate technical analyses, prepare a full written report and file it with the Northwest Information Center, and provide for the permanent curation of recovered materials. The written report will provide new recommendations, which could include, but would not be limited to, archaeological and Native American monitoring for the remaining duration of project construction. 		
Geology and Soils		
<p>MM GEO-1: Operation of New Aquifer Storage and Recovery (ASR) Facilities in Liquefaction-Prone Areas (Applies to New ASR Facilities). To avoid increasing the potential for liquefaction, ASR injections in new wells located in potential liquefaction zones, as depicted on Figure 4.5-3, shall be maintained and operated such that existing shallow groundwater (i.e., depth generally less than 100 feet) does not rise to within 40 feet of the ground surface. Similarly, ASR injections in potential liquefaction zones shall be maintained and operated such that existing groundwater within a depth of 40 feet or less does not rise closer to the ground surface.</p>	<p>City responsible for monitoring operations to achieve this measure.</p>	<p>Monitoring: During operation of ASR facilities located in potential liquefaction zones.</p>
<p>MM GEO-2: Paleontological Resources Impact Mitigation Program and Paleontological Monitoring. Potentially significant impacts to paleontological resources on the project and programmatic infrastructure component sites shall be addressed through the following measures:</p> <ol style="list-style-type: none"> Identify Potential Paleontological Resources (Applies to New Aquifer Storage and Recovery [ASR] Facilities). When new ASR facilities sites are identified and those components are being pursued by the City or other lead agency, a qualified a qualified paleontologist pursuant to the Society of Vertebrate Paleontology (SVP) 2010 guidelines, shall conduct a paleontological records search from the Natural History Museum of Los Angeles County (LACM) and conduct a desktop geological and paleontological research. Based on the above, all paleontological sites within or near the programmatic component site shall be identified. The sensitivity of the site for discovering unknown paleontological resources, shall also be identified. The qualified paleontologist will prepare a brief technical report with the results of the above. If known or 	<p>City responsible for hiring qualified paleontologist to prepare the PRIMP and conduct worker training and monitoring. City responsible for inclusion of paleontological resource protection clauses in construction specifications and contracts.</p>	<p>Include measure in construction specifications and contracts: Prior to construction. Identifying potential paleontological resources: Prior to construction. PRIMP preparation and worker training: Prior to site grading or excavation.</p>

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Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>identified resources are present on the site, or if the site has moderate to high sensitivity for paleontological resources, measures b and c shall be implemented.</p> <p>b. Develop Paleontological Resources Impact Mitigation Program (Applies to all Known Infrastructure Components and May Apply to New ASR Facilities). Prior to commencement of any grading activity on infrastructure component sites with moderate to high paleontological sensitivity or that may have such sensitivity at depth, the City or other lead agency shall retain a qualified paleontologist pursuant to the SVP (2010) guidelines. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the Proposed Project. The PRIMP can be written to include all infrastructure components located in sites with moderate to high paleontological sensitivity. The PRIMP shall be consistent with the SVP (2010) guidelines and shall, at a minimum, contain the following elements:</p> <ul style="list-style-type: none"> • Introduction to the project, including project location, description of grading activities with the potential to impact paleontological resources, and underlying geologic units. • Description of the relevant laws, ordinances, regulations, and standards pertinent to the project and potential paleontological resources. • Requirements for preconstruction meeting attendance by the qualified paleontologist and/or their designee and worker environmental awareness training for grading contractors that outlines laws protecting paleontological resources and the types of resources that may be encountered on site. • Identification of locations where full-time paleontological monitoring within geological units with high paleontological sensitivity is required within the project or programmatic sites based on construction plans and/or geotechnical reports. • Requirements and frequency of paleontological monitoring spot-checks below a depth of five feet below the ground surface in areas underlain by Holocene sedimentary deposits. • The types of paleontological field equipment the paleontological monitor shall have on-hand during monitoring. • Discoveries treatment protocols and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils). • Requirements for adequate reporting and collections management, including daily logs, monthly reports, and a final paleontological monitoring report that details the 		<p>Monitoring: During grading and ground disturbance as specified in the PRIMP.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>monitoring program and includes analyses of recovered fossils and their significance and the stratigraphy exposed during construction.</p> <ul style="list-style-type: none"> Requirements for collection and complete documentation of fossils identified within the project site prior to construction and during construction, including procedures for temporarily halting construction within a 50-foot radius of the find while documentation and salvage occurs and allowing construction to resume once collection and documentation of the find is completed. Prepared fossils along with copies of all pertinent field notes, photos, maps, and the final paleontological monitoring report shall be deposited in a scientific institution with paleontological collections. Any curation costs shall be paid for by the City. <p>C. Standard Paleontological Clauses in Construction Contracts (Applies to all Infrastructure Components). The City or other lead agency shall include standard clauses in construction contracts for infrastructure components located in areas with moderate to high paleontological sensitivity. A standard clause shall be included that requires paleontological resource sensitivity training for workers prior to conducting earth disturbance activities. A standard inadvertent discovery clause shall also be included that indicates that in the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot-radius buffer. Once documentation and collection of the find is completed, the monitor will allow grading to recommence in the area of the find.</p>		
Hazards, Hazardous Materials, and Wildfire		
<p>MM HAZ-1: Review of Hazardous Materials Site Databases (Applies to New Aquifer Storage and Recovery Facilities). Prior to construction where ground disturbance is required, a review of hazardous materials site databases will be conducted within 0.5 miles of the project site where the construction is proposed (project site). A search shall be conducted no more than six months prior to construction. In addition to sites identified in this environmental impact report, each new site identified within 0.5 miles of the project site will be reviewed for environmental contamination that could impact the project site, including soil, soil vapor, and groundwater contamination. If soil, soil vapor, and/or groundwater contamination is identified in the review, MM HAZ-2 will be implemented.</p>	<p>City responsible for review of hazardous site databases, or for hiring a qualified technician to conduct such a database review.</p>	<p>Review of hazardous materials site databases: Prior to construction.</p>
<p>MM HAZ-2: Hazardous Materials Contingency Plan (Applies to New Aquifer Storage and Recovery Facilities and City of Santa Cruz/Soquel Creek Water District/Central Water District Intertie – Soquel Village Pipeline). Prior to commencement of any construction activities, a Hazardous Materials Contingency Plan</p>	<p>City responsible for hiring a qualified engineer to develop plan.</p>	<p>Include measure in construction specifications and contracts if required by</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>(HMCP) shall be developed that addresses known and suspected impacts in soil, soil vapor, and groundwater from releases on or near the project sites. The HMCP shall include training procedures for identification of contamination. The HMCP shall describe procedures for assessment, characterization, management, and disposal of hazardous constituents, materials, and wastes, in accordance with all applicable state and local regulations. Contaminated soils and/or groundwater shall be managed and disposed of in accordance with local and state regulations. These regulations, as further described in Section 4.7.2, Regulatory Framework (Section 4.7, Hazards, Hazardous Materials, and Wildfire), include hazardous material transportation (California Department of Transportation and Department of Toxic Substances Control [DTSC]), hazardous waste regulations (U.S. Environmental Protection Agency and DTSC), worker health and safety during excavation of contaminated materials (California Division of Occupational Safety and Health Administration), and local disposal requirements (DTSC and landfill-specific). The HMCP shall include health and safety measures, which may include but are not limited to periodic work breathing zone monitoring and monitoring for volatile organic compounds using a handheld organic vapor analyzer in the event impacted soils are encountered during excavation activities.</p>	<p>City responsible for inclusion of plan implementation in construction specifications and contracts. Contractor to implement plan during construction.</p>	<p>MM HAZ-2: Prior to construction. Development of plan: Prior to initiation of construction activities. Implementation of plan: During construction.</p>
Hydrology and Water Quality		
<p>MM HYD-1: Ammonia Monitoring (Applies to Beltz 12 Aquifer Storage and Recovery [ASR] Facility). Consistent with groundwater monitoring completed for the Beltz 12 ASR Pilot Test Project (Pueblo Water Resources 2020), monitoring for ammonia shall be completed in the Beltz 12 well and the Soquel Creek Water District (SqCWD) O’Neill Ranch well during future Beltz 12 ASR pilot tests and ASR operations. The City shall establish ammonia concentrations beginning at least 12 months prior to commencement of Beltz 12 ASR operations, by conducting quarterly sampling, and obtaining similar sampling data for the SqCWD’s O’Neill Ranch well, as provided by SqCWD. During the first year of Beltz 12 ASR injection and extraction operations, the City shall conduct monthly monitoring of ammonia concentrations in groundwater. Following the first year of operations, monitoring of ammonia shall be quarterly. In the event that over a two-year sampling period after initiation of Beltz 12 ASR operations, City ammonia monitoring data, in combination with ammonia monitoring data from the SqCWD O’Neill Ranch well, indicates Beltz 12 ASR operations are not resulting in changes to ammonia concentrations that could adversely affect operations at the SqCWD’s O’Neill Ranch well, ammonia sampling shall be discontinued in the Beltz 12 ASR well. The City ammonia monitoring data, in combination with ammonia monitoring data from the SqCWD O’Neill Ranch well, shall be evaluated to determine if Beltz 12 ASR operations are resulting in changes to ammonia concentrations that could adversely affect operations at the SqCWD’s O’Neill Ranch well. If ammonia levels increase above baseline, the City and SqCWD shall cooperatively develop, fund, and implement a hydrogeologic investigation to evaluate the source(s) and distribution of ammonia in the</p>	<p>City responsible for specified ammonia monitoring at Beltz 12 ASR. City and SqCWD responsible for cooperatively implementing hydrogeologic investigation, as warranted. City responsible for modifying ASR injection and/or extraction operations if hydrogeologic investigation indicates that Beltz 12 ASR operations are resulting in ammonia concentrations above baseline concentrations.</p>	<p>Establish baseline ammonia concentrations: at least 12 months prior to operations. Conduct monthly monitoring of ammonia concentrations: during first year of operations. Conduct quarterly monitoring of ammonia concentrations: after first year of operations. Discontinue monitoring: if two-year sampling period of City and SqCWD ammonia monitoring data indicates operations are not resulting in changes to ammonia concentrations that could adversely affect operations at SqCWD’s O’Neill Ranch well.</p>

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Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>aquifer system and potential causes of the observed ammonia increases. The investigation shall include, if applicable, installation of a monitoring well cluster between the Beltz 12 ASR well and the O’Neill Ranch well to evaluate the gap in data between these two wells.</p> <p>To the extent that the results of the hydrogeologic investigation indicate that Beltz 12 ASR operations are resulting in ammonia concentrations above baseline concentrations, ASR injection and/or extraction operations shall be modified until ammonia concentrations decrease to baseline (or lower) levels, as demonstrated with monthly (during the first year of operations) or quarterly monitoring data from the Beltz 12 ASR well, and the SqCWD’s O’Neill Ranch well, as provided by SqCWD. The Beltz 12 ASR modifications shall be proportional to the degree of impact being caused by Beltz 12 ASR operations (versus O’Neill Ranch well operations). Quarterly monitoring reports shall be prepared to document monitoring results.</p> <p>Additionally, during the next Mid-County Groundwater Sustainability Plan update process, the City shall work with other member agencies of the Mid-County Groundwater Sustainability Agency to address ammonia as a groundwater quality issue in the basin if warranted based on the outcome of monitoring and any hydrogeologic investigation performed, and incorporate the City’s Beltz 12 ASR well and the SqCWD’s O’Neill Ranch well into the plan update to allow for the ongoing assessment and monitoring of ammonia concentrations.</p>		
<p>MM HYD-2: Groundwater Level Monitoring (Applies to Beltz 12 Aquifer Storage and Recovery [ASR] Facility). Consistent with restrictive effects criteria established in private well baseline assessment reports (Hydro Metrics 2015a, 2015b, 2015c, 2015d, 2015e), the private well monitoring program currently in place under the April 2015 cooperative monitoring/adaptive groundwater management agreement (cooperative groundwater management agreement) and the April 2015 stream flow and well monitoring agreement, between the City of Santa Cruz (City) and Soquel Creek Water District (SqCWD), shall be continued with respect to groundwater levels, and the City will contact and enroll any additional residents with private domestic wells within a 3,300-foot radius of the City’s Beltz 12 ASR facility who want to join the program. Consistent with the existing cooperative groundwater management agreement, the City and SqCWD shall share monitoring and mitigating for impacts to third parties, such as private wells found in the area of overlap of 3,300-foot radius around SqCWD’s O’Neill Ranch Well and 3,300-foot radius around the City’s Beltz 12 well. Monitoring expenses shall be shared equally while mitigation expenses shall be shared proportionately. If private well monitoring reveals impacts to private wells due to the presence of restrictive effects, pump tests shall be conducted to determine proportionality. Monitoring and mitigation of impacts to private wells within a 3,300-foot radius of either the O’Neill Ranch well or Beltz 12 well, but not located in the overlap area, shall be the sole responsibility of the agency whose 3,300-foot radius encompasses the private well.</p>	<p>City and SqCWD are responsible for groundwater level monitoring and implementing a hydrogeologic investigation, as necessary.</p> <p>City is responsible to contact and enroll additional residents with private domestic wells within 3,300 of the Beltz 12 ASR facility.</p> <p>City responsible for modifying ASR injection and/or extraction operations if hydrogeologic investigation indicates that Beltz 12 ASR</p>	<p>Contact and enroll additional residents: Prior to Beltz 12 ASR operations.</p> <p>Monitoring of private wells: During Beltz 12 ASR operations.</p> <p>Discontinue monitoring: five years after initiation of Beltz 12 ASR operations, unless monitoring period is extended, as specified.</p>

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Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>If demonstrated restrictive effects to nearby private domestic wells occur during ASR pilot testing or operations, the City and SqCWD shall cooperatively develop, fund, and implement a hydrogeologic investigation to evaluate the potential causes of the observed restricted effects in private wells. To the extent that the results of the hydrogeologic investigation indicates that Beltz 12 ASR operations are resulting in restrictive effects, ASR injection and/or extraction operations shall be modified until the corresponding undesirable effects are eliminated, as demonstrated with biannual monitoring data from the private wells. The Beltz 12 ASR modifications shall be proportional to the degree of impact being caused by Beltz 12 ASR operations (versus O’Neill Ranch well operations). Biannual and annual monitoring reports shall be prepared to document monitoring results. In the event that restrictive effects to nearby private domestic wells does not occur during ASR pilot testing or operations, for a period of five years after initiation of Beltz 12 ASR operations, the City’s participation in the private well monitoring program will be discontinued. However, the five-year monitoring period will be extended, if necessary, to account for multi-year drought conditions. The determination as to whether to extend the monitoring period will be based on an evaluation of the groundwater monitoring data collected over the five-year monitoring period, in combination with a review of any drought conditions present during that period. Results of this evaluation will be shared with SqCWD and any associated comments by SqCWD will be considered in determining the need for extension of the monitoring program beyond the five-year period.</p> <p>Additionally, during the next Mid-County Groundwater Sustainability Plan (GSP) update process, the City shall work with other member agencies of the Mid-County Groundwater Sustainability Agency to update information in the GSP related to private wells and the ongoing assessment and monitoring of groundwater levels at these wells, if warranted based on the outcome of monitoring and any hydrogeologic investigation performed. However, the five-year monitoring period will be extended, if necessary, to account for multi-year drought conditions. The determination as to whether to extend the monitoring period will be based on an evaluation of the groundwater monitoring data collected over the five-year monitoring period, in combination with a review of any drought conditions present during that period. Results of this evaluation will be shared with SqCWD and any associated comments by SqCWD will be considered in determining the need for extension of the monitoring program beyond the five-year period.</p>	<p>operations are resulting in restrictive effects.</p>	
<p>MM HYD-3: Drainage Improvements (Applies to City of Santa Cruz/Scotts Valley Water District Intertie Pump Station and City of Santa Cruz/Soquel Creek Water District/Center Water District New Intertie Pump Stations). Final pump station designs shall include Low Impact Development features, which would: (1) reduce post-construction stormwater runoff rates to be less than or equal to existing conditions, for a 24-hour, 25-year storm event; and (2) minimize off-site runoff of stormwater pollutants</p>	<p>City responsible for hiring qualified engineer to design Low Impact Development (LID) features.</p>	<p>Include measure in design and construction specifications and contracts: Prior to construction.</p>

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<p>through filtration features, such oil-water separators, vegetated swales, and bioretention basins. These features shall be inspected monthly to ensure functionality.</p>	<p>City responsible for inclusion of LID requirements in design and construction specifications and contracts. Contractor to implement LID designs during construction. City responsible for monthly inspections.</p>	<p>Development of LID designs: Prior to construction. Implementation of LID designs: During construction. Inspections: During operations.</p>
<p><i>Land Use, Agriculture and Forestry, and Mineral Resources</i></p>		
<p>MM LU-1: Avoidance of Agricultural and Forest Lands (Applies to New Aquifer Storage and Recovery [ASR] Facilities). The following measures shall be implemented to avoid conversion of Farmland or forest/timberland, and/or conflicts with agricultural zoning in the coastal zone:</p> <ul style="list-style-type: none"> • Locate new ASR facilities on sites that do not contain Farmland (i.e., prime, unique, or important farmland under the State Farmland Mapping and Monitoring Program) unless site-specific application of the Land Evaluation and Site Assessment model determines that the site would not result in a significant impact to agricultural lands. • Locate new ASR facilities on sites that do not contain forest/timber land. • Locate new ASR facilities on sites that are not zoned for agricultural uses in the coastal zone. 	<p>City to implement measure during site selection for new ASR facilities.</p>	<p>Avoid agricultural and forest lands: Prior to construction.</p>

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Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<i>Noise</i>		
<p>MM NOI-1: Operational Noise Levels (Applies to Coast Pump Station Improvements). The Proposed Project shall implement the following measures to reduce the potential for exposure of nearby noise-sensitive receptors to excessive noise levels:</p> <ul style="list-style-type: none"> • Where feasible, a primary element for the selection of proposed noise-generating equipment (e.g., pumps, motors, transformers, etc.) shall be equipment that inherently does not generate an increase of +3 dB in the ambient noise levels where the existing ambient is below 60 dBA L_{dn}, or a +5 dB increase in the ambient noise levels where the existing ambient is above 65 dBA L_{dn}, as measured at the nearest sensitive receptor. • Where this is not feasible, noise-generating equipment shall be located within a full or partial noise reduction enclosure. The effectiveness of the equipment enclosure to reduce noise level exposure to within the applicable noise level threshold shall be demonstrated through submittal of a focused acoustical assessment. 	<p>City responsible for inclusion of operational noise requirements in design and construction specifications and contracts.</p> <p>Contractor responsible for selecting equipment or locating equipment within enclosure and providing focused acoustical assessment.</p> <p>City responsible for review of equipment and focused acoustical assessment.</p>	<p>Include measure in design and construction specifications and contracts: Prior to construction.</p> <p>Review of equipment and focused acoustical assessment: Prior to design approval.</p>
<p>MM NOI-2: Construction Noise (Applies to all Infrastructure Components). The Proposed Project shall implement the following measures related to construction noise:</p> <ul style="list-style-type: none"> • Restrict construction activities and use of equipment that have the potential to generate significant noise levels (e.g., use of concrete saw, mounted impact hammer, jackhammer, rock drill, etc.) to between the hours of 8:00 a.m. and 5:00 p.m., unless specifically identified work outside these hours is authorized by the City’s Water Director as necessary to allow for safe access to a construction site, safe construction operations, efficient construction progress, and/or to account for prior construction delays outside of a contractor’s control (e.g., weather delays). • Construction activities requiring operations continuing outside of the standard work hours of 8:00 a.m. and 5:00 p.m. (e.g., borehole drilling operations) shall locate noise generating equipment as far as possible from noise-sensitive receptors, and/or within an acoustically rated enclosure (meeting or exceeding Sound Transmission Class [STC] 27), shroud or temporary barrier as needed to prevent the propagation of sound into the surrounding areas in excess of the 60 dBA nighttime (10:00 p.m. to 8:00 a.m.) and 75 dBA daytime (8:00 a.m. to 10:00 p.m.) criteria at the nearest sensitive receptor. Noisy construction equipment, such as temporary pumps that are not submerged, aboveground conveyor systems, and impact tools will likely require location within 	<p>City responsible for inclusion of construction noise requirements in construction specifications and contracts.</p> <p>Contractor responsible for implementation during construction.</p>	<p>Include measure in construction specifications and contracts: Prior to construction.</p> <p>Implementation of measure: During construction.</p>

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<p>such an acoustically rated enclosure, shroud or barrier to meet these above criteria. Impact tools, in particular, shall have the working area/impact area shrouded or shielded whenever possible, with intake and exhaust ports on power equipment muffled or suppressed. Impact tools may necessitate the use of temporary or portable, application-specific noise shields or barriers to achieve compliance.</p> <ul style="list-style-type: none"> • Portable and stationary site support equipment (e.g., generators, compressors, and cement mixers) shall be located as far as possible from nearby noise-sensitive receptors. <p>Construction equipment and vehicles shall be fitted with efficient, well-maintained mufflers that reduce equipment noise emission levels at the project site. Internal-combustion-powered equipment shall be equipped with properly operating noise suppression devices (e.g., mufflers, silencers, wraps) that meet or exceed the manufacturer’s specifications. Mufflers and noise suppressors shall be properly maintained and tuned to ensure proper fit, function, and minimization of noise.</p> <ul style="list-style-type: none"> • Construction equipment shall not be idled for extended periods of time (i.e., 5 minutes or longer) in the immediate vicinity of noise-sensitive receptors. 		
<p>MM NOI-3: Construction Vibration (Applies to New Aquifer Storage and Recovery Facilities and all Intertie Improvements). The Proposed Project shall implement the following measures to reduce the potential for structural damage from groundborne noise and vibration:</p> <ul style="list-style-type: none"> • Vibratory rollers or compactors shall not be used within 15 feet of sensitive receptors. • Heavy equipment required to operate within 9 feet of sensitive receptors shall be limited to rubber-tired equipment. 	<p>City responsible for inclusion of construction vibration requirements in construction specifications and contracts. Contractor responsible for implementation during construction.</p>	<p>Include measure in construction specifications and contracts: Prior to construction. Implementation of measure: During construction.</p>
STANDARD OPERATIONAL PRACTICES INCLUDED IN THE PROPOSED PROJECT		
<p>1. Ramping rates¹ developed during the pending ASHCP process and agreed to by CDFW and NMFS will be implemented at all City diversion facilities as follows:</p> <ul style="list-style-type: none"> • During changes in diversion rates, a ramping rate will be implemented at the Laguna Diversion, Liddell Diversion, Majors Diversion, and Tait Diversion to limit downstream flow reductions below the diversions such that the change in stage is no greater than 0.16 feet 	<p>City responsible for implementing all operational practices, including ramping rates.</p>	<p>Throughout operation of all City diversion facilities.</p>

¹ Ramping rates are diversion rates that gradually alter diversions from a stream channel to limit the downstream rate of change to stream stage. Stage is the water level in a stream or river defined in reference to a certain height.

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>per hour when fry may be present (January 15 through May 31) and no greater than 0.3 feet per hour at all other times.</p> <ul style="list-style-type: none"> • During changes in bypass rates downstream of Newell Creek Dam, a ramping rate will be implemented to limit flow reductions in Newell Creek such that the change in stage is no greater than 0.16 feet per hour when fry may be present (January 15 through May 31) and no greater than 0.3 feet per hour at all other times. • During inflation and deflation of the dam at Felton Diversion, a ramping rate will be implemented such that during inflation of the dam, downstream stage decreases will be limited to no more than 0.55 feet per hour, and during deflation of the dam, downstream stage increases below the diversion will be limited to no more than 1.68 feet per hour. 		
<p>2. Operation of the ASR injections and extractions anticipated by the Proposed Project will be consistent with the sustainable management criteria, and will avoid any undesirable results identified in the adopted Santa Cruz Mid-County Groundwater Basin GSP and in any future revisions to the GSP. ASR facilities and associated injections and extractions in the Santa Margarita Groundwater Basin will be planned to be installed and operated after the Santa Margarita Groundwater Basin GSP is prepared, adopted, and submitted to the Department of Water Resources in January 2022. The proposed timing will allow ASR injections and extractions to be consistent with the sustainable management criteria, and avoid any undesirable results identified, in the adopted Santa Margarita Groundwater Basin GSP and in any future revisions to the GSP.</p> <p>To avoid any undesirable results in both groundwater basins, minimum thresholds identified in both GSPs will not be exceeded during operation of ASR, as measured at representative monitoring points based on a five-year average, which under the Sustainable Groundwater Management Act will provide for avoidance of undesirable effects and achievement and maintenance of groundwater basin sustainability. To support the achievement of minimum thresholds in the long-term, any early management action triggers identified in the GSPs (e.g., chloride concentration and groundwater elevation triggers in the Mid-County GSP) will also be used in the short-term during ASR operations to identify the need for implementation of early management actions, if any such actions are identified in the GSPs.</p>	<p>City responsible for implementing all operational practices, including operation of ASR injections and extractions consistent with the applicable GSP.</p>	<p>Throughout operation of ASR injections and extractions.</p> <p>Monitoring minimum thresholds: During operations based on a five-year running average.</p> <p>Monitoring early management action triggers: During operations based on short-term data (e.g., 30-day running average).</p>
<p>3. ASR facilities will be permitted, constructed, and operated in accordance with the SWRCB Water Quality Order 2012-0010, General Waste Discharge Requirements for Aquifer Storage and Recovery Projects that Inject Drinking Water into Groundwater. This Order provides consistent regulation of ASR projects state-wide; provides a streamlined review and permitting process for</p>	<p>City responsible for implementing all operational practices, including compliance with</p>	<p>Throughout project operations.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>ASR projects; and ensures compliance with applicable regulations and policies, including the RWQCB Basin Plans and State Water Board Resolution 68-18 (the Antidegradation Policy). The Order addresses possible elevated concentrations of naturally occurring or anthropogenic constituents in the aquifer, as well as the potential effects of mixing water from different sources, which may cause geochemical reactions in the aquifer that can improve or degrade groundwater quality. The Order requires groundwater monitoring of the injection/extraction wells and monitoring wells to evaluate the potential for groundwater quality changes. In accordance with this Order, a technical report will be required in association with ASR permitting, including a hydrogeologic evaluation (e.g., injected aquifer characteristics) and water quality evaluation (e.g., potential impact to ongoing remediation efforts, mobilization of contaminants). A Monitoring and Reporting Program will be required, including requirements for monitoring of injected water quality, groundwater quality, and groundwater elevation/gradient.</p>	<p>SWRCB Water Quality Order 2012-0010. City responsible for preparation of a hydrogeologic evaluation and water quality evaluation, and Monitoring and Reporting Program.</p>	
<p>4. Diversions from surface streams to provide water for ASR injections will be limited by the following:</p> <ul style="list-style-type: none"> • No diversions to provide water for ASR injections will occur in months classified as Hydrologic Condition 5 (driest) as defined in the Agreed Flows (Table 3-5a). 	<p>City responsible for implementing all operational practices, including water diversions from surface streams for ASR injections.</p>	<p>Throughout project operations.</p>
<p>5. Diversions by the City from surface streams to support City water transfers and/or exchanges to neighboring agencies will be limited by the following:</p> <ul style="list-style-type: none"> • The City will not divert water from surface streams to transfer to neighboring agencies pursuant to the Proposed Project in months classified as Hydrologic Condition 4 (dry) or Hydrologic Condition 5 (driest) as defined in the Agreed Flows (Table 3-5a). 	<p>City responsible for implementing all operational practices, including water diversions from surface streams for water transfers and/or exchanges.</p>	<p>Throughout project operations.</p>
<p>6. At times when the Loch Lomond Reservoir is spilling during late spring and summer when surface temperatures in the reservoir are warmer and the cooler 1 cfs fish release below the dam (generally between 11 °C and 14 °C) may not be sufficient to maintain temperatures in Newell Creek below 21 °C, which is within the suitable range for steelhead and coho, the City will release additional flow through the fish release to achieve a maximum instantaneous temperature of less than 21 °C as measured in the anadromous reach of Newell Creek and verified at the City stream gage in Newell Creek below the dam.</p>	<p>City responsible for releasing additional flow to achieve specified water temperature at the City stream gage in Newell Creek below the dam.</p>	<p>Throughout project operations.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
STANDARD CONSTRUCTION PRACTICES INCLUDED IN THE PROPOSED PROJECT		
<i>Erosion and Air Quality Control</i>		
<p>1. Implement erosion control best management practices for all construction activities occurring in or adjacent to jurisdictional aquatic resources (resources subject to permitting under Clean Water Act Section 404, Clean Water Act Section 401, Porter-Cologne Water Quality Act Section 13000 et seq., and/or California Fish and Game Code Section 1600). These measures may include, but are not limited to, (1) installation of silt fences, fiber or straw rolls, and/or bales along limits of work/construction areas and from the edge of the water course; (2) covering of stockpiled spoils; (3) revegetation and physical stabilization of disturbed graded and staging areas; and (4) sediment control including fencing, dams, barriers, berms, traps, and associated basins.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts and periodic inspection. Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction. Periodic inspection during construction to ensure no violations.</p>
<p>2. Provide stockpile containment and exposed soil stabilization structures (e.g., Visqueen plastic sheeting, fiber or straw rolls, gravel bags, and/or hydroseed).</p>	<p>City responsible for inclusion of measure in construction specifications and contracts and periodic inspection. Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction. Periodic inspection during construction to ensure no violations.</p>
<p>3. Provide runoff control devices (e.g., fiber or straw rolls, gravel bag barriers/chevrons) used during construction phases conducted during the rainy season. Following all rain events, runoff control devices shall be inspected for their performance and repaired immediately if they are found to be deficient.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts, and periodic inspections. Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction. Periodic inspection during construction to ensure no violations.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>4. Implement wind erosion (dust) controls, including the following:</p> <ul style="list-style-type: none"> • Use a water truck; • Water active construction areas as necessary to control fugitive dust; • Hydro seed and/or apply non-toxic soil binders to exposed areas after cut and fill operations; • Cover inactive storage piles; • Cover all trucks hauling dirt, sand, or loose materials off site; and • Install appropriately effective track-out capture methods at the construction site for all exiting trucks. 	<p>City responsible for inclusion of measure in construction specifications and contracts, and periodic inspections.</p> <p>Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts.</p> <p>Implement measure during construction.</p> <p>Periodic inspection during construction to ensure no violations.</p>
Water Quality Protection		
<p>5. Locate and stabilize spoil disposal sites and other debris areas such as concrete wash sites. Sediment control measures shall be implemented so that sediment is not conveyed to waterways or jurisdictional resources (resources subject to permitting under Clean Water Act Section 404, Clean Water Act Section 401, and/or California Fish and Game Code Section 1600).</p>	<p>City responsible for inclusion of measure in construction specifications and contracts, and periodic inspections.</p> <p>Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts.</p> <p>Implement measure during construction.</p> <p>Periodic inspection during construction to ensure no violations.</p>
<p>6. Minimize potential for hazardous spills from heavy equipment by not storing equipment or fueling within a minimum of 65 feet of any active stream channel or water body unless approved by permitting agencies along with implementation of additional spill prevention methods such as secondary containment and inspection.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts, and periodic inspections.</p> <p>Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts.</p> <p>Implement measure during construction.</p> <p>Periodic inspection during construction to ensure no violations.</p>
<p>7. Ensure that gas, oil, or any other substances that could be hazardous to aquatic life or pollute habitat are prevented from contaminating the soil or entering waters of the state or of the United States by storing these types of materials within an established containment area. Vehicles and equipment will have spill kits available, be checked daily for leaks, and will be</p>	<p>City responsible for inclusion of measure in construction specifications</p>	<p>Prior to construction, include measure in construction specifications and contracts.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>properly maintained to prevent contamination of soil or water from external grease and oil or from leaking hydraulic fluid, fuel, oil, and grease. Any gas, oil, or other substance that could be considered hazardous shall be stored in water-tight containers with secondary containment. Emergency spill kits shall be on site at all times.</p>	<p>and contracts, and periodic inspections. Contractor responsible for implementation.</p>	<p>Implement measure during construction. Periodic inspection during construction to ensure no violations.</p>
<p>8. Prevent equipment fluid leaks through regular equipment inspections.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts, and periodic inspections. Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction. Periodic inspection during construction to ensure no violations.</p>
<p>9. Implement proper waste/trash management.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts, and periodic inspections. Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction. Periodic inspection during construction to ensure no violations.</p>
<p><i>In-Channel Work and Fish Species Protection</i></p>		
<p>10. For facilities that are in or adjacent to streams and drainages, avoid activities in the active (i.e., flowing) channel whenever possible. New ASR facilities shall avoid streams and drainages.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts, and periodic inspections. Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction. Periodic inspection during construction to ensure no violations.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
11. Isolate work areas as needed and bypass flowing water around work site (see dewatering measures below).	City responsible for inclusion of measure in construction specifications and contracts, and periodic inspections. Contractor responsible for implementation.	Prior to construction, include measure in construction specifications and contracts. Implement measure during construction. Periodic inspection during construction to ensure no violations.
12. Personnel shall use the appropriate equipment for the job that minimizes disturbance to the channel bed and banks. Appropriately tired vehicles, either tracked or wheeled, shall be used depending on the situation.	City responsible for inclusion of measure in construction specifications and contracts, and periodic inspections. Contractor responsible for implementation.	Prior to construction, include measure in construction specifications and contracts. Implement measure during construction. Periodic inspection during construction to ensure no violations.
General Habitat Protection		
13. Avoid disturbance of retained riparian vegetation to the maximum extent feasible when working in or adjacent to an active stream channel.	City responsible for inclusion of measure in construction specifications and contracts, and periodic inspections. Contractor responsible for implementation.	Prior to construction, include measure in construction specifications and contracts. Implement measure during construction. Periodic inspection during construction to ensure no violations.
14. Restore all temporarily disturbed natural communities/areas by replanting native vegetation using a vegetation mix appropriate for the site.	City responsible for replanting.	Upon completion of construction.

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>15. Require decontamination of any used tools and equipment prior to entering water ways.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts, and periodic inspections. Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction. Periodic inspection during construction to ensure no violations.</p>
<p>16. A qualified biologist shall conduct a training-educational session for project construction personnel prior to any mobilization-construction activities within the project sites to inform personnel about species that may be present on site. The training shall consist of basic identification of special-status species that may occur on or near the project site, their habitat, their basic habits, how they may be encountered in the work area, and procedures to follow when they are encountered. The training will include a description of the project boundaries; general provisions of the Migratory Bird Treaty Act, California Fish and Game Code, and federal and state Endangered Species Acts; the necessity for adhering to the provision of these regulations; and general measures for the protection of special-status species, including breeding birds and their nests. Any personnel joining the work crew later shall receive the same training before beginning work.</p>	<p>City responsible for hiring qualified biologist or trained designee to conduct training.</p>	<p>Training: Prior to construction and prior to new work crews coming onto the site.</p>
Dewatering		
<p>17. Prior to the start of work or during the installation of temporary water diversion structures, capture native aquatic vertebrates in the work area and transfer them to another reach as determined by a qualified biologist. Capture and relocation of aquatic native vertebrates is not required at individual project sites when site conditions preclude reasonably effective operation of capture gear and equipment, or when the safety of the biologist conducting the capture may be compromised.</p>	<p>City responsible for hiring qualified biologist to be present during dewatering and to implement capture and relocation plan if needed. (Coordinate with the provisions of MM BIO-3 and MM BIO-8.)</p>	<p>Biologist to be present during installation of coffer dam and dewatering. (Coordinate with the provisions of MM BIO-3 and MM BIO-8.)</p>
<p>18. When work in a flowing stream is unavoidable, isolate the work area from the stream. This may be achieved by diverting the entire streamflow around the work area by a pipe or open channel. Cofferdams shall be installed upstream and downstream, if needed, of the work areas at locations determined suitable based on site-specific conditions, including proximity to the construction zone</p>	<p>City responsible for inclusion of measure in construction specifications and contracts and periodic</p>	<p>Prior to construction, include measure in construction specifications and contracts.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>and type of construction activities being conducted. Cofferdam construction shall be adequate to prevent seepage to the maximum extent feasible into or from the work area. Where feasible, water diversion techniques shall allow stream flows to flow by gravity around or through the work site. If gravity flow is not feasible, stream flows may be pumped around the work site using pumps and screened intake hoses. Sumps or basins may also be used to collect water, where appropriate (e.g., in channels with low flows). The work area will remain isolated from flowing water until any necessary erosion protection is in place. All water shall be discharged in a non-erosive manner (e.g., gravel or vegetated bars, on hay bales, on plastic, on concrete, or in storm drains when equipped with filtering devices).</p>	<p>inspection during implementation. Contractor responsible for implementation.</p>	<p>Implement measure during construction when work in flowing stream is unavoidable. Periodic inspection during construction to ensure no violations.</p>
<p>19. If a bypass will be of open channel design, the berm confining the channel may be constructed of material from the channel.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts and periodic inspection during implementation. Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction when work in flowing stream is unavoidable. Periodic inspection during construction to ensure no violations.</p>
<p>20. Diversions shall maintain ambient flows below the diversion, and waters discharged below the project site shall not be diminished or degraded by the diversion. All imported materials placed in the channel to dewater the channel shall be removed when the work is completed. Dirt, dust, or other potential discharge material in the work area will be contained and prevented from entering the flowing channel. Normal flows shall be restored to the affected stream as soon as is feasible and safe after completion of work at that location.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts. Contractor responsible for implementation. City responsible for periodic and post-construction inspection to ensure all imported materials are removed.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction when work in flowing stream is unavoidable. Periodic inspection to confirm compliance with the measure. Post-construction inspection.</p>
<p>21. To the extent that streambed design changes are not part of the Proposed Project, return the streambed, including the low-flow channel, to as close to pre-project condition as possible unless the pre-existing condition was detrimental to channel condition as determined by a qualified biologist or hydrologist.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts.</p>	<p>Prior to construction, include measure in construction specifications and contracts.</p>

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
	Contractor responsible for implementation. City responsible for post-construction inspection.	Implement measure during construction when work in flowing stream is unavoidable. Post-construction inspection.
22. Remove all temporary diversion structures and the supportive material as soon as reasonably possible, but no more than 72 hours after work is completed.	City responsible for inclusion of measure in construction specifications and contracts. Contractor responsible for implementation. City responsible for post-construction inspection to ensure all imported materials are removed.	Prior to construction, include measure in construction specifications and contracts. Implement measure during construction when work in flowing stream is unavoidable. Post-construction inspection.
23. Completely remove temporary fills, such as for access ramps, diversion structures, or coffer dams upon finishing the work.	City responsible for inclusion of measure in construction specifications and contracts. Contractor responsible for implementation. City responsible for post-construction inspection to ensure all imported materials are removed.	Prior to construction, include measure in construction specifications and contracts. Implement measure during construction when work in flowing stream is unavoidable. Post-construction inspection.
Other Practices		
24. In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Proposed Project, immediately stop all construction work occurring within 100 feet of the find until a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, can evaluate the significance of the find, and whether the archaeological resources qualify as unique archaeological resources, historical resources of an archaeological nature, or subsurface tribal cultural resources. The archaeologist will determine whether additional study is warranted. Should it be required, the archaeologist may install	City responsible for inclusion of measure in construction specifications and contracts. Contractor responsible for implementation.	Prior to construction, include measure in construction specifications and contracts. Implement measure during construction.

Table 10-1. Mitigation Monitoring and Reporting Program

Mitigation Measures and Standard Practices	Party Responsible for Implementation	Implementation Timing
<p>temporary flagging around a resource to avoid any disturbances from construction equipment. Depending upon the significance of the find under CEQA (14 CCR 15064.5[f]; California Public Resources Code, Section 21082), the archaeologist may record the find to appropriate standards (thereby addressing any data potential) and allow work to continue. If the archaeologist observes the discovery to be potentially significant under CEQA, preservation in place or additional treatment may be required.</p>	<p>(Coordinate with the provisions of MM CUL-2.)</p>	<p>(Coordinate with the provisions of MM CUL-2.)</p>
<p>25. In accordance with Section 7050.5 of the California Health and Safety Code, if potential human remains are found, immediately notify the lead agency staff and the County Coroner of the discovery. The coroner will provide a determination within 48 hours of notification. No further excavation or disturbance of the identified material, or any area reasonably suspected to overlie additional remains, can occur until a determination has been made. If the County Coroner determines that the remains are, or are believed to be, Native American, the coroner will notify the Native American Heritage Commission within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the Native American Heritage Commission must immediately notify those persons it believes to be the Most Likely Descendant from the deceased Native American. Within 48 hours of this notification, the Most Likely Descendant will recommend to the lead agency her/his preferred treatment of the remains and associated grave goods.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts. Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction.</p>
<p>26. Notify adjacent property owners of nighttime construction schedules. A Construction Noise Coordinator will be identified. The contact number for the Construction Noise Coordinator will be included on notices distributed to neighbors regarding planned nighttime construction activities. The Construction Noise Coordinator will be responsible for responding to any local complaints about construction noise. When a complaint is received, the Construction Noise Coordinator shall notify the City within 48 hours of the complaint, determine the cause of the noise complaint, and implement as possible reasonable measures to resolve the complaint, as deemed acceptable by the City.</p>	<p>City responsible for inclusion of measure in construction specifications and contracts. Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction.</p>
<p>27. For construction on undeveloped sites or sites with surrounding trees and other vegetation, internal combustion engine equipment shall include spark arrestors, fire suppression equipment (e.g., fire extinguishers and shovels) must be stored onsite during use of such mechanical equipment, and construction activities may not be conducted during red flag warnings issued by the California Department of Forestry and Fire Protection (CAL FIRE). Red flag warnings and fire weather watches are issued by CAL FIRE based on weather patterns (low humidity, strong winds, dry fuels, etc.) and listed on their website (https://www.fire.ca.gov/programs/communications/red-flag-warnings-fire-weather-watches/).</p>	<p>City responsible for inclusion of measure in construction specifications and contracts. Contractor responsible for implementation.</p>	<p>Prior to construction, include measure in construction specifications and contracts. Implement measure during construction.</p>

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Rosemary Balsley

From: Douglas Deitch <siddhartha1002@gmail.com>
Sent: Sunday, December 12, 2021 4:46 PM
Subject: Re: Santa Cruz Water Rights Project Final EIR

Dear City Council,

I retract my offer of compromise in respect to Santa Cruz Water Right EIR republication.

MINIMALLY,

This defective EIR must be republished de novo with my complete comment with all attachments/images/submitted now online @ <http://www.dougforassembly.com> in online EIR version w/ active links operable @ page 933

@ <https://www.cityofsantacruz.com/home/showpublisheddocument/86973/637731697885370000> , as it is not presently.

However, in the alternative, I recommend this EIR be completely rethought and redone because it is based on 2015 now outdated assumptions, conditions, and recommendations which are no longer valid, particularly in respect to SLR, ASR vs DPR, and most recent planning recommendations for 3.5 feet SLR in next 30 years @ https://documents.coastal.ca.gov/assets/slr/CCCendorsement_SLRPrinciples.pdf, and just plain old COMMON SENSE!

First, the cleaned water from this plant should probably be put directly in Loch Lomond, like is done in the San Diego Pure Water ASR project, rather than injected in SQWCD.

Why not.

Much cheaper, SAFER, and greener and we can STORE AND use it directly out off Loch Lomond, instead of Soquel Creek's and Mid County's ground water commons instead.

It would be more effective and secure for SQWCD/SCWATER to just reduce their pumping by the same amount in either BETZ WELL or SqCWD, or both?

Capiche?

Why inject it w/ 3.5 ft SLR coming up in next 30 years?

It will be lost through SLR and it's effect on our coastal aquifers, won't it?

Read this from today's Sentinel re: Pure Water Soquel @

<https://www.santacruzsentinel.com/2021/12/10/construction-to-begin-on-pure-water-soquel-purification-plant/>

“It’s our obligation and responsibility to develop a resilient water source — and that’s where the wastewater comes in — because conservation just isn’t enough,” said Soquel Creek Board President Rachél Lather.

The project includes the construction of 8 miles of water pipelines to transport water underground through the cities of Santa Cruz, Live Oak and Capitola, as well as an education center that will be on site at the purification plant.

Once water is treated at the plant, it will be injected into three ‘seawater intrusion prevention’ wells. According to Lather, those wells are now completed.

Funding for the project is being sourced through state and federal grants, as well as loans. That includes \$6 million from the U.S. Environmental Protection Agency, another \$9 million in funding from the Bureau of

Reclamation and \$50 million coming out of a [state water bond passed in 2014](#). Pure Water is estimated to cost \$90 million in total.

The project is expected to be completed by the end of 2023, said Soquel Creek Water District General Manager Ron Duncan.

Still, in a county where water supply is only sourced through rainfall, the project alone won't resolve big picture regional needs — exacerbated by climate change and wildfires.

State Sen. John Laird said that in Santa Cruz County water storage opportunities need to be more closely examined and that water recycling should be a first line of defense in increasing drinking water supplies.

Esquivel echoed Laird.

“We really need to look at our [water] systems with a 21st century lens ... that means following the drops through the watershed and figuring out where there are opportunities for investments that create water quantity and water quality improvement,” Esquivel said.”

The regional project that I have been proposing for decades run down @ <http://dougdeitch.info> and described in the my EIR comment does not suffer from these deficiencies, and with the City and County of Santa Cruz' and SWRCB's support, will be such a project and will provide 31kafyr recycled water urban to the Monterey Bay from an existing online plant in Castroville and 21000 acres of new wetlands, and 63 kafyr new conservation and recharge to our Monterey Bay ground water commons yearly in perpetuity ...w/ no injection of anything anywhere anytime AND best protect our \$5 billion yearly ag production here and possibly even avert our ongoing ground water commons tragedy , as well.

Respectfully,

Douglas Deitch (Individually)

Douglas Deitch/MBC

On Mon, Dec 6, 2021 at 5:48 AM Douglas Deitch <siddhartha1002@gmail.com> wrote:

Please distribute to SC city council, et al ...

To respectfully repeat

My "SC Water Rights" DEIR comment is incomplete and in error ...

Please see/review @ 11:21 my omitted 23 page attachment/image @ <http://dougforassembly.com> and ...

"Ms. Perez, (Added, Rosemary Menard)(Amended)

I think I was able to locate my comment and responses?

Attached is a screen shot of a portion of it?

I was not able to locate and review the images, etc I provided in the 23 page pdf I sent/attached (now online @ <http://dougforassembly.com>).

This pdf, if you reviewed it and @ 11:21 @ <http://www.begentlewiththeearth.org> , is my testimony/comment before SWRCB in 4/16/2016, requesting SWRCB intervention in the entire Monterey Bay Region water resources management, control, and sustainability infrastructure for cause and craft a new one. This, of course, would, if successful, make SCMU, SqCWD, PVWMA, CWD etc. et al both obsolete and nonexistent. This relates very directly to SC Water Rights past, present, and future in addition to other matters like alternatives and following our LCPs laws, oaths of office, and common sense about 3.5 feet slr in 30 years and ASR vs. DPR.

My comment relies substantially on the materials and my associated 2016 SWRCB appearance and commentary then.

That was just the beginning.

I have been there @ SWRCB every year since requesting SWRCB intervention and adding the new issues which on an emergency and current basis must also be now dealt with.

My comment is incomplete without the 23 images I sent you attached to my comment which now can be found at <http://dougforassembly.com> .

Please republish the EIR for this project again and anew including the 23 images attached to my comment which I provided to SWRCB at this meeting which are a critical, integral, and necessary part of it and relate directly to SC Water Rights and project and beyond and ASR at the Coast particularly where seas are rising so rapidly.

I apologize in advance if these 23 images are included elsewhere or I am otherwise in error.

Added: Also, I have provided and submitted my DEIR comment, which contains many properly formatted and "active" links which are now not operating in the Final EIR online document @ p933 @ <https://www.cityofsantacruz.com/home/showpublisheddocument/86973/637731697885370000> or elsewhere in this online document?

Not only are the included links inoperable in the Final EIR online document, the Final EIR online document is also published/formatted in such a manner as to make it impossible to even "copy, cut, and paste" the included link and then paste the copied link in the browser window to be able to allow any reader/reviewer to be able to easily read and review it.

Would you please also be so kind to correct this defect/"inconvenience" also when you republish the Santa Cruz Water Rights Project Final EIR, again de novo including my 23 page previously non included attachment to make my included links, which are a necessary and integral part of my 30 plus year history and other past relevant commentary, content, and other events, easily reviewable readable in their entirety to any interested and/or necessary parties.

Thank you/Respectfully

Douglas Deitch

Monterey Bay Conservancy"

On Wed, Dec 1, 2021 at 3:57 AM Douglas Deitch <siddhartha1002@gmail.com> wrote:

Donna- Thank you for finally responding to me after how many attempts over the last couple of years to contact and meet with you both in your capacity as councilmember/Santa Cruz Mayor and in your professional capacity as Monterey Bay water agency GM (and how exactly are you professionally qualified to do this, may I please inquire?), etc., w/ just approved "GSA", one of 2 statewide w/ Aptos/Soquel aka "MidCounty GSA" as the other... both of which I very extensively officially commented on like I have w/ "SC Water Rights"... which comments we also ignored?

In the year, 1996 I believe, that you first came to Santa Cruz, here's what I was and am still up to ...

<http://lomejorqueeldineroNOpuedecomprar.org> or <http://lawandorderliberal.org>

You are an oath sworn public official as SC councilmember, supervisor, water agency gm, SWRCB or CaCoastComm member?

We are and have been in a Santa Cruz ground water emergency officially since 1998.

Read the law @ <http://pogonip.org/ord.htm>, what the recently late Judge/Supervisor Almquist had to say about it in 1998 @ <http://pogonip.org/alm.htm>, and my testimony before SWRCB 4/19/2016, well over 5 years ago and 4 more times since @ <http://dougforassembly.com>.

Please, all of you, follow our laws and your oath and promises to us to do exactly this, and immediately hold a public hearing at our Board of Supervisors under our laws to immediately declare a countywide ground water/water emergency (AS EVERY PLACE ELSE IN OUR STATE HAS ALREADY DONE!!!) and take the steps under our local ground water sustainability act, our Gary Patton "Well Ordinance" from 1987 @ <http://pogonip.org/ord.htm> remedy this real emergency and decades long ground water commons tragedy and disaster.

... and, to repeat, here's the best way, imho @ <http://dougdeitch.info>, after the SWRCB intervenes and helps us. It's about time?

Best/health/tikkun olam, until then

Doug

<http://begentlewiththeearth.com>

<http://ourinconvenienttruth.net>

<http://ourinconvenienttruth.org>

<http://douglasdeitch.com>

<http://douglasdeitch.net>

<http://besameprimero.com>

On Tue, Nov 30, 2021 at 10:50 AM Donna Meyers <meyersd@svbgsa.org> wrote:

Doug - this is my work address - can you not email here on City items - please send those to dmeyers@cityofsantacruz.com

Thanks,
Donna

On Tue, Nov 30, 2021 at 7:39 AM Douglas Deitch <siddhartha1002@gmail.com> wrote:

Ms. Perez,
Thank you for your prompt response re: "republishing".

Fortunately(?), to partially address my requests and concerns (i.e "

Added: Also, I have provided and submitted my DEIR comment, which contains many properly formatted and "active" links which are now not operating in the Final EIR online document @ p933 @ <https://www.cityofsantacruz.com/home/showpublisheddocument/86973/637731697885370000> or elsewhere in this online document?

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Would you please also be so kind to correct this defect/"inconvenience" also when you republish the Santa Cruz Water Rights Project Final EIR, again de novo including my 23 page previously non included attachment to make my included links, which are a necessary and integral part of my 30 plus year history and other past relevant commentary, content, and other events, easily reviewable readable in their entirety to any interested and/or necessary parties..."

w/o a formal de novo "republishing" of the Final EIR...

To mitigate my "damages" (and your errors?) and best serve all of the People of the city and the fifth largest and most important economy and Community on this Planet ... OURS!!! @ <https://twitter.com/DouglasDeitch/status/1374672809163550720> ..

Why would it not be immediately possible to:

1. Reformat p.933 @

<https://www.cityofsantacruz.com/home/showpublisheddocument/86973/637731697885370000> site/page which is managed by the city on my 5 page comment there so all the live links work, as I purposely formatted and submitted them and add my 23 images contained in the pdf @ www.dougforassembly.com (just like all the other comments have been)...and

2. Extend the "Public Review" period another 30 days.

Respectfully/Thanks you for your consideration,

Douglas Deitch

ED/MBC

545 Hudson Lane

Aptos, Ca, 95003

831.476.7662

On Tue, Nov 30, 2021 at 4:19 AM Douglas Deitch <siddhartha1002@gmail.com> wrote:

SectyBlumenfeld@calepa.ca.gov

----- Forwarded message -----

From: **Sarah Easley Perez** <seasleyperetz@cityofsantacruz.com>

Date: Mon, Nov 29, 2021 at 4:53 PM

Subject: RE: Santa Cruz Water Rights Project Final EIR

To: Douglas Deitch <siddhartha1002@gmail.com>
Cc: Rosemary Menard <RMenard@cityofsantacruz.com>

Hello Mr. Deitch,

On advice of legal counsel, we are not planning to republish the Santa Cruz Water Rights Project Final EIR to include the letter attachment. We do appreciate your comments and engagement in this process.

Respectfully,

Sarah Easley Perez

City of Santa Cruz Water Department

o: (831) 420-5327 m: (818) 239-6735

From: Douglas Deitch [mailto:siddhartha1002@gmail.com]

Sent: Monday, November 29, 2021 10:28 AM

To: Sarah Easley Perez <seasleyperetz@cityofsantacruz.com>; Douglas Deitch <siddhartha1002@gmail.com>; City Council <citycouncil@cityofsantacruz.com>; citymanager@cityofsantacruz.com; meyersd@svbgsa.org; Ryan Coonerty <ryan.coonerty@santacruzcounty.us>; Zach Friend <Zach.Friend@santacruzcounty.us>; Manu Koenig <rskoenig@gmail.com>; Padilla, Stephen@Coastal <Stephen.Padilla@coastal.ca.gov>; mark@markprimack.com; editorial@santacruzsentinel.com; Aminzadeh, Sara@Coastal <Sara.Aminzadeh@coastal.ca.gov>; Uranga, Roberto@Coastal <Roberto.Uranga@coastal.ca.gov>; Turnbull-Sanders, Effie@Coastal <Effie.Turnbull-Sanders@coastal.ca.gov>; Ainsworth, John@Coastal <john.ainsworth@coastal.ca.gov>; Brownsey, Donne@Coastal <Donne.Brownsey@coastal.ca.gov>; Luster, Tom@Coastal <Tom.Luster@coastal.ca.gov>; Groom, Carole@Coastal <Carole.Groom@coastal.ca.gov>; Howell, Erik@Coastal <Erik.Howell@coastal.ca.gov>; Luce, Shelley@Coastal <Shelley.Luce@coastal.ca.gov>; greg.caput@co.santa-cruz.ca.us; gapatton@stanfordalumni.org; Jim Gleim <jgleim@bayareanewsgroup.com>; bruce.mcpherson@co.santa-cruz.ca.us; Rice, Katie@Coastal <Katie.Rice@coastal.ca.gov>; Katy Fitzgerald <kfitzgerald@cityofsantacruz.com>; Rosemary Menard <RMenard@cityofsantacruz.com>

Subject: Fwd: Santa Cruz Water Rights Project Final EIR

Forwarded Conversation

Subject: Santa Cruz Water Rights Project Final EIR

From: Sarah Easley Perez <seasleyperez@cityofsantacruz.com>

Date: Mon, Nov 22, 2021 at 2:46 PM

To: Douglas Deitch <siddhartha1002@gmail.com>

Dear Mr. Deitch

Thank you for comments on the Santa Cruz Water Rights Project Draft Environmental Impact Report (EIR). Pursuant to the requirements of the California Environmental Quality Act, please find responses to your comments in Chapter 9 of the Final EIR. Responses to your comment letter begin on page 9-133. The Final EIR can be accessed online here: <http://www.cityofsantacruz.com/waterenvdocs>.

The Santa Cruz Water Rights Project Final EIR will be considered by the Santa Cruz Water Commission for recommendation on December 6, 2021 and by the Santa Cruz City Council for certification of the Final EIR and project approval on December 14, 2021.

strict

Please see the attached Notice of Availability with further information on the public meetings and additional ways to access the Final EIR.

Thank you again for your participation.

Sarah Easley Perez

Principal Planner

City of Santa Cruz Water Department

212 Locust Street, Santa Cruz, CA 95060

seasleyperez@cityofsantacruz.com

cityofsantacruz.com/water

o: (831) 420-5327 m: (818) 239-6735

From: Douglas Deitch <siddhartha1002@gmail.com>

Date: Wed, Nov 24, 2021 at 8:44 AM

To: Sarah Easley Perez <seasleyperetz@cityofsantacruz.com>, Douglas Deitch <siddhartha1002@gmail.com>, <citycouncil@cityofsantacruz.com>, <citymanager@cityofsantacruz.com>, <meyersd@svbgsa.org>, Ryan Coonerty <ryan.coonerty@santacruzcounty.us>, Zach Friend <Zach.Friend@santacruzcounty.us>, Manu Koenig <rskoenig@gmail.com>

Ms. Perez, (Added, Rosemary Menard)(Amended)

I think I was able to locate my comment and responses?

Attached is a screen shot of a portion of it?

I was not able to locate and review the images, etc I provided in the 23 page pdf I sent/attached (now online @ <http://dougforassembly.com>).

This pdf, if you reviewed it and @ 11:21 @ <http://www.begentlewiththeearth.org> , is my testimony/comment before SWRCB in 4/16/2016, requesting SWRCB intervention in the entire Monterey Bay Region water resources management, control, and sustainability infrastructure for cause and craft a new one. This, of course, would, if successful, make SCMU, SqCWD, PVWMA, CWD etc. et al both obsolete and nonexistent. This relates very directly to SC Water Rights past, present, and future in addition to other matters like alternatives and following our LCPs laws, oaths of office, and common sense about 3.5 feet slr in 30 years and ASR vs. DPR.

My comment relies substantially on the materials and my associated 2016 SWRCB appearance and commentary then.

That was just the beginning.

I have been there @ SWRCB every year since requesting SWRCB intervention and adding the new issues which on an emergency and current basis must also be now dealt with.

My comment is incomplete without the 23 images I sent you attached to my comment which now can be found at <http://dougforassembly.com> .

Please republish the EIR for this project again and anew including the 23 images attached to my comment which I provided to SWRCB at this meeting which are a critical, integral, and necessary part of it and relate directly to SC Water Rights and project and beyond and ASR at the Coast particularly where seas are rising so rapidly.

I apologize in advance if these 23 images are included elsewhere or I am otherwise in error.

Added: Also, I have provided and submitted my DEIR comment, which contains many properly formatted and "active" links which are now not operating in the Final EIR online document @ p933 @

<https://www.cityofsantacruz.com/home/showpublisheddocument/86973/637731697885370000> or elsewhere in this online document?

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Thank you/Respectfully

Douglas Deitch

Monterey Bay Conservancy

From: **Douglas Deitch** <siddhartha1002@gmail.com>

Date: Wed, Nov 24, 2021 at 9:00 AM

To: Sarah Easley Perez <seasleyperez@cityofsantacruz.com>, Douglas Deitch <siddhartha1002@gmail.com>, <citycouncil@cityofsantacruz.com>, <citymanager@cityofsantacruz.com>, <meyersd@svbgsa.org>, Ryan Coonerty <ryan.coonerty@santacruzcounty.us>, Zach Friend <Zach.Friend@santacruzcounty.us>, Manu Koenig <rskoenig@gmail.com>

Whoops!!!

Sorry!

Senior Moment! (Like bad luck ... if I didn't have senior moments... I'd have no moments at all...)

Wrong link before!

Corrected @

"This pdf, if you reviewed it and @ 11:21 @ <http://thebestthatmoneycantbuy.org> , is my testimony/comment before SWRCB in 4/16/2016, requesting SWRCB intervention in the entire Monterey Bay Region..."

Have a great Thanksgiving

DD

--

Donna Meyers
Regional Government Services

meyersd@svbgsa.org
831-471-7512 x203 - office
831-535-3979 - cell



Assignment:

General Manager

Salinas Valley Groundwater Sustainability Agency

SVBGSA.org



Santa Cruz Water Rights Project

Final Environmental Impact Report Certification
and Project Approval

December 14, 2021

Our Water, Our Future

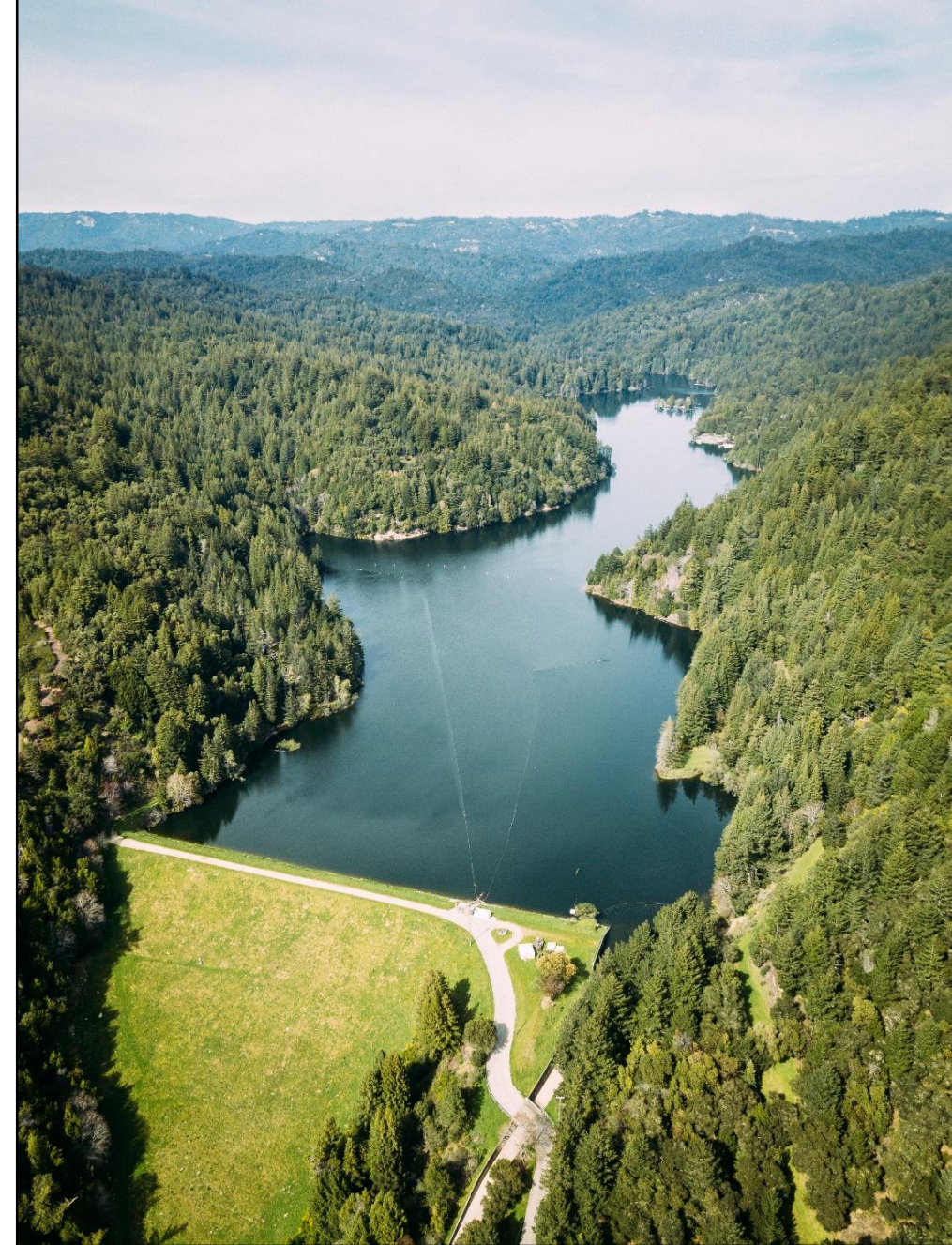


Presenters

- Heidi Luckenbach, Interim Water Director
- Chris Berry, Watershed Compliance Manager

Presentation Overview

1. Project Background
2. CEQA Review Process
3. State Water Resources Control Board Process



01

Project Background

Team

- Dudek
- City staff
- Hagar Environmental Science
- Wagner and Bonsignore, CCE
- Remy, Moose and Manley, LLP
- Ebbin, Moser and Skaggs, LLP
- Gary Fiske and Associates, Inc.
- Bartkiewicz, Kronic & Shanahan
- Atchison, Barisone and Condotti



Overview

Project Elements

- **Water Rights Modifications**
 - Improve flexibility in operation of the City's water system to better use limited water resources, while enhancing stream flows for local anadromous fisheries
- **Infrastructure Components**
 - Components that could be implemented after the water rights modifications, including water supply augmentation components and surface water diversion improvements

Project Objectives Summary

1 Improve the flexibility of water system operations

2 Provide flow conditions that are protective of coho and steelhead

3 Improve the City's limited storage and support the implementation of the City's Water Supply Augmentation Strategy.

4 Facilitate opportunities within the City and regionally for conjunctive use

5 Provide more options for where and how the City can utilize its existing water rights

6 Provide for underground storage of surface water to support more reliable and improved water supply and also to contribute to the protection of groundwater quality

7 Remove potential operational constraints on City water rights that do not explicitly recognize direct diversion

8 Allow additional time for the City to fully reach beneficial use under existing water-right permits at Felton

9 Improve fish screening at the Felton Diversion and Tait Diversion and improve fish passage at the Felton Diversion

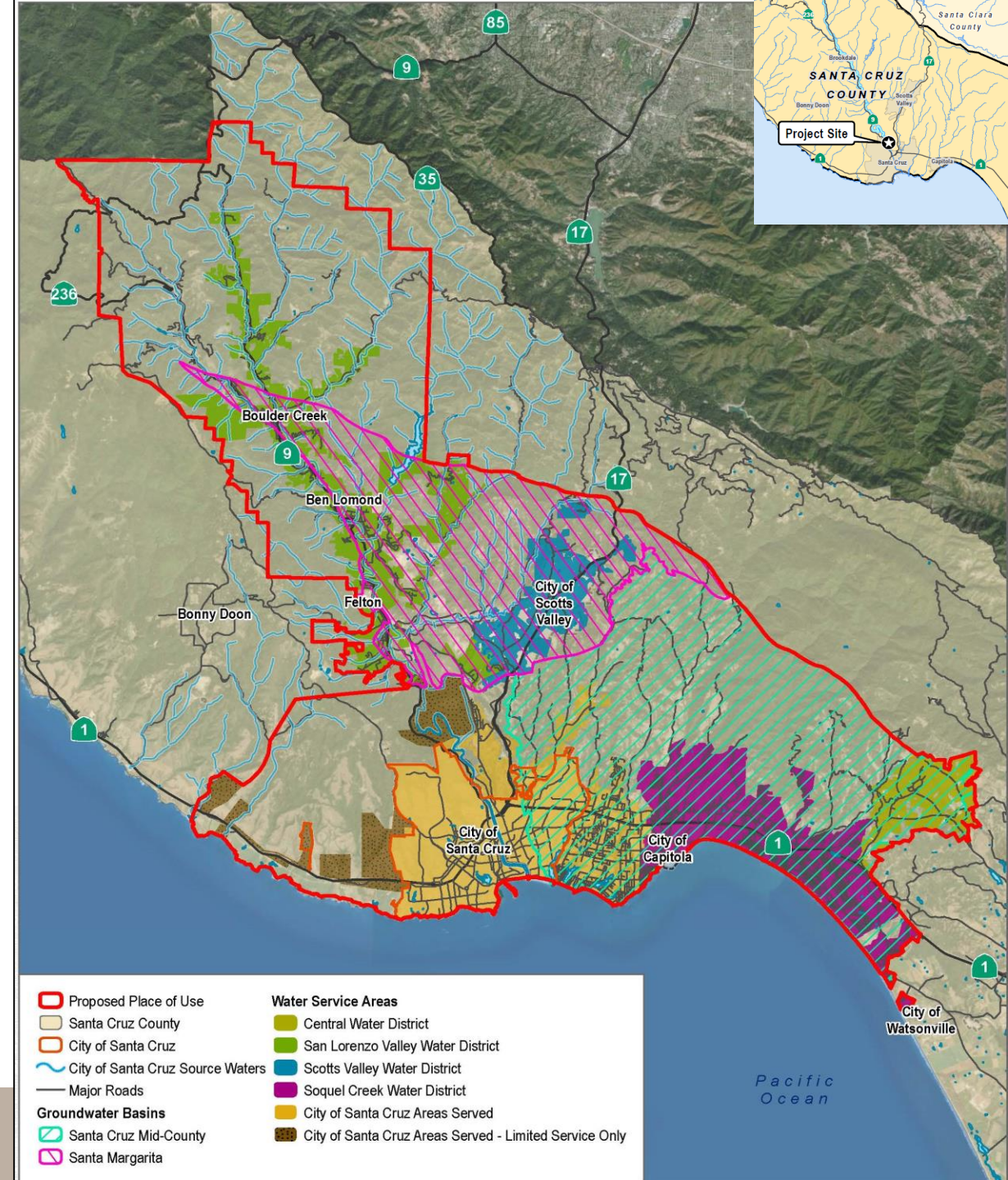
10 Address reliability and operational deficits at the Tait Diversion and Coast Pump Station to meet other project objectives.

11 Implement state policy favoring integrated regional water management

12 Consider other related actions that would be foreseeable as a logical part in a chain of contemplated actions

Collaborative Regional Water Resources Planning

Future “Place of Use” includes neighboring water agencies and groundwater basins.



Fisheries Recovery and “Agreed Flows”



- Agreed Flows - bypass requirements for all City surface water diversions developed through Habitat Conservation Planning process.
 - Protective of salmonids
 - Based on specific life cycle requirements and variety of hydrologic conditions
 - To be formally incorporated in City water rights through this project
 - Significantly changes City’s ability to divert from North Coast sources and San Lorenzo River compared to historic operations
 - Not possible to implement on an ongoing basis without water rights changes proposed

Resource Agency Support for Project

DocuSign Envelope ID: AC4CF8CC-8298-44FA-886C-B00922C02083

State of California
Department of Fish and Wildlife



Memorandum

Date: February 25, 2021

To: Erik Ekdahl, Deputy Director of Water Rights
State Water Resources Control Board
Division of Water Rights
Post Office Box 2000
Sacramento, CA 95812-2000
Erik.Ekdahl@waterboards.ca.gov

DocuSigned by:

Handwritten signature of Gregg Erickson in black ink.

From: Gregg Erickson, Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: Letter of Support for City of Santa Cruz Petitions for Change and Time Extension

The California Department of Fish and Wildlife (CDFW) is writing in support of the City of Santa Cruz (City) water rights petitions noticed on February 10, 2021 (petitions for change and time extension for water right Permits 16123 and 16601 (Applications 22318 and 23710) and petitions for change for Licenses 1553, 7200 and 9847 (Applications 4017, 5215, and 17913).

CDFW has worked with the City and the National Marine Fisheries Services (NMFS) for many years to develop an integrated water resources management strategy that is protective of special status anadromous salmonid species while also providing for long-term water supply reliability. The petitions further a larger project (including a Habitat Conservation Plan negotiated with CDFW and NMFS) designed to enhance instream flow for coho salmon and steelhead in the San Lorenzo River, Majors Creek, Laguna Creek and Liddell Creek watersheds in Santa Cruz County, California. The petitions would contribute to the recovery of these species and are therefore consistent with Action 4 of the California Water Action Plan (California Natural Resources Agency et al. 2014) which encourages the protection and restoration of important ecosystems by enhancing water flows in stream systems statewide.

CDFW appreciates the work the City has done to develop protective flow criteria for fisheries and supports the flows included in the petition package. CDFW recognizes that, to reliably serve public water supply needs and commit to the flows, the City needs the water right changes and extensions described in the petitions. CDFW also recognizes that the City has invested significant effort and resources into conservation measures and infrastructure improvements (treatment, distribution efficiencies, etc.) to support its water supply needs, dedicating as much water as possible to environmental uses. In short, the petitions represent the culmination of years of planning and investment by the City, CDFW, and NMFS in support of defensible environmental flows.

DocuSign Envelope ID: AC4CF8CC-8298-44FA-886C-B00922C02083

Erik Ekdahl
State Water Resources Control Board

2

February 25, 2021

If you have questions regarding CDFW's support of the Project, please contact Ms. Jessie Maxfield, Water Rights Coordinator, at Jessica.Maxfield@wildlife.ca.gov; or Mr. Craig Weightman, Environmental Program Manager, at Craig.Weightman@wildlife.ca.gov.

cc: State Water Resources Control Board

Jane Ling, Jane.Ling@waterboards.ca.gov
Scott McFarland, Scott.McFarland@waterboards.ca.gov

National Marine Fisheries Service

Mandy Ingham, Mandy.Ingham@noaa.gov
William Stevens, William.Stevens@noaa.gov

City of Santa Cruz

Rosemary Menard, RMenard@cityofsantacruz.com
Chris Berry, CBerry@cityofsantacruz.com

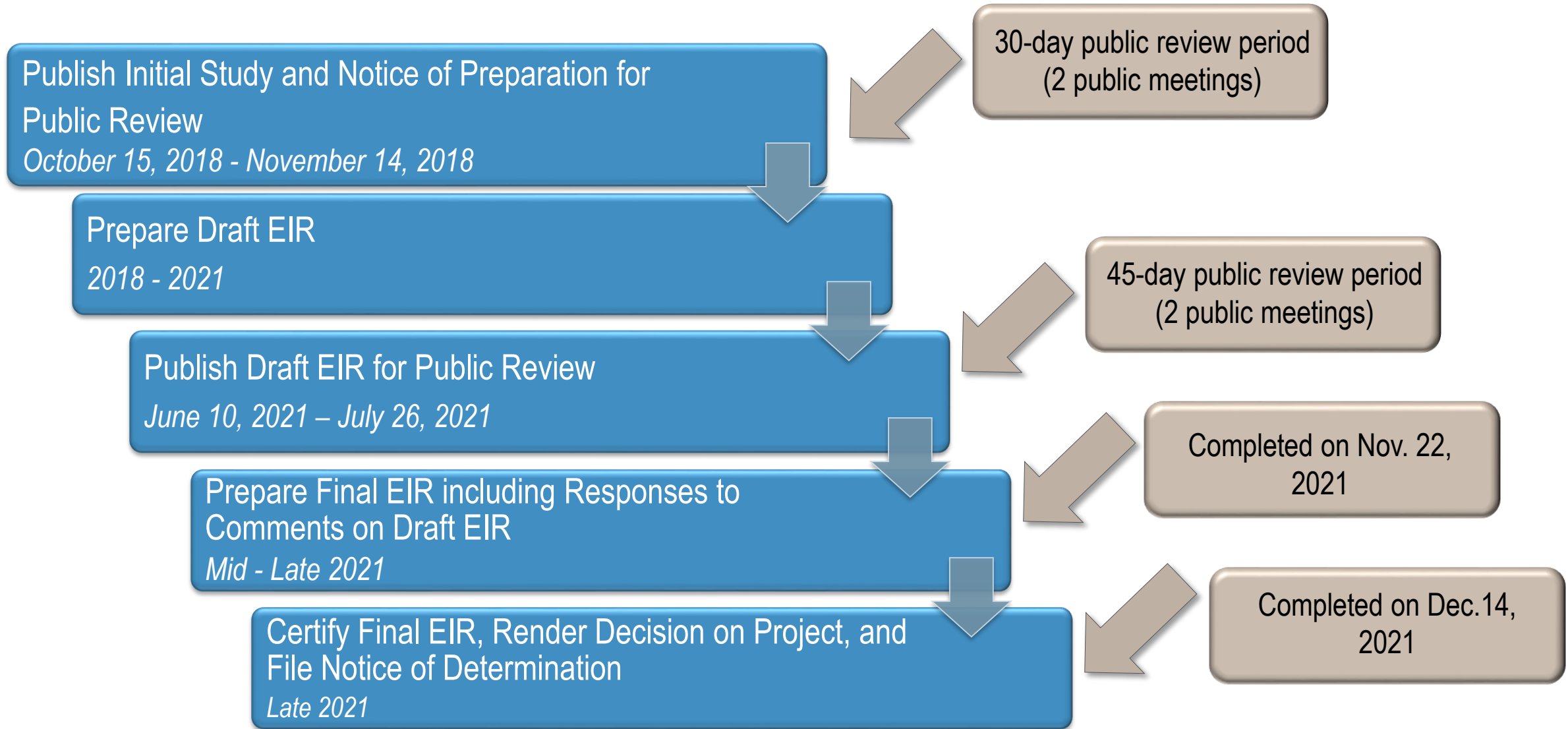
California Department of Fish and Wildlife

Wes Stokes, Wesley.Stokes@wildlife.ca.gov

02

California Environmental Quality Act (CEQA) Environmental Review Process

CEQA EIR Process



Summary of Findings

Impact Topic	Mitigation Measures Required for Potentially Significant Impacts	Level of Significance After Mitigation, if Required			
		Beneficial Impact	No Impact	Less than Significant Impact	Significant and Unavoidable Impact
Air Quality: Construction and Operation	No			✓	
Biological Resources: Construction	Yes			✓	
Biological Resources: Operation	No		✓	✓	
Cultural Resources and Cultural Tribal Resources: Construction	Yes			✓	
Geology and Soils: Construction and Operation	Yes			✓	
Greenhouse Gas Emissions: Construction and Operation	No			✓	
Hazards, Hazardous Materials & Wildfire: Construction and Operation	Yes			✓	

Summary of Findings (Continued)

Impact Topic	Mitigation Measures Required for Potentially Significant Impacts	Level of Significance After Mitigation, if Required			
		Beneficial Impact	No Impact	Less than Significant Impact	Significant and Unavoidable Impact
Hydrology and Water Quality: Construction and Operation	Yes			✓	
Land Use, Agriculture and Forestry & Mineral Resources: Construction and Operation	Yes			✓	
Noise and Vibration: Construction	Yes				✓
Noise and Vibration: Operation	Yes			✓	
Recreation: Construction and Operation	No	✓		✓	
Transportation: Construction and Operation	No			✓	
Utilities and Energy: Construction and Operation	Yes	✓		✓	✓

Environmentally Superior Alternative

Proposed Project identified as environmentally superior alternative based on comparative analysis

- Greatest potential environmental benefit to regional groundwater aquifers
- Identified significant and unavoidable impact due to construction noise would be temporary
- Potential new or increased impacts (recreation and water supply) associated with other alternatives would be avoided
- Multiple benefits!

Statement of Overriding Considerations

- Required whenever there are significant and unavoidable impacts
- Impacts determined to be significant and unavoidable in this project:
 - Impact NOI-2: Substantial Increase in Ambient Noise Levels in Excess of Standards. Construction of the Proposed Project would result in generation of a substantial temporary increase in ambient noise levels in the vicinity of some project and programmatic infrastructure components in excess of applicable standards established in local general plans or noise ordinances.
 - Impact UTL-1: New or Expanded Facilities. Construction and operation of the Proposed Project would result in new or expanded water facilities that would result in significant impacts, but would not require or result in new or expanded wastewater treatment, storm drainage, electric power, natural gas, or telecommunications facilities or a new sewer trunk line.

Mitigation Monitoring and Reporting Program

- Required whenever a lead agency approves a project which requires mitigation (EIR or MND)
- Includes avoidance and minimization measures related to biotic, noise, hydrologic and other potential impacts
- Describes responsible parties and implementation timing
- Examples include (but not limited to):
 - Pre-construction biotic surveys
 - Noise reduction enclosures around equipment
 - Groundwater quality and level management
 - Construction seasonal limitations

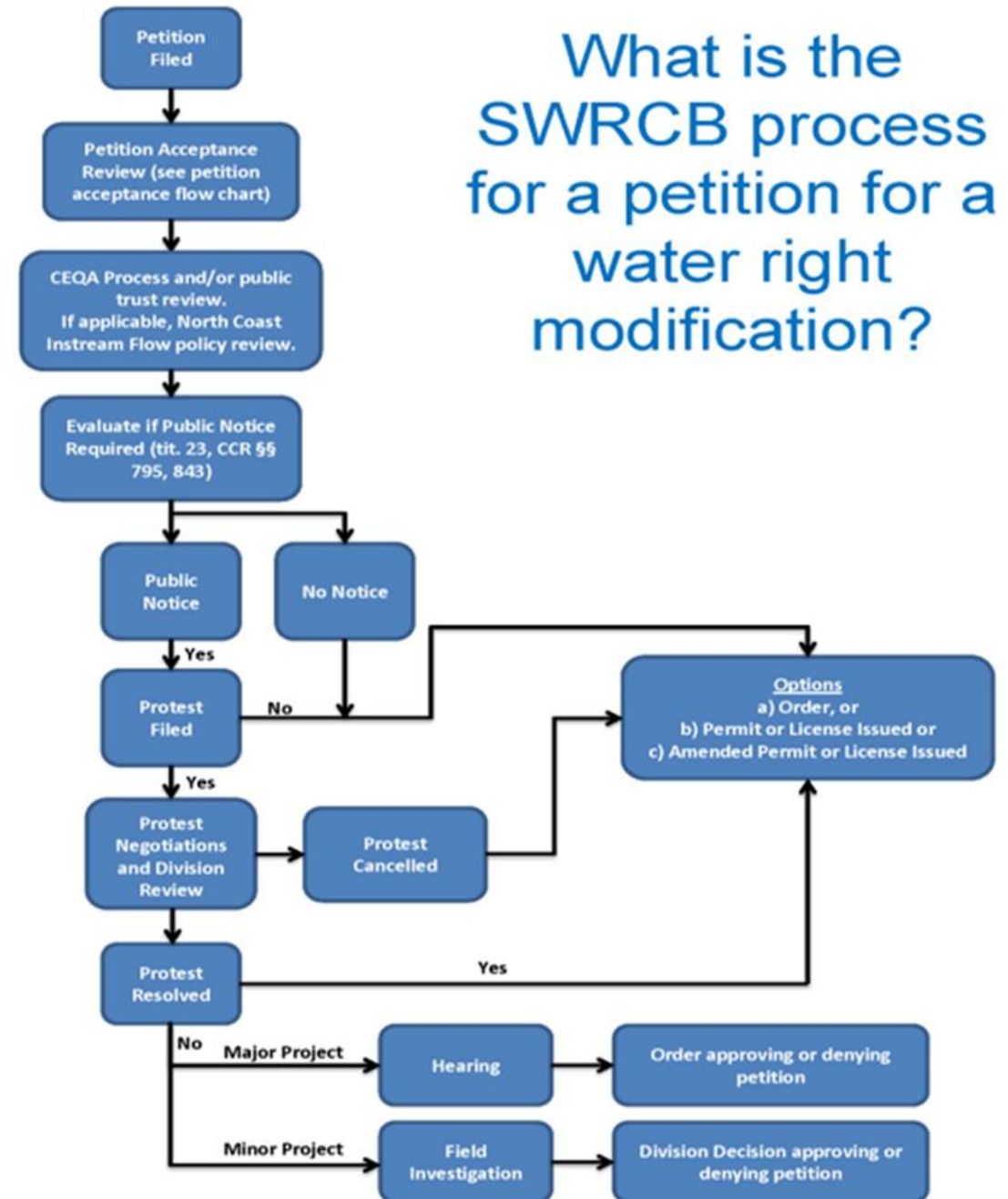
03

State Water Resources Control Board Process

SWRCB Next Steps

- Meet with SWRCB staff and board members
- Protest negotiations and cancellation or resolution
- Determination on need for public hearing
- Decision on petitions
- Timing: 6-12 months*

**Pending SWRCB workload, drought, etc.*



Questions?

Thank you!

Our Water, Our Future





City Council AGENDA REPORT

DATE: 12/1/2021

AGENDA OF: 12/14/2021

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 Approximately 5,012 Square Feet of Ground Floor Commercial and 140 Residential Units (With 50% of the Base Units as Affordable per SB35) with Shared Underground Parking. (Owner: Novin Development Corp.) (PL)

RECOMMENDATION: Review the objective standards table and Density Bonus information prepared by staff and refer the project to staff to complete a formal response letter to the SB 35 application, including an objective standards consistency determination and determination of the granting of a Density Bonus.

BACKGROUND: On October 12, 2021, the City Council conducted an oversight meeting to review the objective standards for the subject SB 35 project at 831 Water Street. Following public input and Council discussion, a motion passed to deny the project based on project's violation, or potential violation, of the following objective standards:

- The anti-segregation standard in the inclusionary ordinance and Density Bonus Ordinance that requires the dispersal of affordable units throughout a project, which also violates the City's Health in All Policies ordinance by creating segregated housing;
- The slope regulation that projects be located no closer than 20 feet from a 30% slope without a variance;
- The lack of a completed Stormwater Management Plan and a completed Drainage Plan that ensure the City's standards to prevent flooding on the property and in the neighborhood;

- The lack of a traffic study demonstrating that the City’s traffic standards protecting the public health and safety from the proposed driveway crossing a bike lane;
- The lack of a completed noise study documenting that the City’s objective noise standards will be met;
- Deem the density bonus application incomplete for not complying with the State Housing and Community Development's regulation that affordable units are distributed throughout the development, and for not showing the breakdown of Area Median Income (AMI) levels and density bonus unit locations.

On November 23, 2021 the City Council voted to rescind the October 12, 2021 motion to deny the project and directed staff to complete the SB 35 objective standards consistency review in light of the new information, and schedule a follow-up public oversight hearing for the December 14, 2021 City Council meeting.

DISCUSSION: Following the October 12, 2021 City Council oversight meeting, the applicants worked to address the objective standards called out by the Council as not being met. On November 10, 2021 an updated set of plans was submitted to the Community Development Department that addressed the items previously identified as deficient by the Council and in staff’s ensuing letter. A comprehensive list of materials submitted by the applicant and other related documents provided by and to the City is available online at <https://www.cityofsantacruz.com/831water>.

Of note, pursuant to the California Department of Housing and Community Development (HCD) SB 35 Guidelines (<https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf>) and the Housing Accountability Act, the City Council’s review will be limited to the consistency of the objective standards for which inconsistencies were previously identified.

HCD Guideline Section 301(b)(5) states that protections of the Housing Accountability Act apply to SB35 projects. The Housing Accountability Act, in Government Code Section 65589.5(j)(2), states that “If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.” In other words, items not previously identified as inconsistent are deemed to be consistent; therefore, new inconsistencies not previously identified cannot be raised. An analysis of the current project’s compliance with the previously identified areas of inconsistency follows:

- **The anti-segregation standard in the inclusionary ordinance and Density Bonus Ordinance that requires the dispersal of affordable units throughout a project, which also violates the City’s Health in All Policies ordinance by creating segregated housing;**

Santa Cruz Municipal Code Section 24.16.025(2) states, “Inclusionary units shall be dispersed throughout the residential development to prevent the creation of a concentration of affordable units within the residential development.” Santa Cruz Municipal Code

Section 24.16.260(2) states, “Inclusionary units shall be dispersed throughout the housing development to prevent the creation of a concentration of affordable units within the residential development.” Furthermore, it was stated at the November 23, 2021 City Council meeting that Section 402(e) of the HCD SB35 Guidelines allow the local jurisdiction to impose all objective requirements in its inclusionary ordinance to an SB35 development project. Section 402(f) of the guidelines also requires that the affordable units “...shall be distributed throughout the development, unless otherwise necessary for state or local funding programs, and have access to the same common areas and amenities as the market rate units.” Thus, the local requirement to disperse inclusionary units throughout the development would apply to all affordable units in the development unless the applicant can provide evidence that it is necessary to concentrate the units for reasons related to state or local funding programs.

With a base density of 109 units, a minimum of 55 affordable units would be required to be provided for the project to qualify for SB 35 streamlining. The 55 units will be restricted to households at 80% AMI and restricted to rents at 60% AMI. The applicant is proposing to disperse 22 of these units throughout Buildings A and B, as depicted in a table submitted which includes that each of the 22 affordable units, a unit number, and an associated floorplan. The applicant has identified these 22 units as the inclusionary and density bonus affordable units. These numbers are consistent with the objective standards in the inclusionary ordinance, Density Bonus ordinance and state law, and SB35 legislation, which have been described in detail in the previous City Council report (Attachment 6) and are broken down in a table below. The applicant has also maintained the request for a Density Bonus incentive/concession to allow for the remaining 33 affordable units required by SB35, to be consolidated in one building based on funding requirements. (See further discussion below in the section titled *Incentives/Concessions and Waivers*.)

The original submittal proposed 71 affordable units, and the latest submittal is proposing 55 affordable units. The original submittal proposed 71 units (16 units more than required) due to the fact that the entirety of Building B (71 units) was proposed to be a consolidation of the affordable units. With the dispersal of the affordable units between the two buildings and the uncertainty of the funding source requirements, the 55 affordable units provided at 80% AMI and restricted to rents at 60% AMI meets the objective standards in the inclusionary ordinance, Density Bonus Law, and SB35 legislation. It is anticipated that funding sources may dictate the total number of affordable units, so there are several scenarios where the number of affordable units provided could exceed the required 55 units. But until those funding sources are determined, the project meets the minimum affordability requirements.

The proposal to consolidate the 33 SB35 affordable units in one building would be consistent with Section 402(f) of the HCD Guidelines if the applicant provides information showing that consolidation is “necessary for state or local funding programs...” The applicant indicates that the project has not received financing at this time and it is unknown if the consolidation of the 33 SB35 affordable units in one building will be deemed “necessary.” Additionally, the term “necessary” is not defined in SB 35 or the HCD SB 35 Guidelines, however, on November 9, 2021, the City received a letter from Shannan West, the Housing Accountability Unit Chief from the Department of Housing and Community Development (HCD) that specifically addresses this provision of the state law. The letter states:

“HCD’s SB 35 Guidelines do apply here, however, and would not prohibit the Project as proposed. The Guidelines state that “affordable units shall be distributed throughout the development, unless otherwise necessary for state or local funding programs, and have access to the same common areas and amenities as the market rate units.” (Updated Streamlined Ministerial Approval Process Guidelines, March 30, 2021, § 402(f), emphasis added.) As it appears that the Project will receive State Tax Credit Allocation funds for Building B and the affordable units have access to the same common areas and amenities in the development as market rate units, the Project is consistent with section 402(f).”

While City staff agree with HCD’s analysis, the project did not receive a State Tax Credit Allocation in the latest tax credit round and is not guaranteed to receive State Tax Credit Allocation funds in an upcoming round. While the applicant has indicated that they plan to apply for a future tax credit round, they are simultaneously exploring different financing schemes. In order to ensure that the project funding necessitates the consolidation of affordable housing in one building for the 33 SB35 affordable units, a condition of approval is included that requires the applicant to submit evidence of such funding to the City for review of the funding requirements and a determination of necessity prior to building permit issuance. Additionally, a condition of approval is included that requires the affordable units in the project to be built prior to or concurrently with the market rate units to ensure that the final project is consistent with the inclusionary, density bonus, and SB35 affordability requirements.

The goals in the Health in All Policies (HiAP) ordinance are found to be subjective requirements that are not enforceable with this SB 35 project, however, the revisions proposed by the applicant described above are consistent with the HiAP goals to provide the same opportunities to everyone in the community regardless of need or circumstance.

- **The slope regulation that projects be located no closer than 20 feet from a 30% slope without a variance;**

As part of the initial review staff had indicated that there were no slopes greater than 30% on the project site. This was due to the interpretation that the retaining wall that abuts Water Street is not a slope. Santa Cruz Municipal Code Section 24.22.748 defines “Slope” as “An inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.” With the vertical concrete retaining wall not constituting an inclined ground surface, it is difficult to argue that the wall meets the definition of slope, particularly since SB 35 gives deference to consistency with objective standards. Section 301(a)(2)(C) of the HCD SB 35 Guidelines states, in part:

The local government may only find that a development is inconsistent with one or more objective planning standards, if the local government finds no substantial evidence in favor of consistency and that, based on the entire record, no reasonable person could conclude that the development is consistent with the objective standards.

That being said, the City’s Geographic Information System (GIS) presents portions of the wall and adjacent areas as a slope greater than 30%. This is due to the City’s use of Light Detection and Ranging (Lidar) for establishing the GIS slope layer, since the Lidar recognizes the ground elevation differences on either side of the wall. Given the identification of slopes greater than 30% in the GIS layer, staff cited this as support for the Council’s October 12, 2021 motion. Santa Cruz Municipal Code Section 24.14.030(1)(d) states, “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.”

The proposed structures maintain a twenty foot setback from the wall, with the exception of the underground garage structure which abuts the Water Street property line. Instead of arguing consistency, to address this issue, the applicants are requesting a waiver of this objective standard pursuant to State Density Bonus Law:

***Waiver 5:** The project proposes a reduction to the twenty foot setback from a thirty to fifty percent slope, with the proposed underground garage abutting the existing retaining wall along Water Street. Complying with the twenty foot setback would significantly reduce the size of the garage and physically preclude providing the necessary off-street parking for residents.*

- **The lack of a completed Stormwater Management Plan and a completed Drainage Plan that ensure the City’s standards to prevent flooding on the property and in the neighborhood.**

A Stormwater Management Plan, Storm Water and Low Impact Development Best Management Practices Requirement Worksheet, and Drainage Plan were submitted as part of the September 9, 2021 resubmittal, and a completed Stormwater Control Plan was submitted as part of the November 10, 2021 resubmittal. Public Works staff in addition to the City’s contract stormwater reviewer have reviewed the plans and determined that they meet state and local stormwater requirements. A standard condition of approval has been included that the stormwater plans be implemented as part of the construction plans at the building permit stage of the project.

- **The lack of a traffic study demonstrating that the City’s traffic standards protecting the public health and safety from the proposed driveway crossing a bike lane;**

The Public Works Department commissioned a *Site Ingress/Egress Evaluation and Conceptual Engineering Drawings* study (Attachment 3), prepared by *Kimley-Horn and Associates Inc.*, to evaluate the proposed development plans for the following engineering criteria:

1. General Plan Roadway Buildout
2. Right-of-Way Impacts
3. Sight Distance Evaluation
4. Fire Access

The traffic study evaluation was based on the plans dated September 9, 2021 and includes the following findings and recommendations:

Findings (based on September 9, 2021 plans):

1. Developers' plans do not account for the proposed southbound exclusive right turn lane along Branciforte Avenue. Relocation of traffic signal and storm drain facilities is required.
2. Sight distance along Branciforte Avenue meets the AASHTO minimum requirement of 250 feet. However, this will require the removal of on-street parking and landscape strip to be maintained with low height vegetation from the Project driveway to Belvedere Terrace.
3. Sight distance along Water Street is met based on AASHTO requirements.
4. The fire egress point on Water Street is sufficient based on AutoTURN analysis. The existing driveway on Water Street should be converted to a rolled curb and an access control system installed to prohibit other vehicular access.

Recommendations (based on September 9, 2021 plans):

1. The Applicant to revise the site plan to include the southbound right turn lane along Branciforte Avenue per the City General Plan. Revision shall include relocation of traffic signal equipment and catch basin.
2. A neighborhood permit parking program excluding 831 Water residents be established to help provide adequate parking for residents and offset the parking removal on Branciforte Avenue.
3. The applicant to remove the channelizers for the protected bike lane along the Water Street project frontage. The striped buffered bike lane median can remain.
4. The Applicant to work with the City Engineer to install warning signs along Water Street due to the retaining wall screening vehicles entering and exiting the driveway. Examples of MUTCD compliant signage are shown in the study.
5. The Applicant to install an electronically actuated warning device that will emit light and sound when vehicles exit the driveway on Water Street due to the limited vertical sight distance. The device should be placed high on the retaining wall so bikes and vehicles traveling westbound receive warning well before the slope in the roadway. In addition, the Applicant to install a rapid open-close gate system to minimize vehicle queuing on Water Street as they enter the garage.

Two of the recommendations have already been incorporated into the latest set of civil plans included in the November 10, 2021 resubmittal, including:

1. The southbound right turn land along Branciforte Avenue, including relocation of traffic signal equipment and catch basin; and
3. Removal of the existing bike lane channelizers along Water Street.

A condition of approval is included that requires all recommendations identified in the study to be included in the building permit drawings and implemented in the construction of the project. It should be noted that the recommendation calling for establishment of a neighborhood permit parking program excluding 831 Water residents will be dependent upon the administrative procedure for adding permit parking described in Municipal Code Section 10.41.040 which involves input from the participating neighborhood areas.

- **The lack of a completed noise study documenting that the City’s objective noise standards will be met;**

Two preliminary noise studies were prepared by *Salter Inc.* and submitted as part of the latest resubmittal:

1. Preliminary Property Line Noise Analysis (Attachment 4)
2. Preliminary Environmental Noise Study (Attachment 5)

The Preliminary Property Line Noise Analysis evaluates the project’s mechanical equipment noise levels to adjacent property lines. The analysis concludes that the project’s noise-generating equipment will meet the City property line standards without the need for any atypical mitigation. As is standard practice at the building permit stage, the analysis recommends that a more refined analysis be conducted once the specific equipment has been selected and the mechanical equipment systems have been designed in greater detail.

The Preliminary Environmental Noise Study determines the noise environment at the site, compares the measured data with applicable standards, and proposes mitigation measure as necessary. This is a study that is normally required at the building permit stage to confirm that the indoor noise levels in residential units of multi-family projects do not exceed certain decibel levels pursuant to the California Building Code, CALGreen Code, and City Noise Standards. The study calculates the Sound Transmission Class (STC) ratings for window assemblies (glass and frame) needed to meet the required interior noise criteria (45 dB) contained in Policy HZ3.2.3 of the General Plan. Additionally, the study calculated expected noise levels at the ground floor open space and at the roof decks. Those spaces will be exposed to noise levels no greater than DNL 65 dB, which is within the City’s goal as articulated in General Plan Policy HZ3.2.2.

- **Deem the density bonus application incomplete for not complying with the State Housing and Community Development's regulation that affordable units are distributed throughout the development, and for not showing the breakdown of AMI levels and density bonus unit locations.**

As noted above, the applicant has agreed to disperse the 22 inclusionary and density bonus affordable units throughout the project, and the applicant submitted a breakdown of these unit locations. The applicant has also provided a breakdown of the affordability levels of all affordable units which indicates that all 55 affordable units will be provided at 80% AMI and with rents at 60% AMI. These numbers are consistent with the objective standards in the inclusionary ordinance, Density Bonus ordinance and state law, and SB35 legislation. A breakdown of the affordability requirements is provided in the following table.

Base Project Total Units	109				
Required Density Bonus Units at Low Income Level	22				
Proposed bonus percentage	35%				
# of density bonus units proposed	31				
Total # of dwelling units proposed	140				
Total # of units allowed with density bonus	148				
	% of base units	Income Target	# of units	Max Household Income Level	Rent Level AMI
City Inclusionary Requirement	20%	Low-Income	22	80% AMI	80%
Density Bonus Requirement*	20%	Low-Income	22	80% AMI	60%
Affordable Units Required Per SB 35*	50%	Low-Income	55	80% AMI	60%
TOTAL PROPOSED AFFORDABLE UNITS:	50%	Low-Income	55	80% AMI	60%

* affordable rent is calculated pursuant to Health and Safety Code Section 50053, however if the actual household's income is between 60-80% AMI, the rent may be set at 30% of that particular household's gross income.

The applicant continues to propose the use of an incentive/concession to allow for the 33 remaining SB35 affordable units to be consolidated within one of the two buildings in the development. This request for consolidation of units, if needed for project funding, is consistent with Section 402(f) of the HCD SB35 Guidelines given the conditions of approval that will require the applicant to submit evidence of such funding to the City for confirmation that the specific funding mechanism necessitates the consolidation, prior to building permit issuance, and the condition of approval that requires the affordable units in the project to be built prior to or concurrently with the market rate units to ensure that the final project is consistent with the inclusionary, density bonus, and SB35 affordability requirements and objective standards. If evidence of such funding requirements is not provided, then all 55 affordable units would need to be dispersed throughout the two buildings.

The project is found to be consistent with applicable objective standards based on the new information/materials submitted and the conditions of approval imposed on the project.

State Density Bonus – Incentives/Concessions

The project is entitled to up to three (3) incentives/concessions that provide actual and identifiable cost reduction for the affordable units. The applicant originally requested two (2) incentives/concessions for the project, one to locate all affordable units together in a single building, and the other to provide less than the required number of electric vehicle charging stations on site. Concession 1 has been revised to request that only 33 SB35 affordable units are located in one building while the 22 inclusionary and density bonus units are dispersed throughout the development. Concession 2 regarding electric vehicle charging station requirements has been eliminated, as it has been noted on the plans that all mechanical parking spaces will be EV ready, and a condition of approval has been added requiring that seventeen (17) EV charging stations be installed to meet Zoning Code Section 24.12.241, which specifies that 12% of the provided parking include an electric vehicle (EV) charging station.

***Concession:** The revised project is consistent with SCMC Sections 24.16.025(2) and 24.16.260(2) which requires that inclusionary and affordable density bonus units are dispersed throughout the residential development. The applicant has proposed to disperse 22 inclusionary and Density Bonus affordable units throughout the development, as shown in*

the revised materials. Section 402(f) of the HCD Guidelines calls for the remaining 33 SB35 affordable units to also be dispersed throughout the building; however, the applicant is requesting an incentive/concession to allow the 33 SB35 affordable units to be located in one building. This incentive/concession is consistent with SB35 requirements if the consolidation of affordable units is necessary for state or local funding programs.

The applicant must demonstrate that the incentive/concession will result in an actual and identifiable cost reduction to provide for the affordable units. The applicant indicates that financing with State affordable housing tax credits necessitates the separation of 33 SB35 affordable units due to the requirement for recordation of a regulatory agreement against the property awarded with the tax credits. Additionally, the applicant asserts that evenly dispersing the 33 units throughout the two buildings would render the projects infeasible for tax credit lenders and the project would be unable to obtain financing sufficient to allow the project to move forward. A letter prepared by HCD, dated November 9, 2021, concurs with this argument and supports the position that the separation of units is consistent with SB35 based on state tax credit funding. City staff agree with this position, however, the project was not awarded tax credits in the latest tax credit round and it is not guaranteed to receive a tax credit award in an upcoming round.

It is evident that the consolidation of the 33 SB35 affordable units would result in actual cost reductions due to the ability for the applicant to utilize state tax credit financing for the development, and it is evident that the requested incentive/concession would not create a specific adverse impact on health and safety or the physical environment that cannot be mitigated, or adversely impact real property listed on the California Register of Historical Resources; therefore, the City is required to grant the requested incentive/concession. However, in order to ensure that the development is consistent with SB35 requirements, project conditions of approval are included that require the applicant to submit evidence of such funding to the City to confirm that the specific funding mechanism necessitates the consolidation of 33 SB35 affordable units, prior to building permit issuance, and that the affordable units in the project are built prior to or concurrently with the market rate units. There is no mechanism that prevents the applicant from selling this property after entitlement approvals and the opting for an entirely different financing scheme. Therefore, staff has included a condition of approval to ensure the applicant is using a specific funding mechanism that necessitates the consolidation of the 33 affordable housing units in a separate building.

State Density Bonus – Waivers

The project applicant is allowed to request as many waivers from development standards as needed if the development standard would preclude the density bonus project from being built at the proposed density. The applicant originally requested four waivers of development standards, and has added a fifth waiver to allow the underground garage structure within 20-feet of a slope greater than 30%. The requested waivers are required to be granted if they would preclude construction of the project, and the city must grant these waivers unless they violate state or federal law, create a specific adverse impact on health and safety or the physical environment that cannot be mitigated, or adversely impact real property listed on the California Register of Historical Resources. There is no evidence that the following waivers requested should not be granted as required by the State Density Bonus Law:

Waiver 1: *The project proposes to exceed the maximum height of 3 stories and 40 feet as required in the C-C zone district, proposing a four story building at approximately 48 feet, and a five story building at approximately 59 feet. Complying with the 3 story and 40-foot standard would require the building to reduce the number of floors and eliminate a substantial number of residential units (See Density Bonus Calculations Plan Page G02.0). This would physically preclude the construction of the project that would include the number of residential units allowed under the State Density Bonus Law.*

Waiver 2: *The project proposes a reduction to the private open space requirements. The Zoning Code requires 100 square feet of private open space for each unit. With 140 units proposed, 14,000 sf of private open space is required, and 6,510 sf is proposed. Setbacks and easement areas which prohibit the encroachment of balconies limit the amount of space for providing private open space for each unit. Therefore, the constrained site physically precludes the inclusion of the required private open space which would require reducing the size and or number of residential units.*

Waiver 3: *The project proposes a reduction to the common open space requirements. The Zoning Code requires 150 square feet of common open space for each unit. With 140 units proposed, 21,000 sf of common open space is required, and 19,830 sf is proposed. Common open space has been maximized on the site by taking advantage of the roof decks and at-grade areas, whereby the common open space requirement is very close to being met. However, the constrained site physically precludes the inclusion of the required common open space which would require reducing the size and or number of residential units.*

Waiver 4: *The project proposes to exceed the maximum 1.75 FAR as outlined in the MXHD designation of the General Plan. With a 2.28 FAR, the project proposes an FAR in excess of the allowable maximum prescribed by the General Plan. Reducing the floor area to meet the 1.75 FAR standard would require reducing the unit count and physically precludes the number of residential units that are allowed under the State Density Bonus Law.*

Waiver 5: *The project proposes a reduction to the twenty-foot setback from a thirty to fifty percent slope, with the proposed underground garage abutting the existing retaining wall along Water Street. Complying with the twenty-foot setback would significantly reduce the size of the garage and physically preclude providing off-street parking for residents. Further, potential health and safety impacts related to the garage entrance adjacent to a protected bike lane and downhill from the Water Street and N. Branciforte Street intersection have been addressed based on the findings and recommendations of the traffic study commissioned by the City and accepted by the applicant. Standard building code requirements will ensure that development in proximity to the retaining wall and slopes*

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. The Objective Standards Assessment Table (Attachment 1) has been updated based on the applicant's latest submittal and is provided for the Council's review.

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 55 of the proposed residential units deed restricted for moderate income and lower individuals and families, the project meets equity goals by providing housing for a range of income levels. 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 different 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. This also supports equity goals by reducing transportation costs. The site is also located along a major transit corridor allowing 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 the state legislature determined has prevented the development of an adequate supply of housing within the state. A public oversight meeting is an optional component of a SB 35 project's review. If a public oversight meeting is conducted, the Council's role 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 review the objective standards table and the standards necessary to grant the requested density bonus, concession, and waivers. Staff has found the project consistent with the City's objective standards and with the standards necessary to grant the requested density bonus, concession, and waivers, and staff recommends that the Council refer the project to staff for preparation of the formal response letter to the SB 35 application in advance of the December 16, 2021 deadline.

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 are expected to increase with the new residential units. 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.

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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. Project Plans and Materials – Submitted November 10, 2021; Available for review on the city website at:

<https://www.cityofsantacruz.com/home/showpublisheddocument/86837/637737871050570000>

3. Traffic Memo and Site Ingress/Egress Evaluation and Conceptual Engineering Drawings study prepared by Kimley-Horn and Associates Inc., dated November 3, 2021
4. Preliminary Property Line Noise Analysis prepared by Salter Inc., dated November 11, 2021
5. Preliminary Environmental Noise Study prepared by Salter Inc., dated November 11, 2021
6. October 12, 2021 City Council Agenda Report
7. Conditions of Approval

**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>1. Is the project a multifamily housing development with 2 or more units? Subd. (a)(1).</p> <p>Response: The project is mixed-use with ground floor commercial and 145 multi-family residential units.</p>	Yes
<p>2. Is the project located in an area designated by the U.S. Census Bureau as an urbanized area? Subd. (a)(2)(A).</p> <p>Response: The project is located inside an urbanized area in the City of Santa Cruz.</p>	Yes
<p>3. Is more than 75% of the project site’s perimeter developed with urban uses? Subds. (a)(2)(B), (h)(8).</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>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).</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>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).</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>6. Will the project include the required percentage of below market rate housing units? Subd. (a)(3) and (a)(4)(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>7. Is the project consistent with “objective zoning standards” and “objective design review standards?” Subd. (a)(5)</p> <p>Response: The project is consistent with all of the objective standards.</p>	Yes
<p>8. Is the project located outside of all types of areas exempted from SB 35? Subd.</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"> - Land governed under the Mobilehome Residency Law - Land governed by the Recreational Vehicle Park Occupancy Law - Land governed by the Mobilehome Parks Act - Land governed by the Special Occupancy Parks Act <p>Response: The project site is not located within an exempt area on land governed by any of the above laws.</p>	
<p>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).</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>10. Has the applicant made the required “skilled and trained workforce” certification, to the extent applicable? Subd. (a)(8)(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.	
<p>11. If the project involves a subdivision, are the criteria in subd. (a)(9) satisfied?</p> <p>Applicant has proposed a lot line adjustment to reduce the number of lots from three to two.</p>	A subdivision is not proposed.

Municipal Code	City Analysis of Compliance with Standards
<p>Chapter 6.02 Health In All Policies</p> <p>6.02.050 Implementation</p> <p>The following recommendations will be implemented within one year post-adoption of the Health in All Policies Ordinance:</p> <p>(a) The analysis section of city council and commission agenda reports will contain a paragraph that addresses how the agenda report preparer considered the HiAP pillars.</p> <p>(b) The functional procedures for integrating the HiAP framework into city operations will be defined in council policy.</p> <p>Health In All Policies Year 1 Implementation Workplan (January 15, 2020)</p> <p>THE THREE PILLARS OF HIAP EQUITY: Equity is just and fair inclusion into a society in which all can participate, prosper, and reach their full potential. There is a distinction worth describing between equity and equality. Equality is about providing the same to all regardless of need or circumstance, but this only works if everyone is starting from the same place. Equity is about fairness, making sure people have access to the same opportunities. Inequities are unfair, avoidable, and unjust</p>	<p>The application is consistent with this objective.</p> <p>The project proposes to disperse the inclusionary units throughout both buildings in the development, with equal access to amenities to all residents, which is consistent with this objective.</p>

<p>differences that are created when systemic barriers prevent individuals and communities from reaching their full potential.</p> <p>PUBLIC HEALTH: Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Health is also a fundamental component of quality of life. A healthy population is a critical building block for a sustainable and thriving economy.</p> <p>SUSTAINABILITY: Creating and maintaining conditions so that humans can fulfill social, economic, and other requirements of the present without compromising the ability of future generations to meet their own needs. This can be thought of in terms of environmental, economic, and social impacts, and encompasses the concept of stewardship and the responsible management of resources.</p> <p>The degree to which the three HiAP pillars are addressed in the community is collectively described throughout this report as the degree of “community well-being.” We often use this term to refer to the three pillars and the ultimate goal of the HiAP efforts.</p>	
<p>Chapter 24.04 Administration</p>	
<p>24.04.040 ENVIRONMENTAL REVIEW.</p> <p>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</p>	<p>This requirement is not applicable.</p> <p>Projects that comply with SB35 are not subject to CEQA.</p>

<p>determination made whether additional environmental review is required.</p>	
<p>24.04.050 PERMIT APPLICATION, SUBMITTAL AND PROCESSING.</p> <p>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 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>	<p>The application is consistent with this requirement.</p> <p>The plans provide all of the necessary submittal requirements listed on the Planning Department application form including the following:</p> <ul style="list-style-type: none"> - Complete Site Plan - Improvement Plans - Elevations - Landscape Plans - Context Plans (streetscape/renderings) - Demolition Plan - Stormwater and LID Assessment Checklist - Preliminary Grading Plan - Shadow Study - Details of Exterior Architectural Elements - Storm Water Control Plan and Report - Erosion Control Plan - Acoustical Study - Archaeological Report
<p>24.04.051 REQUIREMENTS FOR PREPARERS.</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>	<p>The application is consistent with this requirement.</p> <p>Plans have been prepared by a licensed architect.</p>

<ol style="list-style-type: none"> 1. Single-family dwellings of wood-frame construction not more than two stories and basement in height. 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. 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. 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>24.04.052 COMPLETENESS OF APPLICATION.</p> <ol style="list-style-type: none"> 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. 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. 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>This requirement is not applicable.</p> <p>SB35 projects are a ministerial project and are therefore exempt from this section.</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 24.04.052(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>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>24.04.090 PUBLIC HEARING REQUIREMENT.</p> <p>A public hearing shall be required for the following:</p> <ol style="list-style-type: none"> 1. Appeals; 2. Coastal permit except for an accessory dwelling unit; 3. Conditional fence permit when required by Section 24.08.620; 4. Design permit: <ol style="list-style-type: none"> a. When accompanying another permit requiring a public hearing or upon a zoning administrator determination that a public hearing is required; b. For new two-story structures and/or second-story additions on substandard residential lots; c. For large homes in R-1 Districts per Section 24.08.450; 5. Demolitions: residential, except for a single-family residence, and historical buildings; 	<p>This requirement is not applicable.</p> <p>SB35 projects are a ministerial project and are therefore exempt from this section.</p>

<ol style="list-style-type: none"> 6. Historic building survey: building designation, deletion; 7. Historic landmark alteration permit; 8. Historic landmark designation; 9. Mobile home park conversion; 10. Planned development permit; 11. Relocation of structures; 12. Revocation of permits; 13. Use permits: <ol style="list-style-type: none"> a. Administrative use permit, except when the proposed use is temporary, as defined in this title; for variations to parking design requirements and number of spaces; and half baths in accessory structures; b. Special use permit (including historic district/historic landmark use permit); 14. Variance; 15. Watercourse variance; 16. Project modifications, pursuant to Section 24.04.160(4)(c); 17. Zoning Ordinance and General Plan text and map amendments. 	
<p>24.04.120 FINDINGS REQUIRED.</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>This requirement is not applicable.</p> <p>SB35 projects are a ministerial project and are therefore exempt from this section.</p>
<p>Chapter 24.10 Land Use Districts</p>	
<p>24.10.110 HEIGHT LIMIT.</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>The application is consistent with this requirement.</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. The project applicant is allowed to request as many waivers from development standards</p>

	<p>as needed if the development standard would preclude the density bonus project from being built at the state’s allowed density. The applicant has requested four waivers of development standards, all of which are required to be waived if they preclude project development. The city must grant these waivers unless they violate state or federal law, create a specific adverse impact on health and safety or the physical environment that cannot be mitigated, or adversely impact real property listed on the California Register of Historical Resources. There is no evidence that the waivers requested should not be granted as required by state law.</p>
<p>24.10.120 YARD, BUILDING SITE AREA, BUILDING LOCATION.</p> <p>Except as provided in Part 2, Chapter 24.12 (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 allowed through an approved variance or planned development permit.</p>	<p>The application is consistent with this requirement.</p> <p>The project proposes a reduction to both the private open space and common open space requirements. The Zoning Code requires 14,000 sf of private open space, and 6,510 sf is proposed. The Zoning Code requires 21,000 sf of common open space, and 19,830 sf is proposed. The project applicant is allowed to request as many waivers from development standards as needed if the development standard would preclude the density bonus project from being built at the state’s allowed density. The applicant has requested four waivers of development standards, all of which are required to be waived if they preclude project development. The city must grant these waivers unless they violate state or federal law, create a specific adverse impact on health and safety or the physical environment that cannot be mitigated, or adversely impact real property listed on the</p>

	California Register of Historical Resources. There is no evidence that the waivers requested should not be granted as required by state law.
<p>24.10.130 YARD OR OPEN SPACE LIMITATIONS.</p> <p>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.</p>	<p>The application is consistent with this requirement.</p> <p>None of the required yards or open space areas are proposed to be shared with another building on another building site.</p>
<p>24.10.150 DEVELOPMENT ON KNOWN ARCHAEOLOGICAL SITES.</p> <p>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.</p>	<p>The application is consistent with this requirement.</p> <p>The project site has not been identified by resolution of the City Council as containing known cultural or archaeological resources.</p>
Part 8: C-C COMMUNITY COMMERCIAL DISTRICT	
<p>24.10.700 PURPOSE.</p> <p>To provide locations throughout the community for a variety of commercial and service uses for residents of the city and the region</p>	This is not an objective standard.

<p>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. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Part 43, Sections 24.10.4300 et seq. for properties within the Mission Street Urban Design Overlay District.</p>			
<p>24.10.730 USE PERMIT REQUIREMENT.</p> <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>This requirement is not applicable.</p> <p>SB35 projects are a ministerial project and are therefore exempt from this section.</p>		
<p>24.10.750 APPLICABLE SITE DEVELOPMENT STANDARDS (C-C Zone District/ MXHD General Plan Designation)</p>			
	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
West Rear Yard	0'	5'	Yes
Distance Between Building on same lot	10'	10'	Yes
Height	3 stories 40 feet	Bldg A 5 stories ~59' to parapet Bldg B 4 stories ~48'	The application is consistent with this requirement. 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. The project applicant is allowed to request as many waivers from development standards as needed if the development standard would preclude the density bonus project from being built at the state's allowed density. The applicant has requested four waivers of development standards, all of which are required to be waived if they preclude project development. The city must grant these waivers unless they violate state or federal law, create a specific adverse impact on health and safety or the physical environment that cannot be mitigated, or adversely impact real property listed on the California Register of Historical Resources. There is no evidence that the waivers requested should not be granted as required by state law.
Open Space per unit	Private (100 sq.ft./unit)	Bldg A – 69 X 100 = 6,900 Bldg A provided - 5,410	The application is consistent with this requirement. The project proposes a reduction to both the private open space and common open space requirements. The

	Common (150 sq.ft./unit)	<p>Bldg B – 71 X 100 = 7,100 Bldg B provided – 1,100</p> <p>Bldg A – 69 X 150 = 10,350 Bldg A provided – 9,130</p> <p>Bldg B – 71 X 150 = 10,650 Bldg B provided – 10,700</p>	<p>Zoning Code requires 14,000 sf of private open space, and 6,510 sf is proposed. The Zoning Code requires 21,000 sf of common open space, and 19,830 sf is proposed. The project applicant is allowed to request as many waivers from development standards as needed if the development standard would preclude the density bonus project from being built at the state’s allowed density. The applicant has requested four waivers of development standards, all of which are required to be waived if they preclude project development. The city must grant these waivers unless they violate state or federal law, create a specific adverse impact on health and safety or the physical environment that cannot be mitigated, or adversely impact real property listed on the California Register of Historical Resources. There is no evidence that the waivers requested should not be granted as required by state law.</p>
Net Lot Area	8000 sq. ft.	<p>Total lot area = 39,607 sq. ft. No tentative map shown.</p>	<p>The application is consistent with this requirement.</p> <p>A lot line adjustment is proposed whereby the existing three lots will be reduced to two lots that will exceed the required 8,000 square foot minimum lot size.</p>
FAR	1.75	2.28	<p>The application is consistent with this requirement.</p> <p>The project proposes to exceed the maximum 1.75 FAR as outlined in the MXHD designation of the General Plan as a density bonus waiver. The project applicant is allowed to request as many waivers from development standards as needed if the development standard would</p>

			preclude the density bonus project from being built at the state's allowed density. The applicant has requested four waivers of development standards, all of which are required to be waived if they preclude project development. The city must grant these waivers unless they violate state or federal law, create a specific adverse impact on health and safety or the physical environment that cannot be mitigated, or adversely impact real property listed on the California Register of Historical Resources. There is no evidence that the waivers requested should not be granted as required by state law.
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

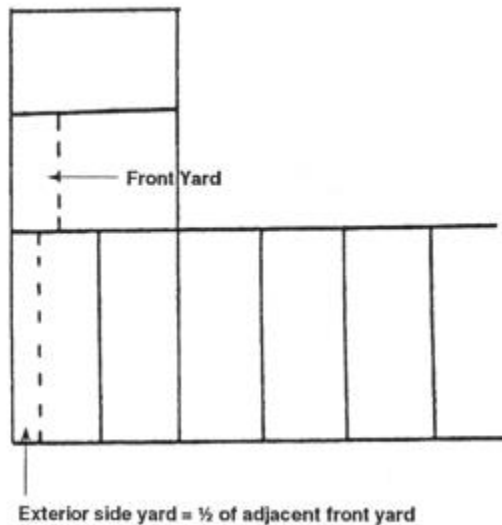
*1. Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.	The application is consistent with this requirement. The rear yard abuts an R-district which requires a 20' rear setback. The project proposes a 20' rear setback to meet 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	This requirement is not applicable. Water Street and N. Branciforte are not listed in Section 24.12.115.

<p>the minimum setback listed in Section 24.12.115 for affected street.</p>	
<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>The application is consistent with this requirement.</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>The application is consistent with this requirement.</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 24.12.</p>	<p>See below.</p>
<p>Chapter 24.12 Community Design</p>	
<p>24.12.100 MINIMUM BUILDING SITE.</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>The application is consistent with this requirement.</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>

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.

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.



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

Parcels have access to sanitary sewer.

Parcels have frontage on improved public streets.- Water St. and N. Branciforte Ave.

<p>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 as may be provided in connection with an approved development plan.</p>	
<p>24.12.110 SETBACK REQUIREMENTS MODIFICATIONS.</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>The application is consistent with this requirement.</p> <p>1a. Not applicable</p> <p>1b. Not applicable</p> <p>2a. Not applicable</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>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 24.10.351.</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>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 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 24.10.351. 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>24.12.115 SPECIAL STREET SETBACK REQUIREMENTS FOR DESIGNATED STREETS.</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>The application is consistent with this requirement.</p> <p>The project site is not located along a designated street.</p>

3. Uses Subject to Special Review. Greater setbacks than those set forth herein may be required where special conditions exist.

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:

Bay Drive:

From the southerly line of High Street to the southerly line of Escalona Drive.

Bay Street:

From the southerly line of Escalona Drive to the easterly line of California Street;

From the easterly line of California Street to the westerly line of West Cliff Drive.

Chestnut Street:

From the southerly line of Locust Street to the northerly line of Laurel Street.

Delaware Avenue:

From the westerly line of Laguna Street to the westerly extremity of Delaware Avenue.

Elk Street:

From the northerly line of Goss Street to the northerly line of Rooney Street.

Goss Street:

From the easterly line of Market Street to the westerly line of Elk Street.

Graham Hill Road:

From the easterly line of Ocean Street to the northerly city limits line.

High Street:

From the easterly line of Bay Street to the easterly line of Highland Avenue.

From the easterly line of Bay Street to the western city limits line.

Laguna Street:

From the northerly line of Santa Cruz Street to the southerly line of Bay Street.

Laurel Street:

From the southerly line of Mission Street to the westerly line of Front Street.

Laurent Street:

From the southerly line of High Street to the westerly line of Escalona Drive.

Meder Street:

From the westerly line of Bay Street to the westerly extremity of Meder Street.

Mission Street:

From the easterly line of Chestnut Street Extension to the westerly line of Pacific Avenue.

Murray Street:

From the easterly line of East Cliff Drive to the westerly line of Seabright Avenue.

Pine Street:

From the southerly line of Soquel Avenue to the northerly line of Buena Vista Avenue.

Prospect Heights:

From the easterly line of Park Way to the westerly line of Brookwood Drive.

San Lorenzo Boulevard, 3202:

From the southerly line of Barson Street to the westerly line of Bixby Street.

Seabright Avenue:

From the southerly line of Soquel Avenue to the northerly line of Murray Street.

Walnut Avenue:

From the easterly line of Mission Street to the westerly end of Lincoln Street.

Washington Street:

From the southerly line of Laurel Street to the westerly line of Front Street.

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

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>24.12.120 PROJECTIONS INTO REQUIRED YARD AREAS, SETBACKS AND EASEMENTS.</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> <p>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;</p> <p>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</p>	<p>The application is consistent with this requirement.</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.

3. Projections into Special Street Setbacks. The following uses are permitted within the special street setbacks established in Section [24.12.115](#) herein.

a. Streetlights, traffic signs and signals and appurtenances necessary to the conduct or operation of a public utility, facility, or purpose;

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 [24.12.120](#), subsection (3)(d);

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;

d. Any structure necessary to provide access to the first floor for the physically challenged.

4. Projections into Easements. No structure or projection thereof may extend into a public utility easement.

<p>24.12.125 LANDSCAPING REQUIREMENT.</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>The application is consistent with this requirement.</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>24.12.130 EXTENDED STORAGE OR PARKING IN YARD AREAS.</p> <ol style="list-style-type: none"> 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. 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 	<p>The application is consistent with this requirement.</p> <p>No parking is proposed in the front or exterior side yards.</p>

or stored in any front or exterior side yard for more than forty-eight consecutive hours. This regulation shall not apply to:

- (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
- (ii) Motor vehicles that are registered for operation and are in fully assembled condition when parked on a paved surface.

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24.12.140 ACCESSORY BUILDINGS.

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 [24.16](#).

1. No setback shall be required for an accessory building except as otherwise provided.
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

The application is consistent with this requirement.

No accessory buildings are proposed as part of the project.

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.

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.

7. An accessory building attached to a main building by a breezeway is not part of the main building.

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.

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:

- a. The structure and use are subordinate to the principal use; and
- b. The purpose of the use is incidental to the principal use; and
- c. The use is customarily or reasonably appurtenant to the permitted use; and

<p>d. The structure will not be used as a dwelling unit except as set forth in Chapter 24.16, 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>24.12.145 FOOD PREPARATION FACILITY (SPECIAL PURPOSE).</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>The application is consistent with this requirement.</p> <p>No special food preparation facilities are proposed as part of this project.</p>
<p>24.12.150 HEIGHT LIMITS MODIFICATIONS.</p>	<p>The application is consistent with this requirement.</p>

1. The height limitations specified in this title shall not apply to the following uses:

- a. Church spires, belfries, domes;
- b. Water, fire observation, and lifeguard towers, chimneys, aids to navigation;
- c. Buildings and structures intended for agricultural purposes;
- d. Fire walls, not extending more than four feet above the height of the building;
- 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.

2. The height limitations specified in this title may be exceeded for the following uses, subject to a special use permit:

- a. Smokestacks, monuments, flagpoles;
- b. Mechanical contrivances for amusement purposes, such as Ferris wheels, and roller coasters;
- c. Antennas for radio broadcast and receiving, electric power transmission and distribution lines, poles and towers;
- d. Wireless telecommunications facilities;

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>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>24.12.160 FENCING AND SCREENING.</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 24.08, 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 18.04 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 24.08, 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 24.08, Part 7;</p>	<p>The application is consistent with this requirement.</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 24.22.202.</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 24.08.2150.</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>24.12.170 OVERHEAD TRANSMISSION LINES.</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>This requirement is not applicable.</p> <p>There are no overhead transmission lines routed over the subject property.</p>
<p>24.12.180 COMMUNITY HOUSING PROJECT REQUIREMENTS.</p>	<p>This requirement is not applicable.</p>

<p>1. Separate Utilities. 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. Off-Street Parking. 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. Private Open Space. 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. Storage Area. 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>24.12.190 OUTDOOR STORAGE, DISPLAY, OR SALE OF MERCHANDISE.</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>This requirement is not applicable.</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">j. Sidewalk sales, when sponsored by business or civic organizations, not to exceed three days during any six-month period;k. Garage sales when conducted on residentially used property, for a period not to exceed three days during any six-month period;l. Sidewalk cafes on private property, subject to approval of an administrative use permit;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 24.12.192;n. Temporary circus or carnival activities, subject to approval of an administrative use permit;o. Cut flowers;p. Activities similar to the above, as determined by the zoning administrator. | |
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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

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 [24.10.2340\(4\)\(g\)](#).

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.

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:

a. That the provisions of this part or conditions of approval have been violated; or

b. Any necessary health permit has been suspended, revoked or canceled; or

c. The licensee does not meet the insurance requirements of the license; or

d. The city determines that the public interest requires vacating the extension area.

24.12.195 LIVE ENTERTAINMENT.

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:
 - a. Eating and drinking establishments (including fast food restaurant) (280).
 - b. Specialty retail stores such as coffee houses, music and book stores (290E and 290G).
 - c. Any other commercial use determined by the Zoning Administrator as not impacting adjacent properties.
2. Incidental live entertainment shall be reviewed and approved by the Police Department through an Entertainment Permit prior to commencement.
3. If incidental live entertainment violates any provision of this title or Chapter [5.44](#), the Zoning Administrator may order that the said entertainment immediately be stopped as per Section [24.04.221](#).
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).
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

The application is consistent with this requirement.

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>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 24.14.260 and all applicable building and fire regulations.</p> <p>Part 3: OFF-STREET PARKING AND LOADING FACILITIES</p>	
<p>24.12.230 GENERAL REQUIREMENTS.</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>This requirement is not applicable.</p> <p>SB35 projects are a ministerial project and are therefore exempt from this section.</p>
<p>24.12.240 NUMBER OF PARKING SPACES REQUIRED.</p>	<p>This requirement is not applicable.</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>24.12.241 ELECTRIC VEHICLE CHARGING STATION REQUIREMENTS.</p> <p>1. Definitions.</p>	<p>The application is consistent with this requirement.</p> <p>Based on 143 spaces provided on site, eighteen (17) EV spaces are required to be provided. The project proposes that all of the underground parking spaces be EV ready,</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.

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.

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.

3. Electric Vehicle Charging Stations.

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.

b. Electric Vehicle (EV) Charging for Nonresidential Structures. New nonresidential structures shall provide parking spaces with EVSE installed in accordance with the following table:

and a condition of approval has been included that requires that a minimum of seventeen (17) of those spaces be Electric Vehicle Supply Equipment (EVSE) Installed pursuant to Zoning Code Section 24.12.241(3).

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		

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24.12.252 SHOWER FACILITY REQUIREMENTS.	The application is consistent with this requirement.
24.12.280 DESIGN REQUIREMENTS. 1. Driveway Design Standards. 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	The application is consistent with this requirement.

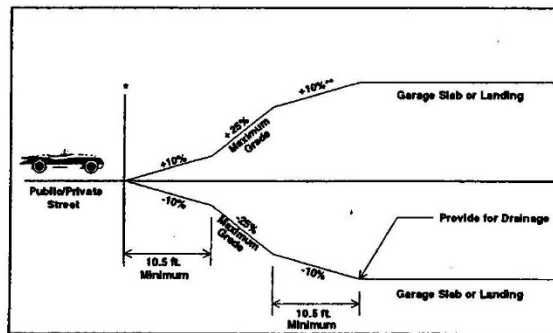
areas shall be maintained in conformance with Section [13.30.110](#).

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.

(2) Access to parking facilities containing between six and twenty parking spaces shall be not less than twelve feet in width.

(3) Where separate one-way drive aisles are proposed, each shall be not less than ten feet in width.

(4) The zoning administrator shall determine the width of driveways serving parking facilities in the GB-O District based on the following findings:

i. That the width is necessary to preserve the open-space character of the area;

ii. That the width contributes to the compatible use of open-space lands.

(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.

b. Backing Out.

(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.

(2) Exceptions. Parking facilities for single-family dwellings and duplexes not located on a highway or major or minor

The parking facility meets the back out requirements for standard vehicles. No off-street truck loading spaces are required pursuant to the Zoning Code. Garbage trucks will back in to pick up refuse and pull forward on to the street.

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

There is an existing fence that separates the proposed parking facility from the abutting residential uses.

A condition of approval will be included that requires continuous concrete curbing or other permanent landscape features in the parking facility.

<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>24.12.290 VARIATIONS TO REQUIREMENTS.</p>	<p>This requirement is not applicable.</p>
<p>24.12.295 OFF-STREET LOADING FACILITIES.</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>The application is consistent with this requirement.</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.

Gross Floor Area	Required Loading Spaces
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 2,404 square feet of retail proposed, no off-street loading spaces are required.

- e. Each loading berth shall be accessible from a street or alley.
- f. Entrances and exits shall be provided at locations approved by the public works director.
- 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.
- h. Wheel stops and bumper rails shall be provided where needed for safety or to protect property.
- i. If the loading area is illuminated, lighting shall be directed away from any abutting residential sites and adjacent streets.
- j. No repair work or servicing of vehicles shall be conducted in a loading area.
- k. Trucks with trailers or detached trailers shall not be stored on-site.
- 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.
- m. Required off-street loading facilities shall be located on the same site as the use for which the berths are required.

<p>Part 4: ADVERTISING DEVICES, SIGNS AND BILLBOARDS</p>	<p>This requirement is not applicable.</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>Part 5: HISTORIC PRESERVATION</p>	<p>This requirement is not applicable.</p> <p>The property is not listed on the City's Historic Building Survey.</p>
<p>24.12.430 PROTECTION OF ARCHAEOLOGICAL RESOURCES.</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>The application is consistent with this requirement.</p> <p>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.</p>

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

2. Portions of the three parcels mapped as “highly sensitive” or “sensitive”. An archaeological reconnaissance report has been submitted. The report strongly recommends a qualified archeologist conduct an Extended Phase 1 (subsurface) study prior to construction. Staff agrees that a Phase 1 study should be conducted prior to the preparation of the construction documents.

3. The archaeological reconnaissance report meets these standards.

4. This project does not qualify as a minor development.

projects may include: building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.

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:

- a. Immediately cease all further excavation, disturbance, and work on the project site;
- 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;
- 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;
- 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.

5. These requirements are included in the Enforceable Agreement and are to be exercised as part of the building permit.

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 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.

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.

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.

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

6. These requirements are included in the Enforceable Agreement and are to be exercised as part of the building permit.

7. These requirements are included in the Enforceable Agreement and are to be exercised as part of the building permit.

8. Requirement to be followed. The requirements listed in 24.12.430(8) will be enforced if a discovery is encountered.

9. These requirements are included in the Enforceable Agreement and are to be exercised as part of the building permit.

other measures have been approved by the director for the protection of the site.

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 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.

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.

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

10. Requirement to be followed. The requirements listed in 24.12.430(10) will be enforced if a discovery is encountered.

11. Requirement to be followed.

12. The subject site is not a known archaeological site as identified by council resolution.

All of the above will be included as conditions of approval.

<p>procedures such as those prescribed in the Historic Preservation Element and the Local Coastal Land Use Plan.</p>	
<p>24.12.431 PROTECTION OF PALEONTOLOGICAL RESOURCES.</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 application is consistent with this requirement.</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>Part 8: UNDERGROUND UTILITIES</p> <p>24.12.700 GENERAL.</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>The application is consistent with this requirement.</p> <p>Applicant’s objective standards table indicates that the project will underground all utilities as allowed by utility companies.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

Chapter 24.12 Community Design

24.12.710 PROVISIONS.

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 permission to construct said facilities above ground is granted, as hereinafter provided.
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.
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.
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

The application is consistent with this requirement.

Applicant's objective standards table indicates that the project will underground all utilities as allowed by utility companies.

The project will be required to meet this standard as a condition of approval prior to building permit issuance.

<p>public works, upon application of the property owner, may permit overhead services.</p>	
<p>24.12.720 EXCEPTIONS.</p> <p>The provisions of Section 24.12.710 shall not apply to:</p> <ol style="list-style-type: none"> 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. 2. Poles or electroliers used exclusively for street lighting. 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. 4. Radio antennas, their associated equipment and supporting structures used by a utility for furnishing communication services. 5. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets and concealed ducts. 	<p>The application is consistent with this requirement.</p>
<p>24.12.730 IN-LIEU FEE.</p>	<p>This requirement is not applicable.</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 [24.12.710](#) 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:

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.
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.
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 [24.04.180](#).
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>a. The cost to underground the utility is highly disproportionate to the cost of the improvement; or</p> <p>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</p> <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>Part 12: ALCOHOLIC BEVERAGE SALES</p>	<p>The application is consistent with this requirement.</p> <p>Conformance and permit required prior to any tenancy that includes alcoholic beverage sales.</p>
<p>Chapter 24.14 ENVIRONMENTAL RESOURCE MANAGEMENT</p>	
<p>24.14.010 PURPOSE.</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.</p>	<p>These are not objective standards.</p>

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:

1. Minimize cut, fill, earthmoving, grading operations, and other such man-made effects on the natural terrain;
2. Minimize water runoff and soil erosion caused by human modifications to the natural terrain;
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;
4. Preserve riparian areas and other natural habitat by controlling development near the edge of ponds, streams, or rivers;
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;
6. Maintain and improve to the extent feasible existing water quality by regulating the quantity and quality of runoff entering local watercourses;

<p>7. Maintain and improve to the extent feasible existing air quality by achieving or exceeding state air quality guidelines;</p> <p>8. Serve as part of the Local Coastal Implementation Plan of the Local Coastal Program.</p>	
<p>24.14.020 GENERAL PROVISIONS.</p> <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</p>	<p>The application is consistent with this requirement.</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</p>

<p>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 24.14.010 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 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>development standards. Only objective standards can be applied to projects that qualify for SB 35 ministerial approval.</p> <p>5. The subject property is not located in the Coastal Zone.</p>
<p>24.14.030 SLOPE REGULATIONS.</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> <p>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.</p>	<p>The application is consistent with this requirement.</p> <p>1. The subject site is not located in an area characterized by combustible vegetation or steep and/or unstable slopes. However, there is a vertical retaining wall that abuts Water Street. Santa Cruz Municipal Code Section 24.22.748 defines "Slope" as "An inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance." With the vertical concrete retaining wall not constituting an inclined ground surface, it is difficult to argue that the wall meets the definition of slope. That being said, the City's Geographic Information System (GIS) presents portions of the wall and adjacent areas as a slope greater than 30%. This is due to</p>

b. Slopes thirty percent or greater shall not be considered in the density determination of a property.

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.

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 [24.14.040](#) or a variance is granted pursuant to Section [24.08.810](#).

e. No structure shall be located on a slope greater than fifty percent.

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.

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

the City's use of Light Detection and Ranging (Lidar) for establishing the GIS slope layer, since the Lidar recognizes the ground elevation differences on either side of the wall. That said, given the identification of slopes greater than 30% in the GIS layer, staff cited this as support for the Council's October 12, 2021 motion.

a. A condition of approval has been included to require that an accurate topographic map with contours of two-foot interval for slopes of twenty percent grade be included with the building permit application for the project.

b. The retaining wall along Water Street has not been considered in the density determination of the property.

c. Only the areas of the lot that have less than a thirty percent slope have been included in the lot area.

d. The proposed structures maintain a twenty foot setback from the wall, with the exception of the underground garage structure which abuts the Water Street property line. Taking a conservative approach, the applicants are requesting a waiver of this objective standard pursuant to State Density Bonus Law. The project proposes a reduction to the twenty foot setback from a thirty

thirty-percent slopes without an exception listed in Section [24.14.040](#).

h. No new lot shall be created which will require the house to be sited within twenty feet of a thirty-percent slope.

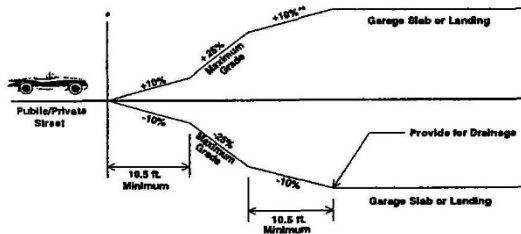
i. For all development within one hundred feet of a coastal bluff, a site-specific geologic investigation prepared by a qualified professional consistent with the California Division of Mines and Geology guidelines shall be prepared.

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:



to fifty percent slope, with the proposed underground garage abutting the existing retaining wall along Water Street. Complying with the twenty foot setback would significantly reduce the size of the garage and physically preclude providing the necessary off-street parking for residents. The project applicant is allowed to request as many waivers from development standards as needed if the development standard would preclude the density bonus project from being built at the state's allowed density. The applicant has requested four waivers of development standards, all of which are required to be waived if they preclude project development. The city must grant these waivers unless they violate state or federal law, create a specific adverse impact on health and safety or the physical environment that cannot be mitigated, or adversely impact real property listed on the California Register of Historical Resources. There is no evidence that the waivers requested should not be granted as required by state law.

e. The project site is not located on slopes of fifty percent or greater.

f. The project site is not in an area mapped as high fire hazard.

g. See requested waiver discussion above.

<p>* Back edge of standard city driveway.</p> <p>** All percentages are measured from the edge of standard city driveway.</p> <p>d. Driveways within slopes that are thirty percent or greater shall require an exception listed in Section 24.14.040.</p>	<p>h. The project does not involve creation of a lot which has a house sited within twenty feet of a thirty-percent slope,</p> <p>i. The project site is not located within one hundred feet of a coastal bluff.</p> <p>2. The Public Works Department commissioned a <i>Site Ingress/Egress Evaluation and Conceptual Engineering Drawings</i> study to evaluate the proposed development plans and analyze site access and traffic hazards. The study makes findings and recommendations that will be incorporated as conditions of approval at the building permit stage.</p>
<p>24.14.040 EXCEPTION.</p> <p>The zoning administrator may, through slope modification permit procedures, grant exception to Section 24.14.030, subsection (1)(d) when the exception is no less than 10 feet from the top edge of the slope and to Section 24.14.030 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 24.08.820 are found.</p>	<p>This requirement is not applicable as the applicant is requesting a reduction to the slope setback as a Density Bonus waiver.</p>
<p>24.14.050 DRAINAGE CONTROL.</p>	<p>The application is consistent with this requirement.</p>

1. General Provisions.

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 [24.08.2100](#) (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.

b. Roof Drainage. All roof drains shall be discharged so as to minimize erosion.

c. Disposition of Stormwaters. Where storm drainage from the project is to be discharged into natural 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.

A Stormwater Management Plan, Storm Water and Low Impact Development Best Management Practices Requirement Worksheet, Drainage Plan, and a completed Stormwater Control Plan have been submitted. Public Works staff in addition to the City's contract stormwater reviewer have reviewed the plans and determined that they meet state and local stormwater requirements. A standard condition of approval has been included that the stormwater plans be implemented as part of the construction plans at the building permit stage of the project.

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

<p>slope in excess of ten percent and parking lots of more than five spaces;</p> <p>(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;</p> <p>(4) Projects for which the planning director determines that such a plan is warranted by existing site conditions.</p> <p>b. Contents. Drainage plans for large projects shall be prepared by a qualified professional and shall contain at least the following:</p> <p>(1) A site plan indicating existing and proposed contours;</p> <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 24.14.060.</p>	
<p>City Storm Water Management Program-Mandatory Best Management Practices 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</p>	<p>The application is consistent with this requirement.</p> <p>A Stormwater Management Plan, Storm Water and Low Impact Development Best Management</p>

Remodeling Projects (Chapter 6B Storm Water BMPs for Development Projects). (e.g. on plan set and related documents)

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 www.cityofsantacruz.com/LID).

Storm Water Control Plan (SWCP) Report: 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.

Operations and Maintenance Plan (O&M Plan) and Maintenance Agreement: The O&M Plan must include at a minimum:

- 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

Practices Requirement Worksheet, Drainage Plan, and a completed Stormwater Control Plan have been submitted. Public Works staff in addition to the City's contract stormwater reviewer have reviewed the plans and determined that they meet state and local stormwater requirements. A standard condition of approval has been included that the stormwater plans be implemented as part of the construction plans at the building permit stage of the project.

<p>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.</p> <p>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, 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>5.2 Storm Water Source Control BMP Requirements: 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>City Storm Water Management Program-Mandatory Best Management Practices</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>The application is consistent with this requirement.</p> <p>A Stormwater Management Plan, Storm Water and Low Impact Development Best Management</p>

<p>1.1 Site Planning to Minimize Project Impacts 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>1.2. Erosion Control Plan Requirements 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"> • Site topography • Nearby watercourses within 200 feet of the project area • Proposed grading contours • Locations of existing utilities, including sewer, storm drain, curb and gutter, as applicable • Location of proposed erosion control measures and installation details (see section 2.1 for requirements) • Location of proposed sediment control measures and installation details (see section 2.2 for requirements) • Location of proposed construction waste control measures (see section 3.4 for requirements) • Stockpile and equipment staging areas • Total area of disturbance (in acres) • 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 	<p>Practices Requirement Worksheet, Drainage Plan, and a completed Stormwater Control Plan have been submitted. Public Works staff in addition to the City’s contract stormwater reviewer have reviewed the plans and determined that they meet state and local stormwater requirements. A standard condition of approval has been included that the stormwater plans be implemented as part of the construction plans at the building permit stage of the project.</p>
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Water Board 401 Water Quality Certification, California Department of Fish and Wildlife 1600 Agreement, as applicable.

Per Chapter 4 Storm Water BMPs for Construction Work, the project shall submit/comply as follows:

2. EROSION AND SEDIMENT CONTROL REQUIREMENTS

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.

2.1. Erosion Control

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.

- Protect and preserve topsoil to minimize erosion and retain infiltration capacity.
- 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.
- 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.

- 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.
- 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.
- 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"> o Seeding slopes by hydro-seeding or with seeded blankets; preferably using native seeds o Landscaping with plant species that grow rapidly and have root systems that are effective at “holding” soil 	
<p>Per Chapter 4 Storm Water BMPs for Construction Work, the project shall submit/comply as follows:</p> <p>3.3 Dewatering Operations</p> <ul style="list-style-type: none"> • 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. 	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER NO. 2013-0001-DWQ, NPDES GENERAL PERMIT NO. CAS000004, WASTE DISCHARGE REQUIREMENTS (WDRs) FOR</p> <p>STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) (GENERAL PERMIT)</p>	
<p>A.1. POST CONSTRUCTION STORM WATER MANAGEMENT PROGRAM</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"> • E.12.b Site Design Measures • E.12.c. Regulated Projects • E.12.d. Source Control Measures 	<p>The application is consistent with this requirement.</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>

<ul style="list-style-type: none"> • E.12.e. Low Impact Development (LID) Design Standards • E.12.f. Hydromodification Measures • E.12.g. Enforceable Mechanisms • E.12.h. Operation and Maintenance of Storm Water Control Measures • E.12.i. Post-Construction Best Management Practice Condition Assessment • E.12.j. Planning and Development Review Process • E.12.k. Post-Construction Storm Water Management Requirements Based on Assessment and Maintenance of Watershed Processes • E.12.l. Alternative Post-Construction Storm Water Management Program <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. 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</p>	<p>The application is consistent with this requirement.</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>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 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>Construction Dewatering Operations: 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: http://www.waterboards.ca.gov/centralcoast/</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</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>and fees, please contact a City Public Works Environmental Compliance Inspector at 831-420-5160.</p>	<p>The project must meet the State Water Resources Control Board Rules and Regulations.</p>
<p>State Construction General Permit: 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>http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml</p>	<p>The application is consistent with this requirement.</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>24.14.060 EROSION HAZARD AREAS.</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>The application is consistent with these requirements.</p> <p>The project site is located adjacent to an erosion hazard area designated on Map EQ-7. The Zoning Ordinance reference to Map EQ-7 refers to the General Plan 1990 through 2005 map. The current slope map is on page 99 of General Plan 2030. Both maps show the site as including</p>

<p>2. General Provisions.</p> <ul style="list-style-type: none"> a. Measures shall be employed during construction phases to protect exposed soils from erosion. b. Site development shall be fitted to the topography and soil so as to create the least potential for erosion. c. Vegetation removal shall be limited to that amount necessary and as indicated on approved erosion control plans. 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. 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. 	<p>30%+ slope. An Erosion Control Plan has been submitted and the plans are consistent with the General Provisions and include all of the information required under subsection 4 of this section.</p>
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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:

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| <ul style="list-style-type: none">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.f. Vegetation proposed for all surfaces exposed or expected to be exposed during development activities, including cut-and-fill slopes.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.h. Name and address of owner.i. Name, address, professional status, license number, if applicable, and phone number of the person who prepared the plan. | |
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<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> <ul style="list-style-type: none"> a. Change of use where there would be no expansion of land-disturbing activities. b. Construction within an existing structure. 	
<p>24.14.070 SEISMIC HAZARDS.</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 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</p>	<p>This requirement is not applicable.</p> <p>The subject site is not located within area identified as having potential for liquefaction.</p>

acceptable risk levels, then the location of the proposed project shall be modified and/or the project disapproved.

24.14.080 WILDLIFE HABITATS AND PLANT COMMUNITIES.

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.

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.

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;

This requirement is not applicable.

The subject site is not located within a Wildlife Habitat Area or Plant Community identified in the General Plan.

- 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:

- a. Removal or planting of vegetation shall be in conformance with Section [24.08.2100](#) and with the policies of the City-wide Creeks and Wetlands Management Plan.
- b. Existing vegetation shall be preserved to the maximum extent possible.
- 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.
- d. Trees subject to the Heritage Tree Ordinance and other trees designated for protection by a development proposal

<p>shall be protected through the use of barricades or other appropriate methods during the construction phases.</p> <p>e. Landscaping, grading and building design shall ensure ongoing viability of remaining vegetation.</p> <p>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.</p>	
<p>24.14.090 GROUNDWATER RECHARGE AREAS.</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 Zoning Districts shall not cover more than fifty-five percent of the project site.</p>	<p>This requirement is not applicable.</p> <p>The subject site is not located within a groundwater recharge area.</p>
<p>Part 2: PERFORMANCE STANDARDS</p>	
<p>24.14.220 GENERAL PROVISIONS.</p>	
<p>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>	<p>The application is consistent with this requirement.</p> <p>The project does not propose any uses that would result in the nuisance factors listed with the exception of temporary construction.</p>

<p>24.14.225 PROHIBITED USES.</p> <p>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>	<p>The application is consistent with this requirement.</p> <p>The project does not propose any uses that are prohibited.</p>
<p>24.14.260 NOISE</p> <p>At the points of measurement specified in this part, the maximum sound level shall not exceed the following limits:</p> <ol style="list-style-type: none"> 1. Noise Limits, Residential Property. No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of the same, on residential property, a noise level more than five dBA above the local ambient. The local ambient shall establish the maximum noise limit. More stringent noise limits may be established for specific uses through the conditions of a use permit. 2. Noise Limits, Commercial and Industrial Property. No person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on nonresidential property, a noise level more than six dBA above the local ambient at the points of measurement established in this part. The local ambient shall establish the maximum noise limit. More stringent noise limits may be established for specific uses through the conditions of a use permit. 3. Corrections. The allowable noise level in relation to the ambient level shall be reduced for noise of unusual character. 	<p>The application is consistent with this requirement.</p> <p>Two preliminary noise studies were prepared by <i>Salter Inc.</i> and submitted:</p> <ol style="list-style-type: none"> 1. Preliminary Property Line Noise Analysis (Attachment 4) 2. Preliminary Environmental Noise Study (Attachment 5) <p>The Preliminary Property Line Noise Analysis evaluates the project’s mechanical equipment noise levels to adjacent property lines. The analysis concludes that the project’s noise-generating equipment will meet the City property line standards without the need for any atypical mitigation. As is standard practice at the building permit stage, the analysis recommends that a more refined analysis be conducted once the specific equipment has been selected and the mechanical equipment systems have been designed in greater detail.</p> <p>The Preliminary Environmental Noise Study determines the noise environment at the site, compares the measured data with applicable standards, and proposes mitigation</p>

<p>The allowable noise level will be adjusted as follows for unusual noise:</p> <ul style="list-style-type: none"> a. Noise with no unusual character.....0 b. Noise containing a piercing, pure tone..... +5* c. Noise that is impulsive, rattling, rising or falling in pitch or volume, humming, screeching, throbbing, pulsating, etc..... +5 d. Noise which contains speech, music or other information content.... +5 <p>* By adding to the measured noise, the unusual noise is penalized 5dBA.</p>	<p>measure as necessary. This is a study that is normally required at the building permit stage to confirm that the indoor noise levels in residential units of multi-family projects do not exceed certain decibel levels pursuant to the California Building Code, CALGreen Code, and City Noise Standards. The study calculates the Sound Transmission Class (STC) ratings for window assemblies (glass and frame) needed to meet the required interior noise criteria (45 dB) contained in Policy HZ3.2.3 of the General Plan. Additionally, the study calculated expected noise levels at the ground floor open space and at the roof decks. Those spaces will be exposed to noise levels no greater than DNL 65 dB, which is within the City’s goal as articulated in General Plan Policy HZ3.2.2.</p>
<p>24.14.262 VIBRATION. 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>	<p>The application is consistent with this requirement. The project does not propose any uses that would result in vibration impacts, except for temporary construction.</p>
<p>24.14.264 ODORS. 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 the points of measurement specified in this part, or at the point of greatest concentration.</p>	<p>The application is consistent with this requirement. The project does not propose any uses that would result in odorous gases or other odorous matter.</p>
<p>24.14.266 GLARE. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion or welding, so as to</p>	<p>The application is consistent with this requirement.</p>

<p>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>The project does not propose any uses that would result in direct or sky-reflected glare from high-temperature processes.</p>
<p>24.14.268 FIRE AND EXPLOSION HAZARDS. 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>The application is consistent with this requirement. The project does not propose any uses that involve flammable or explosive materials.</p>
<p>24.14.270 RADIOACTIVITY OR ELECTRIC DISTURBANCE. 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>The application is consistent with this requirement. The project does not propose any uses that would emit dangerous radioactivity or electrical disturbances.</p>
<p>24.14.272 SMOKE, FLY ASH, DUST, FUMES, VAPORS, GASES, AND OTHER FORMS OF AIR POLLUTANTS OR CONTAMINANTS. 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>The application is consistent with this requirement. The project does not propose any uses that would have a source that would emit pollutants or contaminants.</p>
<p>24.14.274 SOLID OR LIQUID WASTES. No discharge of any materials of such nature or temperature as may contaminate any water supply, interfere with bacterial processes in 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</p>	<p>The application is consistent with this requirement. The project does not propose any uses that would contaminate water supply.</p>

<p>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.</p>	
<p>24.14.290 DRIVE-THROUGH USES. 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>The application is consistent with this requirement.</p> <p>The proposed project does not include any drive-through type uses.</p>
<p>Part 3: ENVIRONMENTAL REVIEW REGULATIONS</p>	
<p>24.14.300 GENERAL APPLICATION. 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>This requirement is not applicable.</p> <p>Projects that comply with SB35 are not subject to CEQA.</p>
<p>Part 4: FLOODPLAIN MANAGEMENT</p>	
<p>24.14.430 LANDS TO WHICH THIS ORDINANCE APPLIES. The floodplain management regulations in this part shall apply to the Floodplain District (FP) and Floodplain Overlay District (FP-O) and 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.</p>	<p>This requirement is not applicable.</p> <p>The project site is not mapped as within FP or FP-O.</p>

<p>Chapter 24.15 GREEN BUILDING REGULATIONS</p>	
<p>24.15.030 STANDARDS FOR COMPLIANCE. 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 24.15.040, each project must include elements from the program checklist equal to or exceeding the following compliance standards:</p>	<p>The application is consistent with this requirement.</p> <p>The project is subject to the Green Building Standards which are reviewed during the building plan check stage.</p>
<p>ORDINANCE NO. 2020-06- natural gas 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 Natural Gas Infrastructure shall apply in perpetuity, unless a separate exemption applies pursuant to the provisions of the Chapter.</p>	<p>The application is consistent with this requirement.</p> <p>Project plans must include a cover sheet declaration: “Natural Gas-Free Design As Required By [SCMC 6.100.020.B]”. Energy Compliance Documents for 2019 CA Energy Code and kitchen / laundry floorplans must specify no natural gas appliances required at Building Permit application.</p>
<p>Chapter 24.16 AFFORDABLE HOUSING PROVISIONS</p>	
<p>SCMC 24.16.010: Purpose</p>	

<p>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>	<p>This is not an objective standard.</p>
<p>24.16.020 BASIC ON-SITE INCLUSIONARY HOUSING REQUIREMENTS.</p>	
<p>1. Applicability.</p>	
<p>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>	<p>The project complies with this objective standard.</p> <p>The base plans submitted 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). The submitted base plan shows an allowed base density of 109 units. The project is providing 50% of the units as affordable to low income households, therefore the developer is entitled to a State Density Bonus of 50%. This equates to an allowed maximum of 55 density bonus units. The applicant has proposed 31 density bonus units, which would equal approximately 30% density bonus.</p> <p>109 x 50% = 54.5. 54.5+109 = 163.5 = 164*</p> <p>*State Density Bonus Law states all fractions of units are to be rounded up.</p>
<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:</p>	
<p>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.</p>	

<p>b. SRO Developments. In a rental residential development comprised of SRO units, twenty percent of the single-room occupancy units shall be made available for rent to very low income households at an affordable rent.</p>	<p>This requirement is not applicable.</p> <p>The proposed project is not an SRO development.</p>
<p>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>	<p>The project complies with this objective standard.</p> <p>The base plans submitted 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). The submitted base plan shows an allowed base density of 109 units. As per SCMC 24.16.020(5)(c), the Inclusionary Requirement is being met:</p> <p>$109 \times 20\% = 21.8 = 22$ inclusionary units required in perpetuity. The project is going to provide 55 affordable units at Low Income. This satisfies the Inclusionary requirements.</p>
<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 24.16.035(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>	<p>The project complies with this objective standard.</p> <p>The base plans submitted 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). The submitted base plan shows an allowed base density of 109 units. As per SCMC 24.16.020(5)(c), the Inclusionary Requirement is being met:</p>

	<p>109 x 20% = 21.8 = 22 inclusionary units required in perpetuity. The project is going to provide 55 affordable units at Low Income. This satisfies the Inclusionary requirements.</p> <p>Also case law from the 2013 case <i>Latinos Unidos del Valle de Napa y Solano v. County of Napa</i> demonstrates that the density bonus is a financial tool available to help developers achieve city and county inclusionary housing requirements.</p>
<p>9. Rental to Tenant-Based Subsidy Holders.</p>	
<p>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 24.16.040, 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 will be payment standard units restricted to moderate income households at an affordable rent as defined in Section 24.16.015(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 24.16.025(1).</p>	<p>The project complies with this objective standard.</p> <p>If the applicant chooses to provide project based vouchers, the application shall be required to meet the standards outlined in this section prior to building permit issuance.</p>
<p>SCMC 24.16.025: Standards for Inclusionary Units</p>	
<p>1. All inclusionary units shall remain affordable in perpetuity.</p>	<p>The project complies with this objective standard.</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>	<p>The project complies with this objective standard.</p> <p>The project is required to provide 55 units that will be restricted to households at 80% AMI and restricted to rents at 60% AMI. The applicant is proposing to disperse 22 of these units throughout Buildings A and B, as depicted in a table submitted which includes each of the 22 affordable units, a unit number, and an associated floorplan. The applicant has identified these 22 units as the inclusionary and density bonus affordable units.</p>
<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>	<p>This is not an objective standard.</p> <p>The plans show the two buildings utilize the same materials and exterior finishes as per the elevations in the resubmitted plan set, pgs. A02.0-A02.3. The applicant has indicated that they will provide interior finishes compatible with market rate units as required by its affordable housing financing.</p>
<p>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.</p>	<p>The project complies with this objective standard.</p> <p>The average size of a studio unit is 379 square feet, and the average size of a one-bedroom is 453 square feet. The average size of an inclusionary studio unit is 376 square feet, and the average size of a one-bedroom inclusionary unit is 454 square feet. Based on these calculations, the average size of the inclusionary units is well within the seventy-five percent of the average market rate units requirement.</p>

<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>	<p>The project complies with this objective standard.</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>
<p>7. Rental to Tenant-Based Subsidy Holders. Owners of rental residential developments or SRO developments shall accept tenant-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>The project complies with this objective standard.</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>
<p>24.16.040 DEVELOPER AFFORDABLE HOUSING AGREEMENT.</p>	
<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</p>	<p>The project complies with this objective standard.</p>

<p>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>A condition of approval will require that an Affordable Housing Agreement is executed and recorded prior to building permit issuance.</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>The project complies with this objective standard.</p> <p>A condition of approval will require that an Affordable Housing Agreement is executed and recorded prior to building permit issuance.</p>
<p>24.16.045 CONTINUED AFFORDABILITY AND INITIAL OCCUPANCY.</p>	
<p>PART 3: DENSITY BONUS PROVISIONS FOR RESIDENTIAL UNITS</p>	
<p>Density Bonus parking reductions</p>	
<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 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.</p>	<p>The project complies with this objective standard.</p> <p>Under SB 35 project is not required to provide parking because its location is within one half mile of public transit. Applicant has proposed 143 parking spaces.</p>
<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</p>	<p>The project complies with this objective standard.</p> <p>A complete affordable housing plan application has been submitted.</p>

the form of an affordable housing plan which shall be processed concurrently with all other applications required for the housing development or commercial development.

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.

3. The affordable housing plan shall include at least the following information:

a. Site plan showing total number of units, number and location of affordable units, and number and location of proposed density bonus units.

b. A description of any requested density bonuses, incentives, concessions, waivers or modifications of development standards, modified parking standards, or commercial development bonus.

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.

d. Tenure (rental versus for-sale) of target units and proposals for ensuring affordability.

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.

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.

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.

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.

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.

k. In phased housing projects, for each construction phase, the affordable housing plan shall specify, at the same level of detail as the application for the housing development: the number, unit type, tenure, number of bedrooms and baths, approximate location, size, and design, construction and completion schedule of all affordable units, phasing of all other affordable units in relation to market rate

<p>units, marketing plan, and intended rent or sale price and basis for calculation.</p> <p>l. If the affordable units will not be constructed concurrently with the market rate units, the affordable housing plan shall describe the proposed phasing and specify the security to be provided to the city to ensure that the affordable units will be constructed.</p> <p>m. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in Section <u>24.16.230</u> can be made.</p> <p>n. If a density bonus or concession is requested for a child care center, the application shall show the location and square footage of the child care center and provide evidence that each of the standards included in Section <u>24.16.235</u> has been met.</p> <p>o. If a density bonus or incentive is requested for a condominium conversion, the application shall provide evidence that all of the requirements found in Section <u>24.16.240</u> have been met.</p> <p>p. If a commercial development bonus is requested for a commercial development, the application shall include the proposed partnered housing agreement, the proposed commercial development bonus, and evidence that each of the standards included in Section <u>24.16.258</u> has been met.</p>	
TITLE 23 Subdivision Ordinance	
23.04 General Provisions	
23.04.050.1 SUBDIVISION PRINCIPLES – GENERAL.	

<p>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>	<p>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.04.050.3 SUBDIVISION PRINCIPLES – BUILDABLE LOTS.</p> <p>All lots created by a subdivision shall be developable for the intended use. No subdivision shall include lots which are impractical to improve for the intended use because of slope of terrain, watercourse locations, sewerage problems, excessive driveway grades, easements, or other physical conditions.</p>	<p>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>Chapter 23.12 Maps Required</p>	
<p>23.12.030 DIVISION OF LAND – FEWER THAN FIVE PARCELS.</p>	

23.12.030.1 DIVISION OF LAND – FEWER THAN FIVE PARCELS – MAPS REQUIRED.

A tentative parcel map and a parcel map shall be required for all divisions of land which create fewer than five parcels, except for:

(a) Divisions of land created by short-term leases (terminable by either party on not more than a thirty-day notice in writing) of a portion of an operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code; provided, however, that upon a showing made to the city engineer, based upon substantial evidence that public policy necessitates such a map, this exception shall not apply;

(b) Lot-line adjustments, provided:

(1) The parcels resulting from the lot line adjustment will conform to the general plan, any applicable specific plan, any applicable coastal plan, zoning and building ordinances; and

(2) A greater number of parcels than originally existed are not created by the lot line adjustment.

The zoning administrator shall review the application for a lot line adjustment and shall not impose conditions or exactions on approval except to conform to the general plan, any applicable specific plan or area plan, any applicable coastal plan, zoning or building ordinances, and except to facilitate the relocation of existing utilities, infrastructure, or easements.

No tentative map, parcel map, or final map shall be required as a condition of approval of a lot line adjustment. The lot line adjustment

The application is consistent with this requirement.

Applicant has not proposed any short-term leases that would create a division of land.

Applicant has proposed a lot line adjustment whereby the existing three lots will be reduced to two lots that will exceed the required 8,000 square foot minimum lot size.

The proposed lot line adjustment will reduce the number of lots from three (3) to two (2).

Any relocation of utilities, infrastructure, or easements will be identified on the building plans and required to meet this standard as a condition of approval prior to building permit issuance.

<p>shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8792 of the state Business and Professions Code.</p>	<p>The proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>Chapter 23.20 MINOR LAND DIVISIONS (FOUR OR FEWER PARCELS)</p>	
<p>23.20.010.1 GENERAL PROVISIONS – APPLICABILITY. 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.</p>	<p>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.20.020.1 MAPS REQUIRED – TENTATIVE PARCEL MAP. 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.</p>	<p>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.20.020.2 MAPS REQUIRED – FORM. 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.</p>	<p>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p>

	<p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.20.020.3 MAPS REQUIRED – CONTENT.</p> <p>The tentative parcel map shall show the following information:</p> <ol style="list-style-type: none"> (1) Title. (2) Name and address of the legal owner, of the subdivider, and the name and registration number of the person preparing the map. (3) Date prepared, north arrow, scale, and contour interval. (4) Assessor’s parcel number. (5) Existing and proposed land use. (6) Vicinity map, sufficient to show the relation to the community. (7) Existing topography of the site and at least one hundred feet from its boundary including, but not limited to: <ol style="list-style-type: none"> (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. (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. (C) The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked. (D) Location, width and direction of flow of each watercourse. (E) The location, pavement, right-of-way width, grade, and name of existing streets, highways, or other public ways in and near the subdivision. (F) Location and type of street improvements. (G) Location, width, and identity of existing easements. (H) Location, size, and slope of existing storm drains. 	<p>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>(8) Any improvements proposed by the owner shall be shown, including:</p> <p>(A) Number of lots.</p> <p>(B) Proposed lot layout and lot areas.</p> <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>23.20.020.4 MAPS REQUIRED – SUBMITTAL OF MAP.</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>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.20.020.9 MAPS REQUIRED – CONDITIONS OF APPROVAL.</p> <p>(a) Authority. The zoning administrator shall have the authority to impose such conditions as are necessary to assure compliance with</p>	<p>The application is consistent with this requirement.</p>

<p>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> <ul style="list-style-type: none"> (1) Frontage improvements. (2) On-site improvements. (3) Off-site improvements. (4) Dedications. (5) Applicable fees. (6) A soils and/or engineering geology report. (7) As a condition of final approval of a minor land division, the subdivider shall make the necessary assessment segregations. (8) The zoning administrator may waive any requirements relating to improvements and design that it shall deem reasonable. <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>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.20.030.1 EXPIRATIONS AND EXTENSIONS – EXPIRATION.</p>	<p>The application is consistent with this requirement.</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>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.20.040.2 PARCEL MAPS – SURVEY REQUIRED. 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 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>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.20.040.3 PARCEL MAPS – FORM. The form of the parcel map shall conform to final map form requirements as specified in Section 23.16.070.3.</p>	<p>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.16.070.3 FINAL MAPS – FORM. 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.</p>	<p>The application is consistent with this requirement.</p>

<p>(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.</p> <p>(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.</p> <p>(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>(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>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.20.040.4 PARCEL MAPS – CONTENT.</p> <p>The contents of the parcel map shall conform to final map content requirements specified in Section 23.16.070.4 and as modified herein. Lots shall be designated by letters commencing with "A."</p>	<p>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

23.16.070.4 FINAL MAPS – CONTENTS.

The contents of the final map shall conform to the Subdivision Map Act and as provided herein.

(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.

(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.

(3) Certificates. The certificates of the following persons or agencies shall appear only once on the cover sheet:

(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.

(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

The application is consistent with this requirement.

No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.

If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.

shown. And it shall state that the map complies to the Subdivision Map Act and the provisions of this title.

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.

(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.

(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.

(E) Geologic and Soils. A certificate of soils report or geologic report or soils and geologic reports. If said report or reports have been 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.

(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:

(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.

- (B) All monuments placed in making the survey. If any points were reset by ties, that fact shall be stated.
- (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.
- (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.
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.
- (E) Permanent monuments, each not less substantial than a one-half-inch galvanized pipe, thirty inches long, shall be set at all lot corners.
- (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.
- (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.
- (B) No "ditto" lines shall be used for lot dimensions.
- (C) Lot numbers shall begin with the numeral "1" and shall continue consecutively throughout the tract, with no omissions or duplications.
- (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.

(9) City Boundaries. City boundaries which cross or join the subdivision shall be clearly designated.

(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.

(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.

(A) All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., county recorder's serial number and date, or book and page number of official records.

(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.

(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>(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>23.20.040.5 PARCEL MAPS – CERTIFICATES. Certificates shall be in accordance with the provisions of Section 66449 of the Government Code. The city clerk certificate shall not be required.</p>	<p>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.20.040.6 PARCEL MAPS – PRELIMINARY SUBMITTAL. 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 23.16.080.1 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 23.16.080.1 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>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.20.040.10 PARCEL MAPS – IMPROVEMENT AGREEMENT. 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;</p>	<p>The application is consistent with this requirement.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel map under SCMC 23.12.030.1.</p>

<p>unless such streets, easements, and other dedications have already been improved.</p>	<p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.20.040.11 PARCEL MAPS – ACCEPTANCE OF OFFER OF DEDICATION. 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>This is not an objective standard.</p>
<p>23.24.010 GENERAL. 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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.24.010.1 GENERAL – ACCEPTANCE OF DEDICATION AND IMPROVEMENT AGREEMENT. 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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</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>23.24.010.6 GENERAL – COMPLETION.</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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p>

	<p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.24.010.7 GENERAL – BENCH MARKS. 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>This objective standard does not apply to the project application. No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.24.020.1 IMPROVEMENTS REQUIRED – GENERAL. 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: (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; (2) Completion of improvements shall be in accordance with Section <u>23.24.030</u> of this title.</p>	<p>This objective standard does not apply to the project application. No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.24.020.2 IMPROVEMENTS REQUIRED – MINIMUM REQUIREMENTS. 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</p>	<p>This objective standard does not apply to the project application. No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p>

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:

- (a) Curbs, gutters, sidewalks, paving, grading, drainage, and the structures necessary for the proper use and drainage of streets, highways, and other public ways.
- (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.
- (c) A water system of mains, outlets, fire hydrants, and other facilities required to serve and protect the subdivision adequately.
- (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.
- (e) Street name and traffic-control signs and devices.
- (f) Gas, electric, and communication facilities.
- (g) Street lighting facilities.
- (h) Street trees.
- (i) Survey monuments.
- (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.
- (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

If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.

<p>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>23.24.020.3 IMPROVEMENTS REQUIRED – STREET TREES AND LANDSCAPING.</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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>The proposed project plans include a landscape plan that indicates street four street trees on Water Street and two street trees on N. Branciforte. This represents four additional street trees in excess of the two street trees currently located on Water Street adjacent to the proposed project site.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>23.24.020.4 IMPROVEMENTS REQUIRED – UNDERGROUND UTILITIES. 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 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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>The proposed plans indicate that underground utilities will be installed for the project as required.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.24.020.5 IMPROVEMENTS REQUIRED – INSTALLATION OF UTILITY FACILITIES. 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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.24.030.2 IMPROVEMENT STANDARDS – EASEMENTS. 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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p>

	<p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.24.030.3 IMPROVEMENT STANDARDS – EXISTING TREES. 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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.24.030.5 IMPROVEMENT STANDARDS – ACCESS TO STREETS. (a) All lots created by a subdivision shall abut an improved street which is developed to the standards hereinafter required. (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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.24.030.6 IMPROVEMENT STANDARDS – LOT STANDARDS. 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: (a) The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinance for the district in which the</p>	<p>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p>

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.

(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.

(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.

(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.

(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.

(f) A lot depth greater than twice the lot width shall be avoided wherever possible.

(g) No lot shall be divided by a city-limits line.

(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.

If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.

- (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.
- (j) The design of double-frontage lots and lots with excessive street frontage shall be discouraged.
- (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.
- (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.
- (2) Examples of passive or natural cooling opportunities in subdivision design include design of the size and configuration of lots to permit orientation of a structure to take advantage of shade or prevailing breezes.
- (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.
- (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>(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>23.24.030.10 IMPROVEMENT STANDARDS – DESIGN ADJACENT TO THOROUGHFARES.</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>(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</p>	<p>This is not an objective standard.</p>

<p>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>23.24.030.11 IMPROVEMENT STANDARDS – GRADES, CURVES, SIGHT DISTANCES.</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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.24.030.12 IMPROVEMENT STANDARDS – CURBS, SIDEWALKS, PEDESTRIAN AND BICYCLE ACCESS, AND BUS STOPS.</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) 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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</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"> - Active Transportation Plan is update of 1980 and 2008 Bikeway studies - Pg 47 – Visions, Goals, Policies <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>23.28.010 DEDICATION.</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 dedicator, and other public easements or rights-of-way. In addition, the subdivider shall improve or agree to improve all</p>	<p>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p>

<p>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>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>23.28.020.1 PARK LAND AND OPEN SPACE DEDICATION – REQUIREMENTS.</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"> (a) Dedication of all lands to be provided for usable open space. (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. (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. (d) Only the payment of a fee may be required in the case of a subdivision of fifty or fewer parcels. (e) The reservation of permanently maintained private usable open spaces which meet the requirements of this title. 	<p>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>23.28.025 INCLUSIONARY REQUIREMENT.</p> <ol style="list-style-type: none"> 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. 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. 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>This objective standard does not apply to the project application.</p> <p>No subdivision is proposed. The applicant has proposed a lot line adjustment that does not require a parcel (or final) map under SCMC 23.12.030.1.</p> <p>If a parcel map is required, the proposed project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>General Plan 2030</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 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</p>	<p>The application is consistent with this requirement.</p> <p>Portions of the three parcels are mapped as “highly sensitive” or “sensitive”. An archaeological reconnaissance report has been submitted. The report strongly recommends a qualified archeologist conduct an Extended Phase 1 (subsurface) study prior to construction. Staff agrees that a Phase 1 study should be conducted prior to the preparation of the construction documents.</p>

<p>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>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>This requirement is not applicable.</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>This requirement is not applicable.</p>
<p>CD4.2.3 Underground utilities when major road improvement or reconstruction is proposed, if possible.</p>	<p>This requirement is not applicable.</p>
<p>CD4.3.3 Protect existing significant vegetation and landscaping that provides scenic value along with wildlife habitat and forage.</p>	<p>This requirement is not applicable.</p> <p>No significant vegetation or landscaping to protect on the site.</p>
<p>LU1.2.1 Environmental review for specific projects shall be accompanied by sufficient technical data and reviewed by appropriate departments.</p>	<p>This requirement is not applicable.</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.	This is not an objective standard.
M1.1.2 Connect activity centers with pedestrian and bicycle paths.	This is not an objective standard.
M1.1.3 Implement pedestrian and bicycle improvements that support transit ridership.	This is not an objective standard.
M1.4.1 Assure that right-of-way acquisition and street design will support pedestrian and bike improvements and transit.	This is not an objective standard.
M2.1.3 Implement pedestrian, bike, mass transit, and road system improvements through the Capital Improvements Program	<p>The application is consistent with this requirement.</p> <p>The plans provide an easement for the city to implement the Capital Improvement Program approved by the City Council that includes a southbound N. Branciforte right turn lane, curb, gutter and 8-foot sidewalk.</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>The application is consistent with this requirement.</p> <p>The plans provide an easement for the city to implement the Capital Improvement Program approved by the City Council that includes a southbound N. Branciforte right turn lane, curb, gutter and 8-foot sidewalk.</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>The application is consistent with this requirement.</p> <p>Project will be required to meet public works and building code requirements as a condition of approval prior to building permit issuance. Amenity improvements are not objective standards.</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.	The application is consistent with this requirement.

	Plans show off-site and public improvements proposed, including sidewalks and street trees.
HZ3.1.6 Require evaluation of noise mitigation measures for projects that would substantially increase noise	This is not an objective standard.
HZ3.1.9 Limit truck traffic in residential and commercial areas to designated truck routes.	This is not an objective standard.
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>The application is consistent with this requirement.</p> <p>A project noise study and compliance with the Land Use-Noise Compatibility Standards will be required as a condition of approval.</p>
HZ3.2.2 Establish Ldn noise level targets of 65 dBA for outdoor activity areas in new multifamily residential developments.	<p>The application is consistent with this requirement.</p> <p>A Preliminary Environmental Noise Study was submitted that determines the noise environment at the site, compares the measured data with applicable standards, and proposes mitigation measure as necessary. The study calculated expected noise levels at the ground floor open space and at the roof decks. Those spaces will be exposed to noise levels no greater than DNL 65 dB, which is within the City's goal as articulated in General Plan Policy HZ3.2.2.</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>The application is consistent with this requirement.</p> <p>A Preliminary Environmental Noise Study was submitted that determines the noise environment at the site, compares the measured data with applicable standards, and proposes mitigation measure as necessary. This is a study that is normally required at the building permit stage to confirm that the indoor noise levels in residential</p>

	units of multi-family projects do not exceed certain decibel levels pursuant to the California Building Code, CALGreen Code, and City Noise Standards. The study calculates the Sound Transmission Class (STC) ratings for window assemblies (glass and frame) needed to meet the required interior noise criteria (45 dB) contained in Policy HZ3.2.3 of the General Plan.
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.	This is not an objective standard.
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	This requirement is not applicable.
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).	This requirement is not applicable.
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.	The application is consistent with this requirement. The plans provide notes that demonstrate how the 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.	The application is consistent with this requirement.

Eastside Business Area Improvement Plan	
Chapter III - Water Street Entry Zone	
Goal: To create an entry to the Eastside Business District that preserves the natural attributes of the zone.	This is not an objective standard.
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.	This is not an objective standard.
Encourage uses which benefit and enhance the creek.	This is not an objective standard.
Encourage architectural styles that are harmonious with the residential and natural character of the setting.	This is not an objective standard.
Locate parking areas to the rear of parcels to retain the scale and character of the area.	This is not an objective standard.
Protect the sense of existing natural vegetation, creek, and cliff.	This is not an objective standard.
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	This is not an objective standard.

<p>neighborhood character, and variety of businesses and architectural styles. The architectural recommendations have been developed to support these strengths.</p>	
<p>Promote a continuous, zero setback, building facade line, which reinforces the overall pedestrian character of these areas;</p>	<p>This is not an objective standard.</p>
<p>Encourage mixed-use architecture with residential and artist studios above street level commercial/retail spaces;</p>	<p>This is not an objective standard.</p>
<p>Preserve, restore and maintain historic (fig. 6-2) and landmark buildings (Rio Theater) and facades;</p>	<p>This requirement is not applicable.</p> <p>The property is not listed on the City's Historic Building Survey.</p>
<p>Design architectural elements that provide human scale and design interest at the pedestrian level;</p>	<p>This is not an objective standard.</p>
<p>Locate parking at the rear of the site, combine individual parking areas, and create city parking lots;</p>	<p>The application is consistent with this requirement.</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>
<p>Create walkways and private outdoor pedestrian spaces between building clusters, which promote a safe area for neighborhood life and identity.</p>	<p>The application is consistent with this requirement/ This is not an objective standard.</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>flgs.6-3AB</i>), interesting building bases or wainscots, attached planter boxes (fig. 6-4), awnings (fig. 6-5)	This is not an objective standard.
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);	This is not an objective standard.
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.;	This is not an objective standard.
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);	The application is consistent with this requirement. Elevation drawings have been provided, and show examples of signage integrated into the architectural building elements.
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);	This is not an objective standard.
Promote signage on both facades of corner buildings which face the street when it does not negatively impact the adjacent residence. (fig. 6-14);	This is not an objective standard.
Fabricate and install signs of appropriate scaled letters and signage cabinets, also all street addresses should be easily seen by motorists (<i>fig. 6-15</i>):	This is not an objective standard.
Encourage removal of abandoned or non-conforming signage, especially upon change of occupancy;	This requirement is not applicable.

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;	This is not an objective standard.
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):	This is not an objective standard.
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);	This is not an objective standard.
Promote facade downlight and/or sconse light which will add texture and detail to facades at night (fig. 6-18);	This is not an objective standard.
Encourage a variety of colors for individual facades and to accentuate building details when appropriate to the architectural style of the facade;	This is not an objective standard.
Encourage the use of high quality, graffiti- resistant paints;	This is not an objective standard.
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;	This is not an objective standard.
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).	The application is consistent with this requirement. The project will be required to meet appropriate laws, codes, and ordinances as part of the building plan check process.

State Density Bonus – Affordable Housing Provisions
Government Code – GOV
Title 7. Planning and Land Use [65000-66499.58]

Division 1. Planning and Zoning [65000-66301]	
Chapter 4.3 Density Bonuses and Other Incentives [65915-65918]	
65915	
(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:	The project complies with this objective standard. 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 Low Income (A).
(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.	The project complies with this objective standard. Applicant is providing 50% of the units at Low Income.
(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.	This requirement is not applicable. Applicant has opted to provide units at Low Income.
(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.	This requirement is not applicable. Applicant has opted to provide units at Low Income.
(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.	This requirement is not applicable. Applicant has opted to provide units at Low Income.
(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	This requirement is not applicable. Applicant has opted to provide units at Low Income.

<p>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>(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 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</p>	<p>This requirement is not applicable. Applicant has opted to provide units at Low Income.</p>

<p>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.</p> <p>(III) The rent provided in the applicable units of the development for lower income students shall be calculated 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>This requirement is not applicable.</p> <p>Applicant has opted to provide units at 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>The application is consistent with this requirement.</p> <p>Applicant has indicated that the project shall provide affordable units as per subparagraph A (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>The application is consistent with this requirement.</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>The application is consistent with this requirement.</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>The application is consistent with this requirement.</p> <p>An Affordable Housing Agreement will be executed with the City and recorded to document these requirements as a condition of approval prior to building permit issuance.</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>This requirement is not applicable.</p> <p>Applicant has opted to provide units at 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>This requirement is not applicable.</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>The application is consistent with this requirement.</p> <p>Applicant has indicated that the project shall provide affordable units as per subparagraph A (Low Income).</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:

Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

(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 require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

The application is consistent with this requirement.

Project has submitted base density project plans showing the base density at 109 units. Applicant is providing at least 24% of the base density units at Low Income so a 50% Density Bonus applies. For a Density Bonus of 50% they are entitled to 163.5 = 164 units total.

The application is consistent with this requirement.

Applicant qualifies for a 50% Density Bonus which brings the unit total to 164 units when rounded up for fractional units (from 163.5 units).

Case Law	
2013 – Latinos Unidos del Valle de Napa y Solano v. County of Napa	
<p>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: https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2021.pdf)</p>	<p>The application is consistent with this requirement.</p> <p>The base plans submitted 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). The submitted base plan shows an allowed base density of 109 units. As per SCMC 24.16.020(5)(c), the Inclusionary Requirement is being met:</p> <p>109 x 20% = 21.8 = 22 inclusionary units required in perpetuity. The project is going to provide 55 affordable units at Low Income. This satisfies the Inclusionary requirements.</p> <p>Also case law from the 2013 case <i>Latinos Unidos del Valle de Napa y Solano v. County of Napa</i> demonstrates that the density bonus is a financial tool available to help developers achieve city and county inclusionary housing requirements.</p>

**Objective City of Santa Cruz Standards
Applicable to the 831 Water Street Project
Public Works**

Municipal Code	City Analysis of Compliance with Standards
Title 15: Streets and Sidewalks	
<p>15.04.010 OFFICIAL GRADES.</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 and Geodetic Survey within the city boundaries shall be considered official bench marks of the city.</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>15.04.020 POINT OF GRADE ESTABLISHED.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>15.08.030 PERMIT – REQUIRED.</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</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of</p>

<p>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>approval prior to building permit issuance.</p>
<p>15.08.040 PERMIT – RULES ON APPLICATION.</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> <ol style="list-style-type: none"> (1) The name of the contractor proposing to do the work; (2) The name and address of the owner of the property abutting the street where the work is proposed; (3) The exact location of the proposed work, giving the street address or legal description of the property involved; (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; (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>(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</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>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>15.12.010 DECLARATION OF POLICY.</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 application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>15.12.020 PURPOSE AND SCOPE.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</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 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>15.12.050 ESTABLISHMENT OF STREET STANDARDS.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>City Standard Details & City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</p>

<p>15.12.060 ENUMERATION OF STANDARD IMPROVEMENTS – APPROVAL REQUIRED.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>City Standard Details & City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</p>
<p>15.12.070 DEDICATIONS TO PROVIDE REQUIRED RIGHT-OF-WAY WIDTHS.</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>The application is consistent with this requirement.</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>15.20.010 STANDARD PLANS FOR SIDEWALKS AND DRIVEWAY APPROACHES.</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</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>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>City Standard Details & City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</p>
<p>15.20.030 SPECIFICATIONS ON FILE.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>City Standard Details & City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</p>
<p>15.20.040 RULES AND REGULATIONS – LIABILITY OF LANDOWNERS TO PUBLIC.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

	<p>City Standard Details & City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</p>
<p>15.20.050 LOCATION.</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 curblines and extend to the property lines.</p> <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.</p>	<p>This is not an objective standard.</p> <p>The Public Works Department commissioned a <i>Site Ingress/Egress Evaluation and Conceptual Engineering Drawings</i> study to evaluate the proposed development plans and analyze site access and traffic hazards. The study makes findings and recommendations that will be incorporated as conditions of approval at the building permit stage.</p>

24.14.030 SLOPE REGULATIONS

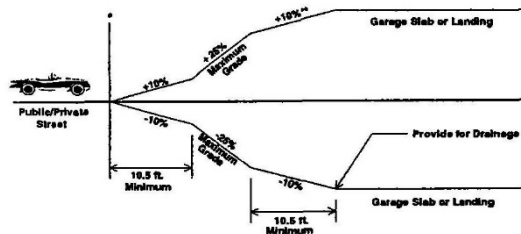
a. Building permit applications for new structures on slopes of ten percent or greater shall include an accurate topographic map. The map shall contain contours of two-foot intervals for slopes of twenty percent grade.

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.

** 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 application is consistent with this requirement.

The Public Works Department commissioned a *Site Ingress/Egress Evaluation and Conceptual Engineering Drawings* study to evaluate the proposed development plans and analyze site access and traffic hazards. The study makes findings and recommendations that will be incorporated as conditions of approval at the building permit stage.

<p>15.20.060 SIZE AND NUMBER.</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 curblin.</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 curblin 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 curblin of the street.</p>	<p>The application is consistent with this requirement.</p>
<p>15.20.070 ABANDONMENT OR ALTERATION.</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 subject driveway approach shall be personally liable for injuries incurred by members of the public pursuant to Section 15.20.220 of this code.</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>City Standard Details & City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</p>

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 driveways of that ownership as he may deem necessary for the better movement of traffic or to provide better protection to pedestrians.

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

<p>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>15.20.080 PROVISIONS BASED ON EXISTING CONDITIONS.</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 curblines 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>(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</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>City Standard Details & City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</p>

<p>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 curblines. 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>15.20.100 DRAINAGE OF SURFACE WATER.</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>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</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>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>The project must meet the California Water Board Rules and Regulations.</p>
<p>15.20.130 BARRIERS.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>15.24.010 CONDITIONS OF BUILDING PERMIT.</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 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</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>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>15.24.020 COMPLIANCE WITH CONDITIONS.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>City Standard Details & City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</p>
<p>15.24.040 MATCHING PAVING REQUIRED.</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</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of</p>

<p>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>approval prior to building permit issuance.</p> <p>City Standard Details & City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</p>
<p>15.24.070 ALLEYS.</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>This objective standard does not apply.</p>
<p>15.28.010 STREET CUTTING – PERMIT REQUIRED.</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 application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>15.28.020 APPLICATION AND FEES.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>Exhibit PW-C RESOLUTION NO. NS-29,484</p>
<p>15.28.040 TECHNICAL PROVISIONS OF THE STANDARD SPECIFICATIONS AND STANDARD PLANS.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>City Standard Details & City Standard Specifications attached: Exhibit PW-A Exhibit PW-B</p>
<p>16.08.020 DISCHARGE TO SANITARY SEWER.</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 in Title 18. Septic tanks and cesspools are not allowed within city boundaries except as specified in Chapter 6.20.</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>16.08.030 DISCHARGE OF STORM WATER.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>16.08.040 DISCHARGE INTO THE STORM DRAIN SYSTEM.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>16.08.050 DISCHARGE OF SWIMMING POOL/HOT TUB WATER.</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>	<p>This objective standard will apply if a swimming pool or hot tub is proposed.</p>
<p>16.08.140 INTERCEPTORS.</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 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</p>	<p>This objective standard will apply if a restaurant use is proposed.</p>

<p>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>16.08.190 FOOD SERVICE FACILITIES.</p> <p>(1) Grease Interceptors.</p>	<p>This objective standard will apply if a food service facility is proposed.</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>16.12.120 SEWAGE SYSTEM EXTENSION AND CONNECTION CHARGES AND FEES.</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>This objective standard does not apply to this project.</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>16.12.130 SEWER MAIN EXTENSIONS CONSTRUCTED AND PAID FOR BY PROPERTY OWNERS.</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>This objective standard does not apply to this project.</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>16.19.030 ILLICIT DISCHARGES PROHIBITED.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>16.19.100 PROHIBITED DISCHARGES FROM INDUSTRIAL OR COMMERCIAL ACTIVITY</p>	<p>The application is consistent with this requirement.</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 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:

- (1) Water from the cleaning of gas stations, vehicle service garages, or other types of vehicle service facilities;
- (2) Water, cleansers, or solvents from the cleaning of vehicles, machinery or equipment, and other such commercial and industrial operations;
- (3) Water from the washing or rinsing of vehicles containing soap, detergents, solvents, or other cleaners;
- (4) Water from the washing or rinsing of vehicles, with or without soap, from auto body repair shops;
- (5) Water from the cleaning or rinsing of vehicle engine, undercarriage, or auto parts cleaning;
- (6) Vehicle fluids;
- (7) Mat wash water from food service facilities;
- (8) Food and kitchen cleaning water from food service facilities;
- (9) Leakage from dumpsters or trash containers;
- (10) Water from the cleaning or rinsing of garbage dumpster areas and areas where garbage is stored or contained;

The project will be required to meet this standard as a condition of approval prior to building permit issuance.

<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>16.19.110 INDUSTRIAL/COMMERCIAL SOURCES REQUIRED TO OBTAIN AN NPDES PERMIT.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

<p>(5) Evidence of facility self-inspection as required by the NPDES permit.</p>	
<p>16.19.130 MANDATORY BEST MANAGEMENT PRACTICES.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>16.19.140 BEST MANAGEMENT PRACTICES FOR CONSTRUCTION ACTIVITY.</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>The application is consistent with this requirement.</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>16.19.150 BEST MANAGEMENT PRACTICES FOR INDUSTRIAL/COMMERCIAL ACTIVITIES.</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>The application is consistent with this requirement.</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>16.19.160 BEST MANAGEMENT PRACTICES FOR BUSINESSES NOT COVERED BY STATE PERMIT.</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>The application is consistent with this requirement.</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>18.45.015 CONSTRUCTION SITE MANAGEMENT.</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</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

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.

(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.

(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.

(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.

(9) Cleared vegetation may not be disposed of in a creek, gully or waterway.

(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).

(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

<p>with methodology approved by both the city of Santa Cruz and county environmental health department.</p> <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>18.45.030 GENERAL GRADING PERMIT REQUIREMENTS.</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</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of</p>

<p>exemption is appropriate. A separate grading permit shall be obtained for each site and may cover both excavations and fills.</p>	<p>approval prior to building permit issuance.</p>
<p>18.45.035 SPECIFIC APPLICATION REQUIREMENTS.</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</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

they were prepared, as indicated by their affixed registration seal and original (wet) signature.

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;

<p>(b) Limiting dimensions and depth of cut and fill;</p> <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>18.45.040 WINTER (RAINY SEASON) GRADING RESTRICTIONS.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>

18.45.080 CUTS AND FILLS.

(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.

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.

(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.

(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.

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.

(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

The application is consistent with this requirement.

The project will be required to meet this standard as a condition of approval prior to building permit issuance.

The project must meet the California Building Code.

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 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>18.45.100 DRAINAGE AND TERRACING.</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>The application is consistent with this requirement.</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>18.45.110 EROSION CONTROL.</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>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p>
<p>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.</p> <p>Public Works Inspection Fees</p> <p>City of Santa Cruz Unified Master Fee Schedule.</p> <p>RESOLUTION NO. NS-29,484</p>	<p>The application is consistent with this requirement.</p> <p>The project will be required to meet this standard as a condition of approval prior to building permit issuance.</p> <p>Exhibit PW-C RESOLUTION NO. NS-29,484</p>
<p>10.16.010 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES</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</p>	<p>The application is consistent with this requirement.</p>

provisions of this title (Chapters 10.04 through 10.80) or the California Vehicle Code. These 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.

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;

10.08.060 CITY TRAFFIC ENGINEER

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.

10.08.070 POWERS AND DUTIES OF CITY TRAFFIC ENGINEER – DELEGATION

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

The Public Works Department commissioned a *Site Ingress/Egress Evaluation and Conceptual Engineering Drawings* study to evaluate the proposed development plans and analyze site access and traffic hazards. The study makes findings and recommendations that will be incorporated as conditions of approval at the building permit stage.

<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>10.16.040 INSTALLATION OF TRAFFIC SIGNALS</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>The application is consistent with this requirement.</p> <p>The Public Works Department commissioned a <i>Site Ingress/Egress Evaluation and Conceptual Engineering Drawings</i> study to evaluate the proposed development plans and analyze site access and traffic hazards. The study makes findings and recommendations that will be incorporated as conditions of approval at the building permit stage.</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 application is consistent with this requirement.

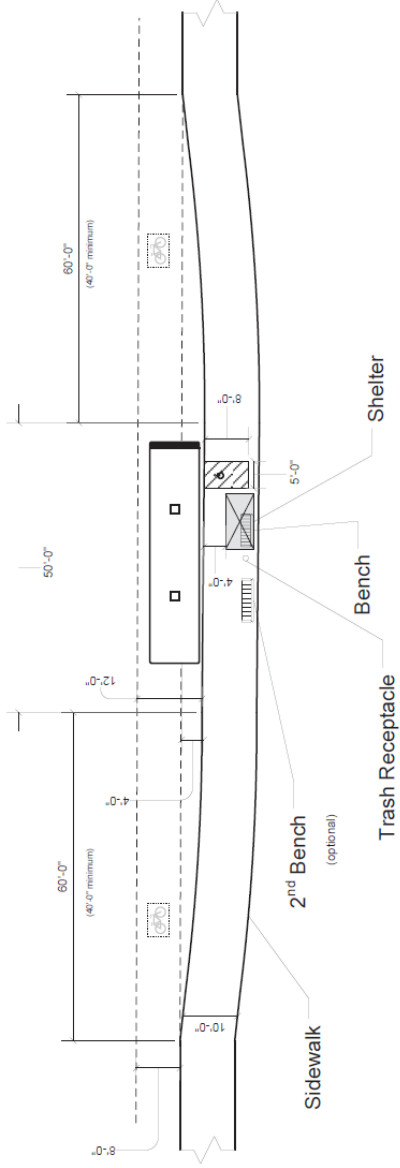
The Public Works Department commissioned a *Site Ingress/Egress Evaluation and Conceptual Engineering Drawings* study to evaluate the proposed development plans and analyze site access and traffic hazards. The study makes findings and recommendations that will be incorporated as conditions of approval at the building permit stage.

The project will be required to provide adequate stop controls to

	<p>ensure vehicles emerging from driveways stop prior to driving onto a sidewalk. At a minimum, stop sign and stop bar.</p>
<p>10.46.090 COMPLIANCE MEASURES FOR RESIDENTIAL DEVELOPMENTS OF TWENTY-FIVE OR MORE UNITS IN A SINGLE APPLICATION</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>The application is consistent with this requirement.</p> <p>A new “narrow” bus stop shelter at the back of sidewalk per Metro standards is shown on the plans.</p>

Typical Bus Stop Layout Attachment A
 With Shelter – Bus Bay and
 Bicycle Lane

Appendix C-8

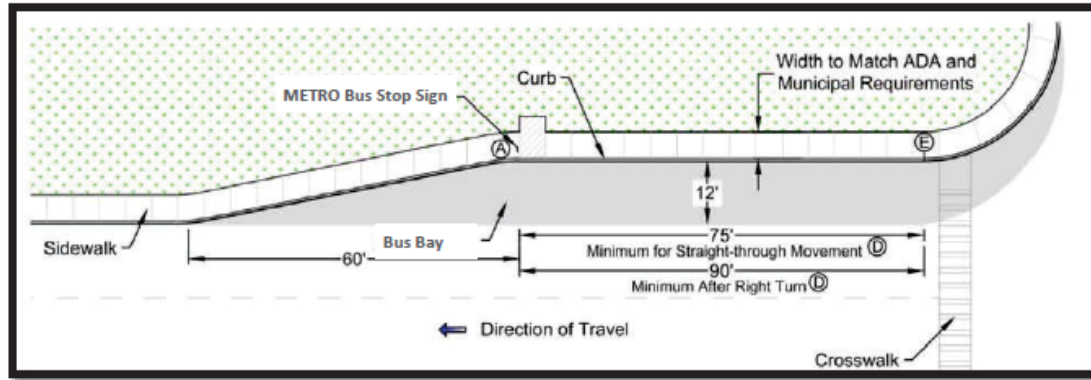


12A.49

Scale: 1/2"=1'-0"



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 application is consistent with this requirement.

The plans provide an easement for the city to implement the Capital Improvement Program approved by the City Council that includes a southbound N. Branciforte right turn lane, curb, gutter and 8-foot sidewalk.

They will be required to pay the TIF fee and construct the right turn lane. TIF shall be applied toward the right turn lane construction costs.

The project will be required to meet this standard as a condition of

- (3) New development within the city will create an additional burden on the existing transportation system;
- (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;
- (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;
- (6) In establishing the fee described in the following sections, the city council has found the fee to be consistent with the general plan.
- (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.
- (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.

approval prior to building permit issuance.

Exhibit PW-D resolution NS-28,574

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:

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 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, 1t, 1 r, wsbnd 1l, 1r 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 application is consistent with this requirement.

Public Works staff has reviewed the plans and determined that the requisite number of Class 1 bike parking is being provided in the secure, enclosed underground parking garage. Also, the required number of Class 2 bike parking are provided at grade level on the site.

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.

- 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.

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 application is consistent with this requirement.

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

Recommend contacting Curtis Busenhart in the Public Works Dept. to prepare an operations statement that minimizes collection frequency.



MEMORANDUM

To: Nathan Nguyen, City of Santa Cruz

From: Frederik Venter, PE, Blake Silkwood, PE, Kimley-Horn and Associates, Inc.

Date: November 3rd, 2021

Subject: Site Ingress/Egress Evaluation and Conceptual Engineering Drawings
831 Water Street

This memorandum presents Kimley-Horn's Site Ingress/Egress Evaluation and Conceptual Engineering evaluation of the proposed redevelopment at 831 Water Street (Project) in the City of Santa Cruz (City).

Project Understanding

The proposed Project is located at the northwest corner of Water Street and North Branciforte Avenue. The Project includes two 5-story mixed-use buildings housing 145 apartment units and 3,057 square foot of ground floor retail. The existing land uses at the project site include a convenience store, retail and self-service car wash and will be replaced with the proposed Project.

Conceptual Engineering Evaluation

To aid the City of Santa Cruz, Kimley-Horn evaluated the proposed development plans for the following engineering criteria:

1. General Plan Roadway Buildout
2. Right-of-Way Impacts
3. Sight Distance Evaluation
4. Fire Access

Kimley-Horn based the Site Ingress/Egress Evaluation and Conceptual Engineering on the development application documents provided by the City with a submission date of September 9th, 2021. This was supplemented by a high-quality aerial photograph. Work was not based on CADD files nor a topographic survey.

General Plan Roadway Buildout

Figures 1 and 2 shows the roadway buildout per the City General Plan adjacent to the Project. This plan accommodates the following City planned improvements:

1. Class 2 bike lanes and green bike lane striping along southbound Branciforte Avenue.
2. Dedicated right turn lane on southbound Branciforte Avenue to turn to westbound Water Street.
3. A traffic signal modification to accommodate the updated sidewalk location and signal visibility requirements per MUTCD Standards. This will involve placing a traffic signal with mast arm for

the westbound Water Street approach and a traffic signal for the southbound Branciforte Avenue approach. This traffic signal modification assumes the existing traffic signal control equipment can remain in place.

4. Class 2 buffered Bike Lanes along westbound Water Street.

Note that this conceptual engineering assumes that the existing Santa Cruz METRO stop along Water Street remains in place, and no bus stop improvements are implemented.

Right-of-Way Impacts

Figure 3 shows the Right-of-Way impacts associated with the City General Plan roadway buildout. To accommodate the General Plan roadway buildout, a dedication of approximately 765 square feet will be required along the Branciforte Avenue frontage.

Sight Distance Evaluation

Figures 4 and 5 show the proposed driveway locations and a stopping sight distance analysis. Kimley Horn evaluated stopping sight distance, basic site circulation, and traffic operations for personal vehicles and delivery vehicles.

To evaluate stopping sight distance, the 2018 American Association of State Highway and Transportation Officials (AASHTO) methodology was utilized. The sight distance required for the geometric and physical conditions, as well as driver behavior and operating speeds are directly related to the resultant distances traversed during perception-reaction time and braking.

Stopping sight distance is defined as the sum of reaction distance and braking distance to come to a complete stop. The reaction distance is based upon the driver reaction time while the braking distance is dependent upon the vehicle speed, roadway grades and the coefficient of friction between the tires and roadway as the vehicle decelerates to a complete stop. This sight distance analysis indicates the minimum visibility that is required for an approaching vehicle on the roadway to stop safely if a vehicle from the Project enters the approaching road or an object is in the roadway. This sight distance evaluation is based on the AASHTO standard criteria of a 3.5 foot driver eye height and 2.0 foot object height.

The analysis used a design speed of 35 mph as a safety factor, as both streets have posted speeds of 30 mph based on the City's most recent Engineering and Traffic Survey. While Branciforte Avenue is on a flat grade, Water Street has a downgrade of approximately 6% and will require accommodation in the sight distance calculation. The AASHTO standard setback for sight distance is typically 14.5 feet from the edge of the major road traveled way and AASHTO also states that the distance from the front of a passenger vehicle to the driver is nearly always eight (8) feet. Based on the Project layout, the intersection sight distance was measured from an 8-foot setback from the roadway traveled way. This assumes that a vehicle has stopped at the back of sidewalk, confirmed that no crossing pedestrians are present, pulled forward and stopped before the bike lane. The vehicle then completes the turn if there is a sufficient gap in traffic.

Based on the existing roadway geometry and design speeds, sight distance for the proposed driveway along Branciforte Avenue meets the AASHTO minimum requirement of 250 feet. However, this will require removal of on-street parking and the landscape strip to be properly maintained with low height vegetation from the Project driveway to Belvedere Terrace, as shown on Figure 4.

For Water Street, a design speed of 35 mph was used for the assessment of vertical and horizontal sight distance due to findings from the City's most recent Engineering and Traffic Survey. The proposed driveway along Water Street meets the AASHTO minimum requirement of 271 feet at 6% downgrade. The vertical sight distance sight distance view line is met by just clearing the existing roadway crest curve as shown on Figure 5. Adequate sight distance was also verified in the field at a design speed of 35 mph. The 85th percentile speed along Water Street is 27 mph, and the posted speed limit is 30 mph. At these 85th percentile speeds, the stopping sight distance is reduced to 215 feet and the vertical sight distance requirement continues to be met.

Fire Access

Figure 6 shows the fire access for the property. Per discussion with the City, the Fire Department has indicated they would stage fire trucks along Water Street to respond to a fire at the Project site. The Fire Department also noted that there is an existing fire access route on the southern edge of the property to egress from 175 and 179 Belvedere Terrace. To maintain this fire egress, the existing driveway on Water Street should be converted to a rolled curb and an access control system installed to prohibit other vehicular access. This access point will be directly adjacent to the proposed signal pole with mast arm on Water Street. An AutoTURN analysis was performed for fire egress, with the results shown on Figure 6.

Findings and Recommendations

Findings:

1. Developers' plans do not account for the proposed southbound exclusive right turn lane along Branciforte Avenue. Relocation of traffic signal and storm drain facilities is required.
2. Sight distance along Branciforte Avenue meets the AASHTO minimum requirement of 250 feet. However, this will require the removal of on-street parking and landscape strip to be maintained with low height vegetation from the Project driveway to Belvedere Terrace.
3. Sight distance along Water Street is met based on AASHTO requirements.
4. The fire egress point on Water Street is sufficient based on AutoTURN analysis. The existing driveway on Water Street should be converted to a rolled curb and an access control system installed to prohibit other vehicular access.

Recommendations:

1. The Applicant to revise the site plan to include the southbound right turn lane along Branciforte Avenue per the City General Plan. Revision shall include relocation of traffic signal equipment and catch basin.
2. A neighborhood permit parking program excluding 831 Water residents be established to help provide adequate parking for residents and offset the parking removal on Branciforte Avenue.
3. The applicant to remove the channelizers for the protected bike lane along the Water Street project frontage. The striped buffered bike lane median can remain.

- 4. The Applicant to work with the City Engineer to install warning signs along Water Street due to the retaining wall screening vehicles entering and exiting the driveway. Examples of MUTCD-compliant signage are shown below.



W1-10(Lt)

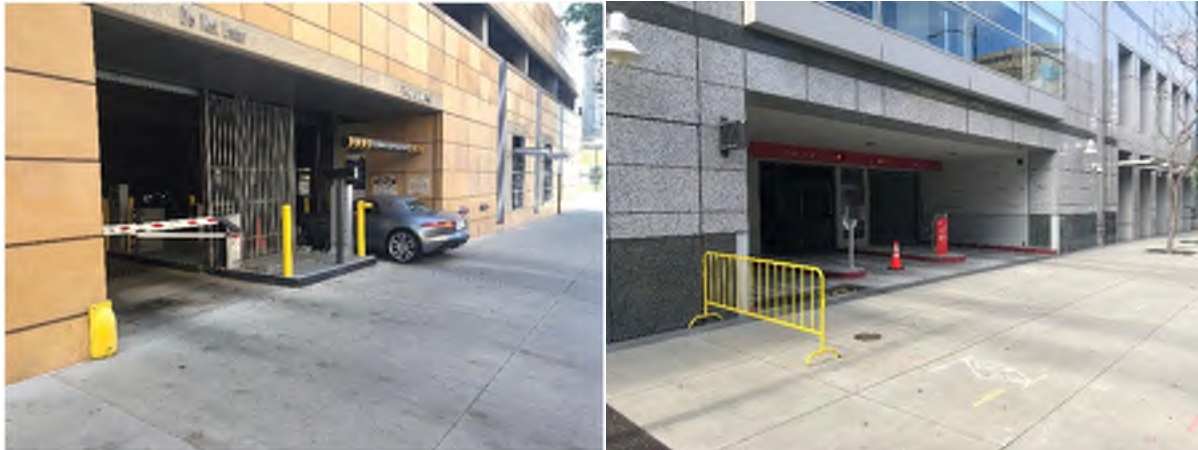


SW4-1(CA)



W7-5

5. The Applicant to install an electronically actuated warning device that will emit light and sound when vehicles exit the driveway on Water Street due to the limited vertical sight distance. The device should be placed high on the retaining wall so bikes and vehicles traveling westbound receive warning well before the slope in the roadway. In addition, the Applicant to install a rapid open-close gate system to minimize vehicle queuing on Water Street as they enter the garage. Example precedent images are shown below.

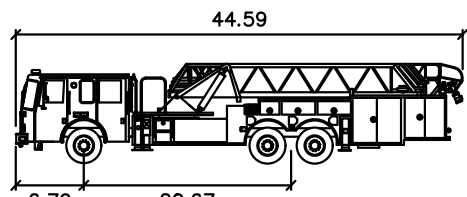


Sample Precedent Images – “Car Coming” Signs and Rapid Open-Close Gates

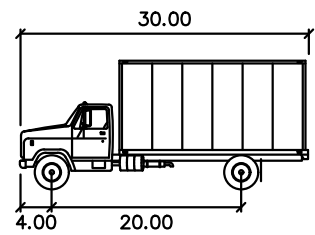
Additional Studies:

The following studies may be required after finalization of the site plan to address the issues identified in this memo:

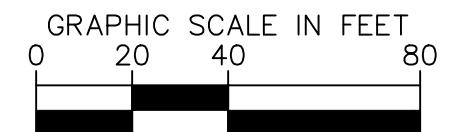
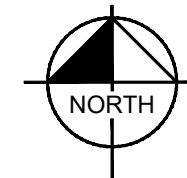
1. Traffic Impact Study (TIS): A TIS may be required to address Level of Service (LOS) and queuing at Water Street / Branciforte Avenue intersection. A parking study is also recommended to ensure sufficient parking is provided within the site as per City’s parking requirements.

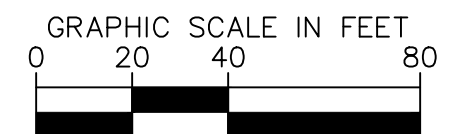
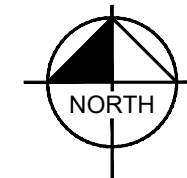
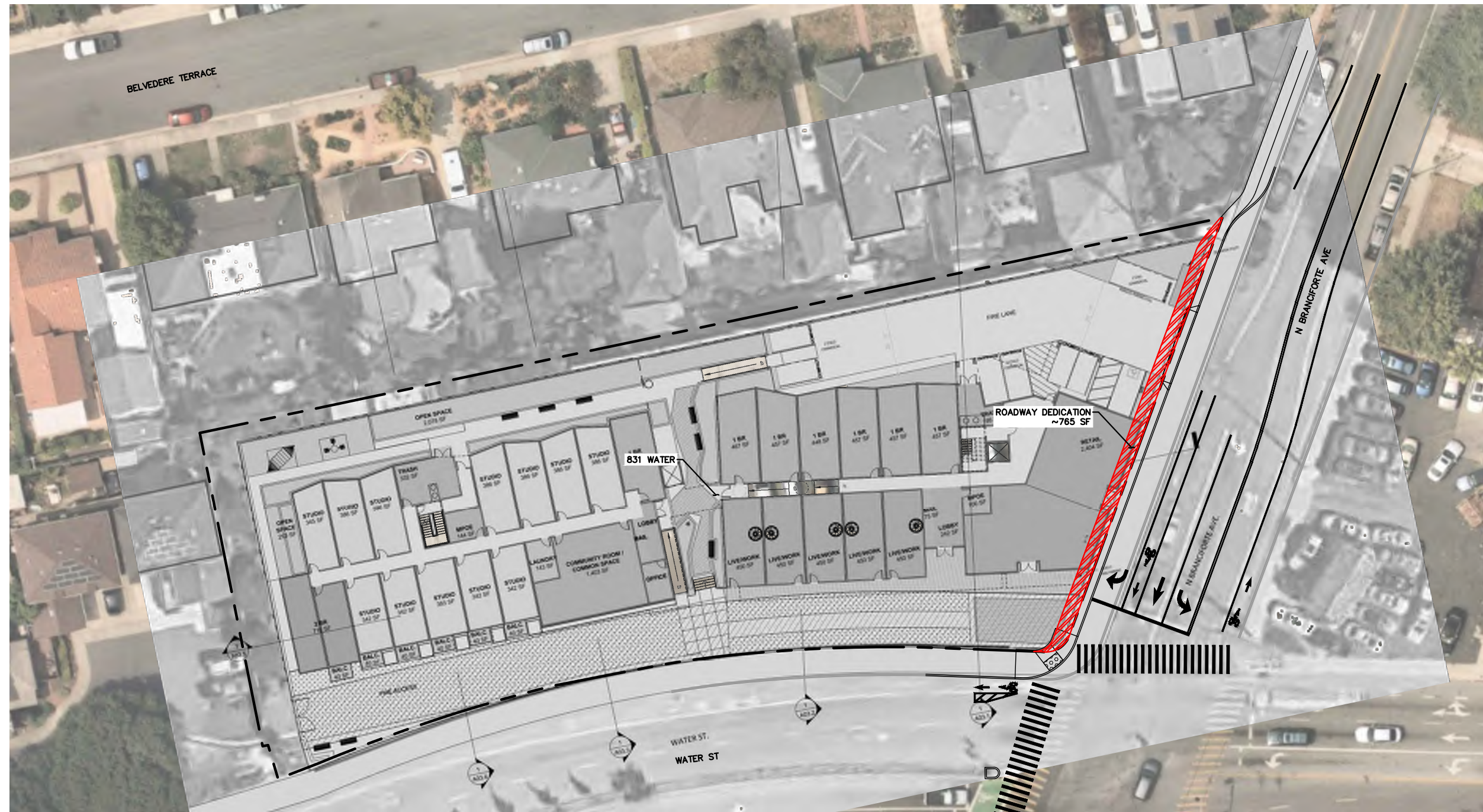


Smeal Aerial MM 100ft
CITY – EMERGENCY
[ft] (NTS)



SU-30 AASHTO 2018 (US) [ft] (NTS)





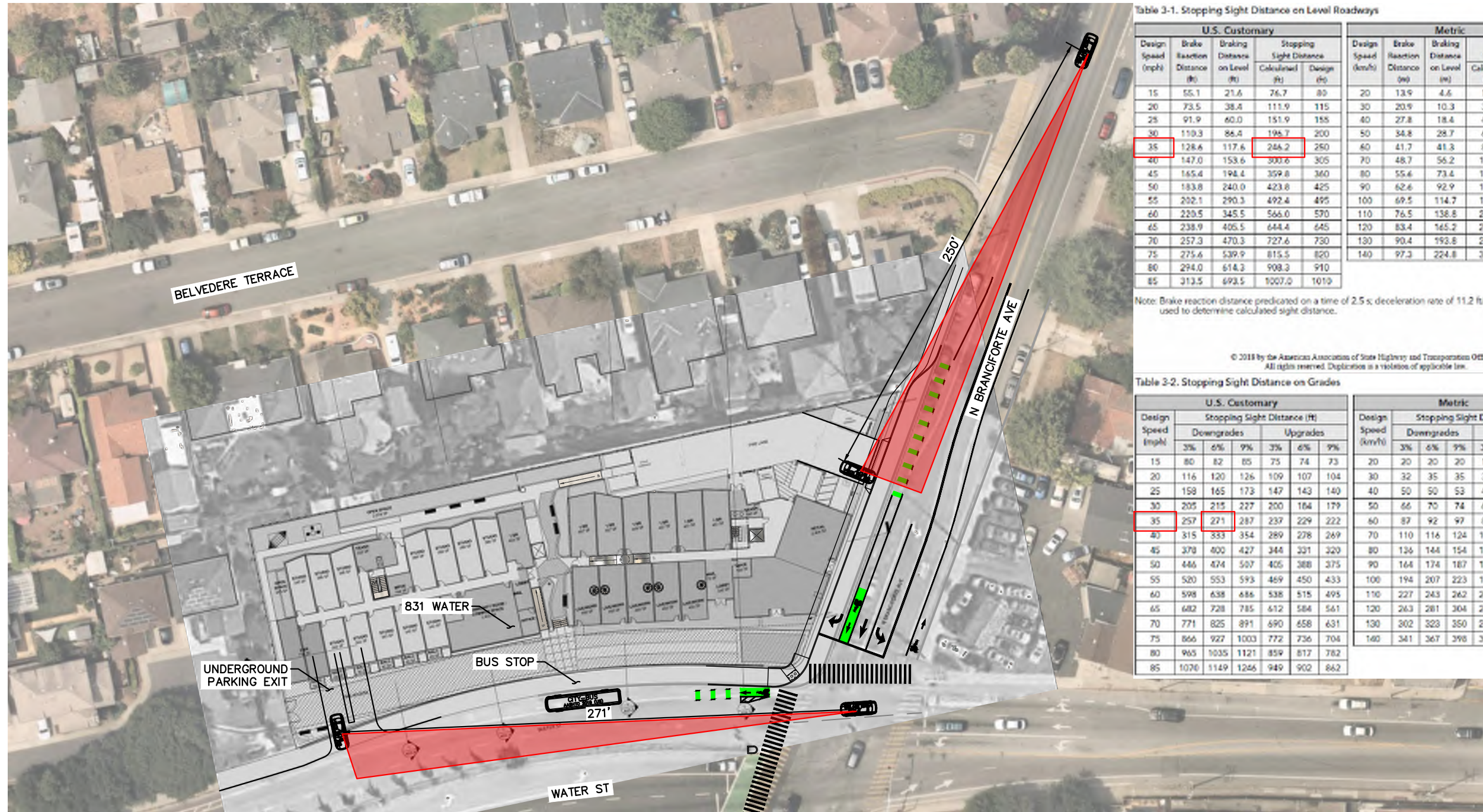


Table 3-1. Stopping Sight Distance on Level Roadways

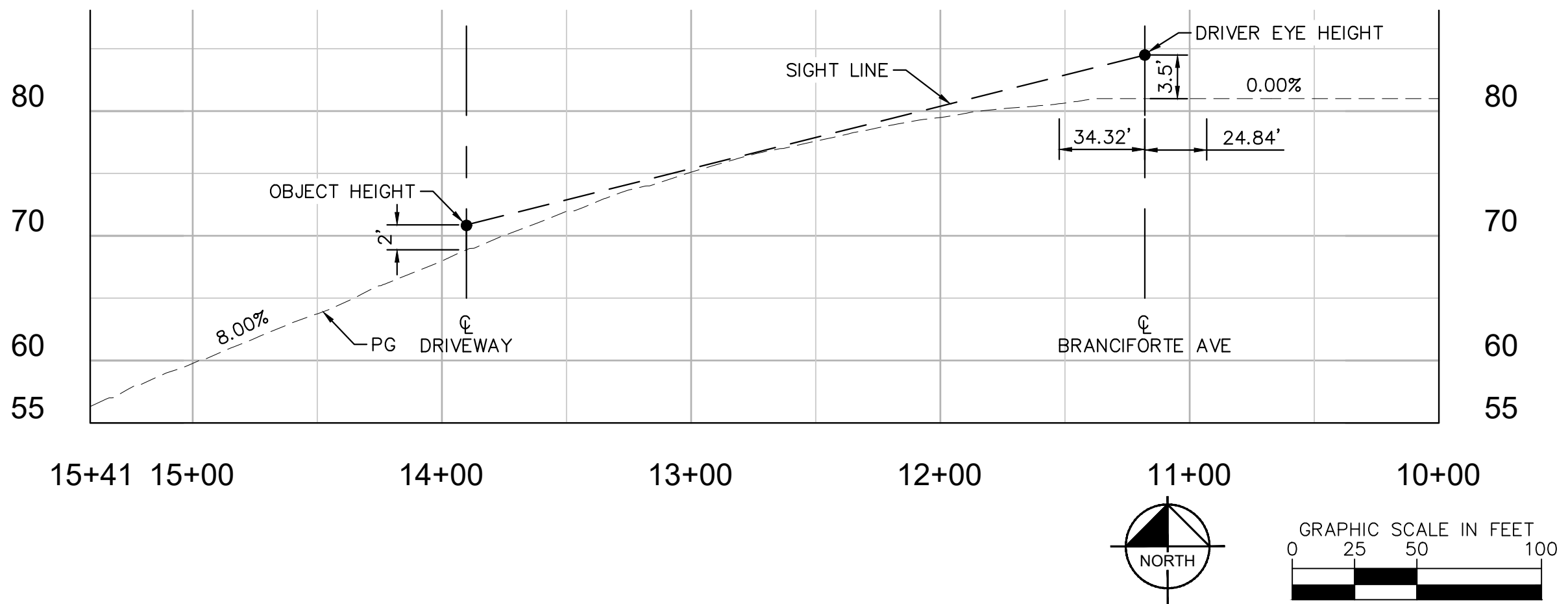
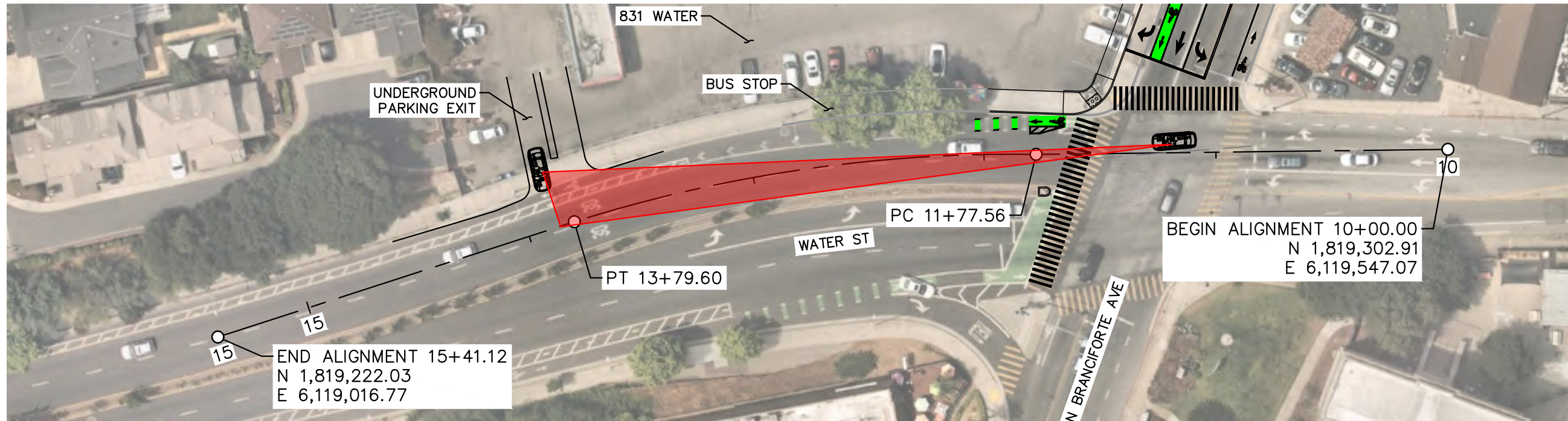
U.S. Customary					Metric				
Design Speed (mph)	Brake Reaction Distance (ft)	Braking Distance on Level (ft)	Stopping Sight Distance Calculated (ft)	Design (ft)	Design Speed (km/h)	Brake Reaction Distance (m)	Braking Distance on Level (m)	Stopping Sight Distance Calculated (m)	Design (m)
15	55.1	21.6	76.7	80	20	13.9	4.6	18.5	20
20	73.5	38.4	111.9	115	30	20.9	10.3	31.2	35
25	91.9	60.0	151.9	155	40	27.8	18.4	46.2	50
30	110.3	86.4	196.7	200	50	34.8	28.7	63.5	65
35	128.6	117.6	246.2	250	60	41.7	41.3	83.0	85
40	147.0	153.6	300.6	305	70	48.7	56.2	104.9	105
45	165.4	194.4	359.8	360	80	55.6	73.4	129.0	130
50	183.8	240.0	423.8	425	90	62.6	92.9	155.5	160
55	202.1	290.3	492.4	495	100	69.5	114.7	184.2	185
60	220.5	345.5	566.0	570	110	76.5	138.8	215.3	220
65	238.9	405.5	644.4	645	120	83.4	165.2	248.6	250
70	257.3	470.3	727.6	730	130	90.4	193.8	284.2	285
75	275.6	539.9	815.5	820	140	97.3	224.8	322.1	325
80	294.0	614.3	908.3	910					
85	313.5	693.5	1007.0	1010					

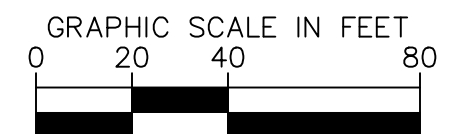
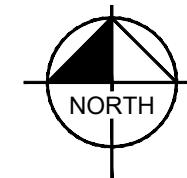
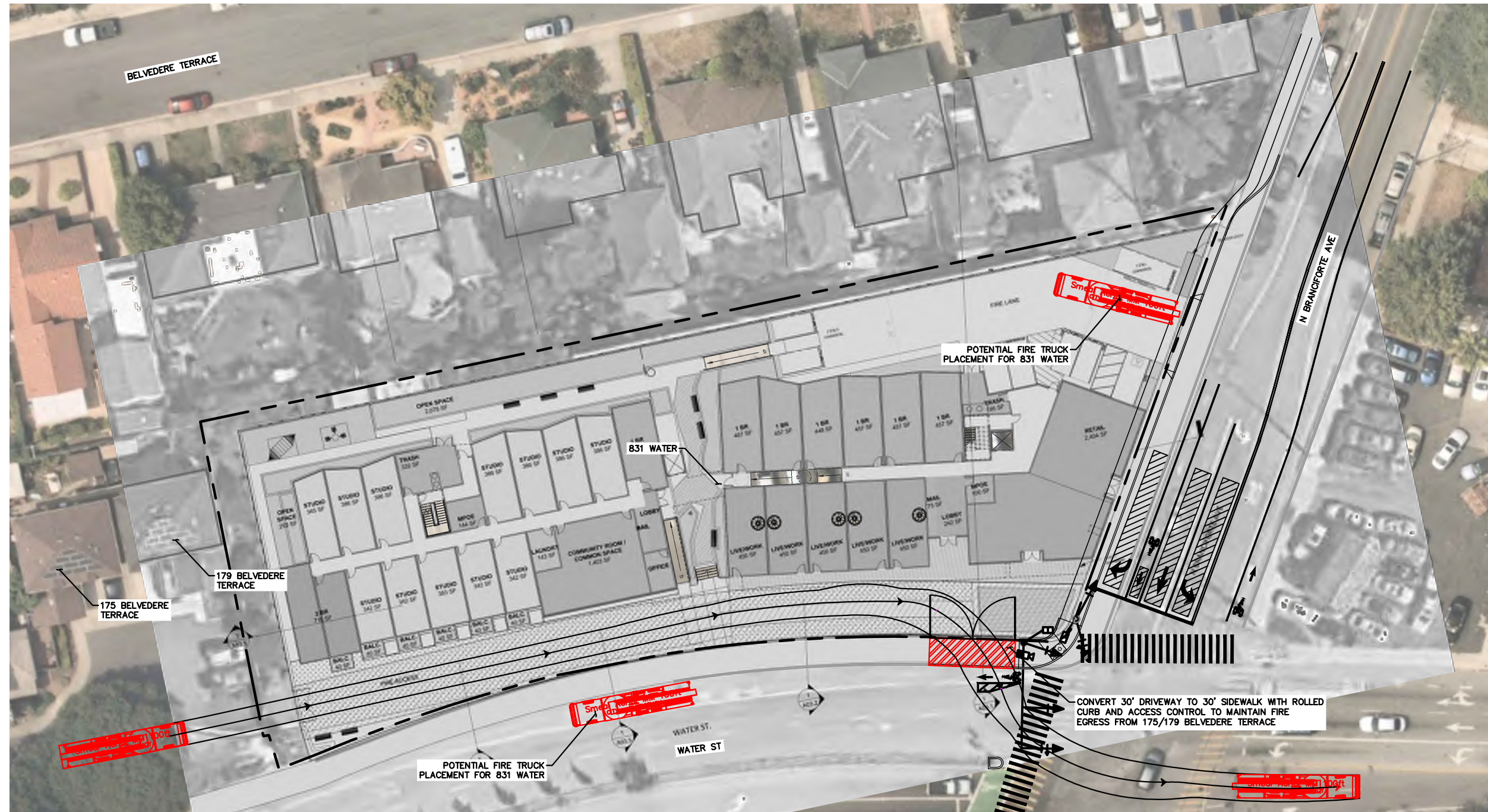
Note: Brake reaction distance predicated on a time of 2.5 s; deceleration rate of 11.2 ft/s² (3.4 m/s²) used to determine calculated sight distance.

© 2018 by the American Association of State Highway and Transportation Officials. All rights reserved. Duplication is a violation of applicable law.

Table 3-2. Stopping Sight Distance on Grades

Design Speed (mph)	U.S. Customary						Metric						
	Stopping Sight Distance (ft)						Stopping Sight Distance (m)						
	Downgrades			Upgrades			Downgrades			Upgrades			
	3%	6%	9%	3%	6%	9%		3%	6%	9%	3%	6%	9%
15	80	82	85	75	74	73	20	20	20	20	19	18	18
20	116	120	126	109	107	104	30	32	35	35	31	30	29
25	159	165	173	147	143	140	40	50	50	53	45	44	43
30	205	215	227	200	194	179	50	66	70	74	61	59	58
35	257	271	287	237	229	222	60	87	92	97	80	77	75
40	315	333	354	289	278	269	70	110	116	124	100	97	93
45	379	400	427	344	331	320	80	136	144	154	123	118	114
50	446	474	507	405	388	375	90	164	174	187	148	141	136
55	520	553	593	469	450	433	100	194	207	223	174	167	160
60	598	638	686	538	515	495	110	227	243	262	203	196	186
65	682	728	785	612	584	561	120	263	281	304	234	223	214
70	771	825	891	690	658	631	130	302	323	350	267	254	243
75	866	927	1003	772	736	704	140	341	367	398	302	287	274
80	965	1035	1121	859	817	782							
85	1076	1149	1246	949	902	862							





11 November 2021

Sam Woodburn
Novin Development
1990 N California Boulevard, Suite 800
Walnut Creek, CA 94596
swoodburn@novindevelopment

**Subject: 831 Water Street
Preliminary Property Line Noise Analysis
Salter Project 21-0508**

Dear Sam:

This letter provides a preliminary review of the project's mechanical equipment noise levels to adjacent property lines. We have used the Entitlement Set drawings dated 9 September 2021 and mechanical information received from you via email on 3 November 2021.

SUMMARY

Our preliminary analysis indicates that the project's noise-generating equipment will meet the City property line standards without the need for any atypical mitigation. We recommend that a more refined analysis be conducted once the specific equipment has been selected and the MEP systems have been designed in greater detail.

SANTA CRUZ NOISE ORDINANCE

Noise from the project mechanical equipment is subject to the regulations of the City of Santa Cruz Municipal Code. Section 24.14.260 states the following:

*Noise Limits, Residential Property. No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of the same, on residential property, a noise level **more than five dBA¹ above the local ambient**. The local ambient shall establish the maximum noise limit. More stringent noise limits may be established for specific uses through the conditions of a use permit.*

¹ A-Weighted Sound Level – The A-weighted sound pressure level, expressed in decibels (dB). Sometimes the unit of sound level is written as dB(A). A weighting is a standard weighting that accounts for the sensitivity of human hearing to the range of audible frequencies. People perceive a 10 dB increase in sound level to be twice as loud.



This section stipulates a 5 dB penalty for noise containing a “piercing pure tone” or “humming”. These descriptors do not necessarily apply to MEP equipment, but might. Therefore, we are conservatively applying the 5 dB penalty – meaning that equipment noise should not exceed the local ambient at the property lines.

DETERMINATION OF AMBIENT AND PROJECT CRITERIA

To determine the ambient noise levels, we conducted two long-term noise measurements along the nearest adjacent residential property lines (north and west) from 28 October to 1 November 2021. **Figure 1** shows the measurement locations and measured ambient noise levels. The noise monitors were located on a fence post (north) at an approximate height of 10 feet above grade and street light pole (west) at an approximate height of 12 feet above grade.

Table 1 summarizes the ambient noise levels we measured. We have used the quietest $L_{eq}(h)$ ² as the ambient.

Table 1: Measured Ambient Noise Levels [$L_{eq}(h)$]

Property Line	Ambient Noise Level (dBA)	Measurement Date	Measurement Hour
North	46	31 October 2021	4 am
West	42	30 October 2021	3 am

Since we are conservatively imposing the 5 dB penalty, noise levels reported in Table 1 are the property line criteria for equipment noise.

PROPOSED MECHANICAL EQUIPMENT

We received the following example mechanical equipment noise levels to use in our analysis:

- Garage exhaust fans – 87 dBA (sound power level)
- VRF Condensers – 63 dBA (sound pressure level³)

² $L_{eq}(h)$ – The equivalent steady-state A-weighted sound level that, in an hour, would contain the same acoustic energy as the time-varying sound level during that hour. This metric is typically used to describe the “average” noise level over the course of an hour

³ We have assumed this to be at an approximate distance of 1 meter (3.3 feet), which, in our experience, is in line with equipment noise data for other similar mechanical

We understand the equipment will be housed in three rooftop mechanical rooms (two on Building B and one on Building A). We have assumed the following:

- Mechanical rooms will be louvered at the roof
- Garage exhaust ducts will terminate the tops of the rooms
- There will be two garage exhaust fans: one at the westernmost and easternmost mechanical rooms (at the approximate locations of the trash chutes)
- There will be 15 VRF (5 per room)

CALCULATED NOISE LEVELS

Our preliminary calculations indicate that noise levels from the mechanical equipment to the property lines to be as shown in **Table 2**. Our analysis includes shielding provided by the rooftop mechanical room walls and roof decks.

Table 2: Calculated Equipment Noise Levels

Property Line	Equipment Noise Level (dBA)	Criterion (dBA)
North	42	46
West	39	42

As indicated in **Table 2**, noise levels from the project mechanical equipment are calculated to be below the project criteria.

We understand the equipment selection and mechanical layout are preliminary. When the design has progressed, and selection is complete we can provide an updated report.

* * *

This concludes our preliminary property line noise analysis for the 831 Water Street residences project. Please call with any questions.

Best,

SALTER



Matthew Hsiung
Consultant



Eric Mori, PE
Senior Vice President

Enclosure

filepath





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831 WATER STREET MEASUREMENT LOCATIONS AND MEASURED NOISE LEVELS

25.230

FIGURE 1

Salter #
 21-0508

MDH/EBM
 11.11.21

11 November 2021

Sam Woodburn

Novin Development

1990 N California Boulevard, Suite 800

Walnut Creek, CA 94596

swoodburn@novindevelopment

**Subject: 831 Water Street
Preliminary Environmental Noise Study
Salter Project 21-0508**

Dear Sam:

We have conducted a preliminary environmental noise study for the project. The purpose of the study is to determine the noise environment at the site, compare the measured data with applicable standards, and propose mitigation measures as necessary. This report summarizes the results.

PROJECT CRITERIA

State Noise Standards

Building Code Title 24 (Dwelling Units)

The 2019 California Building Code requires that the indoor noise level in residential units of multi-family projects not exceed DNL¹ 45 dB.

1 DNL (Day-Night Average Sound Level) – A descriptor for a 24-hour A-weighted average noise level. DNL accounts for the increased acoustical sensitivity of people to noise during the nighttime hours. DNL penalizes sound levels by 10 dB during the hours from 10 PM to 7 AM. For practical purposes, the DNL and CNEL are usually interchangeable. DNL is sometimes written as Ldn.



CALGreen Code (Retail and Amenities)

This Code addresses acoustical issues for non-residential spaces in Section 5.507.4. If a building is exposed to an exterior $L_{eq}(h)^2$ of 65 dB during any hour of operation, the building envelope must reduce the interior noise environment to $L_{eq}(h)^2$ of 50 dBA in occupied areas.

We assumed that the hours of operation for the retail and amenity spaces would be 8 AM to 9 PM and used the loudest $L_{eq}(h)$ during our measurement period³ as the basis of design.

City Noise Standard

The Santa Cruz General Plan interior noise standard are consistent with the State requirement for multi-family housing. Additionally, for new multi-family residential developments, the following policy applies:

Policy HZ3.2.2

Establish DNL noise level targets of 65 dBA for outdoor activity areas in new multi-family residential developments.

NOISE ENVIRONMENT

The site is in Santa Cruz, northwest the intersection of Water Street and North Branciforte Avenue. The noise environment at the site is predominantly controlled by traffic on these roads with a bus stop along Water Street and an existing car wash on site.

To quantify the existing noise environment, we conducted two long-term noise measurements between 28 October and 1 November 2021. The monitors were at a height of 12 feet above grade. **Figure 1** shows the measurement locations and measured noise levels.

A traffic analysis has not yet been provided for this project. We have added 1 dB to our measured noise levels to account for future traffic increases⁴.

² $L_{eq}(h)$ – The equivalent steady-state A-weighted sound level that, in an hour, would contain the same acoustic energy as the time-varying sound level during that hour. This metric is typically used to describe the “average” noise level over the course of an hour

³ The maximum $L_{eq}(h)$ measured during the weekend was used due to site operation noise during weekdays (e.g., carwash, laundromat, shipments).

⁴ The California Department of Transportation (DOT) assumes a traffic volume increase of three-percent per year, which corresponds to a 1 dB increase in DNL over a ten-year period.

RECOMMENDATIONS

Interior Noise

Using the Entitlement Set Drawings dated 9 September 2021, we calculated the STC⁵ ratings needed to meet the criteria. Our calculations assume that the flooring is hard surfaced in living rooms/studios and carpeted in bedrooms. To meet the indoor DNL 45 dB criterion, it will be necessary for the windows and exterior doors to have STC ratings as shown in **Figures 2 to 4**.

To meet the CALGreen interior noise criterion, the STC ratings for the building will need to be as shown on **Figure 2**.

The recommended STC ratings are for full window assemblies (glass and frame) rather than just the glass itself. Tested sound-rated assemblies should be used. For reference, typical construction-grade assemblies achieve an STC rating of 28. Where STC ratings above 32 are required, at least one pane will need to be laminated.

Where windows need to be closed to achieve an indoor DNL of 45 dB, an alternative method of supplying fresh air (e.g., mechanical ventilation) should be considered. This applies to all locations where an STC rating is shown. This issue should be discussed with the project mechanical engineer.

Exterior Noise

We calculated expected noise levels at the ground floor open space and at the roof decks. These spaces will be exposed to noise levels no greater than DNL 65 dB, which is within the City's goal. Therefore, no mitigation is needed.

*

*

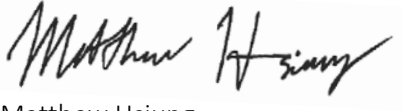
*

⁵ STC (Sound Transmission Class) – A single-number rating defined in ASTM E90 that quantifies the airborne sound insulating performance of a partition under laboratory conditions. Increasing STC ratings correspond to improved airborne sound insulation.

This concludes our preliminary environmental noise study for the 831 Water Street project. Please feel free to call if you have any questions.

Best,

SALTER



Matthew Hsiung
Consultant



Eric Mori, PE
Senior Vice President



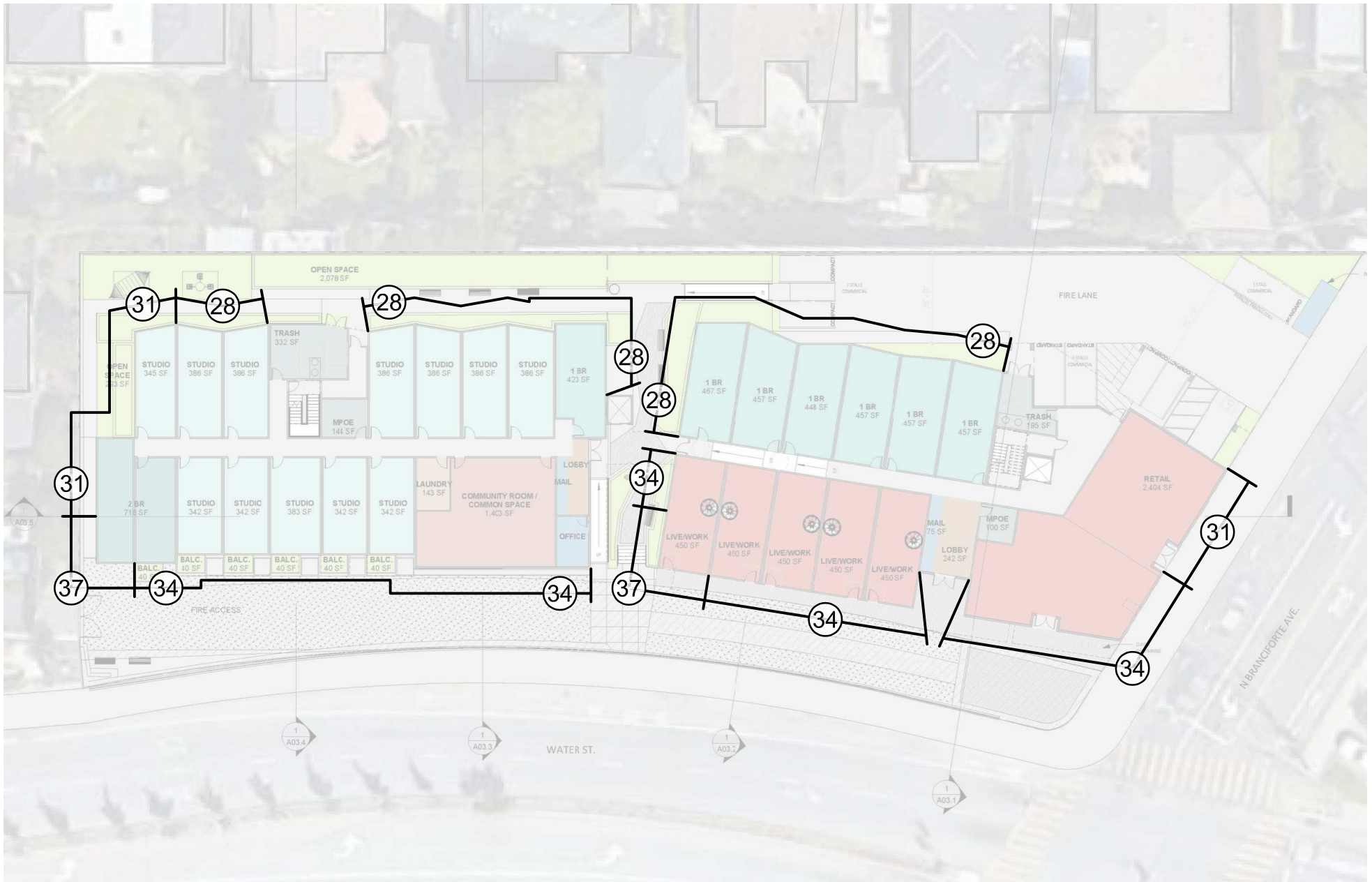
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831 WATER STREET MEASUREMENT LOCATIONS AND MEASURED NOISE LEVELS_{25.235}

FIGURE 1

Salter #
 21-0508

MDH/EBM
 11.11.21



NOTE: STC RATINGS ARE FOR THE COMPLETE ASSEMBLY (E.G., GLASS, FRAME, AND OPERABLE SECTIONS) BASED ON TEST REPORTS FROM AN NVLAP-ACCREDITED LAB

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831 WATER STREET MINIMUM CODE-REQUIRED STC RATINGS FOR WINDOWS AND EXTERIOR DOORS (FLOOR 1)

FIGURE 2

Salter #
21-0508

MDH/EBM
11.11.21



NOTE: STC RATINGS ARE FOR THE COMPLETE ASSEMBLY (E.G., GLASS, FRAME, AND OPERABLE SECTIONS) BASED ON TEST REPORTS FROM AN NVLAP-ACCREDITED LAB

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831 WATER STREET

MINIMUM CODE-REQUIRED STC RATINGS FOR WINDOWS AND EXTERIOR DOORS (FLOORS 2 TO 4)

FIGURE 3

Salter #
21-0508

MDH/EBM
11.11.21



NOTE: STC RATINGS ARE FOR THE COMPLETE ASSEMBLY (E.G., GLASS, FRAME, AND OPERABLE SECTIONS) BASED ON TEST REPORTS FROM AN NVLAP-ACCREDITED LAB

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831 WATER STREET MINIMUM CODE-REQUIRED STC RATINGS FOR WINDOWS AND EXTERIOR DOORS (FLOOR 5)

FIGURE 4

Salter #
21-0508

MDH/EBM
11.11.21



City Council AGENDA REPORT

DATE: 09/29/2021

AGENDA OF: 10/12/2021

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 Approximately 5,012 Square Feet of Ground Floor Commercial and 140 Residential Units (With 50% of the Base Units as Affordable per SB35) with Shared Underground Parking. (Owner: Novin Development Corp.) (PL)

RECOMMENDATION: Review the objective standards table and find the project consistent with the standards necessary for granting of the Density Bonus and with all objective standards except for the minor deficiencies detailed in the agenda report and the associated objective standards table, and direct the Planning and Community Development Department to continue to work with the applicants to resolve the remaining minor deficiencies and ensure that all objective standards are met prior to the City's SB 35 review deadline.

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 applicants 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 (Leadership in Energy and Environmental Design) 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 on 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 in an effort to further 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 Policy, 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).

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. The City received additional information from the applicant on September 9, 2021 (Attachment 3), after the agenda report and associated analysis of compliance with objective standards was prepared for the September 14, 2021 City Council meeting. With the additional materials likely to affect staff's recommendation, it was recommended that the item be continued to the October 12, 2021 City Council meeting to allow for further analysis of the revised plans' consistency with objective standards. City Council followed staff's recommendation and continued the item to October 12, 2021. With the submittal of additional materials, the applicant also voluntarily extended the City's review period to October 14, 2021 to allow for the continuance and for the City to meet the timeframes specified in SB35.

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 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 eight 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 2,404 square feet of ground floor retail facing the corner of N. Branciforte Avenue and Water Street, five live/work (2,250 square feet of work/retail) units facing Water Street, and a mix of 64 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 140 residential units include 5 live/work, 64 studios (342 to 399 square feet), 53 one-bedrooms (423 to 494 square feet), 15 two-bedrooms (647 to 748 square feet), and 3 three-bedrooms (1,169 to 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. The applicants are proposing an underground garage which will provide 136 vehicle spaces as well as storage for 140 bikes. Including the eight commercial spaces at grade level, a total of 144 parking spaces are proposed on site.

DISCUSSION: The applicant has proposed an SB 35 project that also includes a density bonus request. Staff 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		ANNUAL ELEMENT PROGRESS REPORT 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.	
Santa Cruz 2020 (Jan. 1 – Dec. 31)													
Table B Regional Housing Needs Allocation Progress Permitted Units Issued by Affordability													
Income Level		1 RHNA Allocation by Income Level	2									3 Total Units to Date (all years)	4 Total Remaining RHNA by Income Level
		2015	2016	2017	2018	2019	2020	2021	2022	2023			
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 versus 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 September 9, 2021, the City now has until October 14th 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 mostly consistent with the objective standards, with just a few minor items that staff has discussed with and that are currently being addressed by the applicant. The items would not require significant modification to the plans and can be addressed within the 90-day deadline (November 13, 2021), if not before the City Council meeting. The standards are documented in the attached Objective Standards Assessment Table (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 general plan and 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. The applicant has provided plans for a base project that meets all of the CC (Community Commercial) development standards, including height, setbacks, open space, etc., and the determined base density is 109 units.

Market-rate projects providing certain percentages 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. With a base density of 109 units, a minimum of 55 affordable units would be required to be provided for the project to be eligible for SB 35 streamlining. The applicants are proposing 71 affordable units (80% AMI or lower), well exceeding the Density Bonus requirement and qualifying the project for a 50% Density Bonus, permitting up to 164 units. With 140 units proposed, the project falls within the allowed number of units permitted under Density Bonus law. The affordability requirements for the City's inclusionary ordinance, State Density Bonus, and SB 35 are further explained below.

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.” The project is entitled to up to three (3) concessions or incentives that provide actual and identifiable cost reduction for the affordable units. The applicant is requesting two (2) concessions for the project, one to locate all affordable units together in a single building, and the other to not provide the required number of electric vehicle charging stations on site.

Concession 1: *SCMC 24.16.025(2) requires that “Inclusionary units shall be dispersed throughout the residential development to prevent the creation of a concentration of affordable units within the residential development.” The applicant is requesting an incentive/concession for locating all affordable units together in a single building due to financing requirements for State affordable housing tax credits. SCMC 24.16.260 Requirement to disperse affordable units throughout the development – 4 CCR section 10337(a) requires projects that receive state and federal affordable housing funds record a regulatory agreement against the property awarded the tax credits. The affordable rental project cannot be deed restricted unless at least one parcel is created for all of the affordable units against which the regulatory agreement can be recorded.*

The project has applied to receive state and local affordable housing grant funds, and 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. Evenly dispersing the units throughout the two buildings would render the projects 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. In the applicant’s State Affordable Housing Tax Credit application, it identifies that the tax credit funding source would provide approximately \$23 million of the \$41 million required, providing over half of the project funding. While it may potentially be possible for the applicant to map the project as a condo complex and record regulatory agreements against each of the individual units dispersed throughout the project, the additional costs associated with the mapping, development of Covenants, Conditions and Restrictions as part of a home owners association, Department of Real Estate approvals, and agreement processing would add to the project’s administrative costs. Because the City cannot carry its burden of proof to refute these cost considerations or prove that the requested concession would violate state or federal law or create a specific adverse impact on health and safety or the physical environment that cannot be mitigated, or adversely impact real property listed on the California Register of Historical Resources, the City is required to grant the requested concession.

Concession 2: *Zoning Code Section 24.12.241 specifies that 12% of the provided parking include an electric vehicle (EV) charging station. Based on 144 spaces provided on site, eighteen (18) EV charging spaces are required to be provided. The project proposes six (6), which is fewer than is required. The applicant has requested a concession and incentive to reduce the number of Electric Vehicle Supply Equipment (EVSE) charging stations by 12 units from the required 18 to a total of six (6) installed units for a minimum cost saving of \$6,000. The applicant also outlines additional savings in labor and project electrical upgrades that would not otherwise be required to build the project. The applicant estimates these additional labor savings range from \$14,750 to \$40,500 per charging station. Given that there is no evidence that this concession and incentive would violate state or federal law, create a specific adverse impact on health and safety or the physical environment that cannot*

be mitigated, or adversely impact real property listed on the California Register of Historical Resources, the City is required to grant this concession/incentive as required by state law.

The project applicant is allowed to request as many waivers from development standards as needed if the development standard would preclude the density bonus project from being built at the allowed density. The applicant has requested four waivers of development standards, all of which are required to be waived if they preclude project development. The city must grant these waivers unless they violate state or federal law, create a specific adverse impact on health and safety or the physical environment that cannot be mitigated, or adversely impact real property listed on the California Register of Historical Resources. There is no evidence that the following waivers requested should not be granted as required by state law:

Waiver 1: *The project proposes to exceed the maximum height of 3 stories and 40 feet as required in the C-C zone district, proposing a four story building at approximately 48 feet, and a five story building at approximately 59 feet. Complying with the 3 story and 40 foot standard would require the building to reduce the number of floors and eliminate a substantial number of residential units (See Density Bonus Calculations Plan Page G02.0). This would physically preclude the construction of the project that would include the number of residential units allowed under the State Density Bonus Law.*

Waiver 2: *The project proposes a reduction to the private open space requirements. The Zoning Code requires 100 square feet of private open space for each unit. With 140 units proposed, 14,000 sf of private open space is required, and 6,510 sf is proposed. Setbacks and easement areas which prohibit the encroachment of balconies limit the amount of space for providing private open space for each unit. Therefore the constrained site physically precludes the inclusion of the required open space which would require reducing the size and or number of residential units.*

Waiver 3: *The project proposes a reduction to the common open space requirements. The Zoning Code requires 150 square feet of common open space for each unit. With 140 units proposed, 21,000 sf of common open space is required, and 19,830 sf is proposed. Common open space has been maximized on the site by taking advantage of the roof decks and at-grad areas, whereby the requirement is very close to being met. However, the constrained site physically precludes the inclusion of the required open space which would require reducing the size and or number of residential units.*

Waiver 4: *The project proposes to exceed the maximum 1.75 FAR as outlined in the MXHD designation of the General Plan. With a 2.28 FAR, the project proposes an FAR in excess of the allowable maximum prescribed by the General Plan. Reducing the floor area to meet the 1.75 FAR standard would require reducing the unit count and physically precludes the number of residential units that are allowed under the State Density Bonus Law.*

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.

In correspondence received from the public the question has been raised as to what would qualify as a “specific adverse impact on health and safety or the physical environment that cannot be mitigated”, specifically as it relates to Concession 2 for the reduction of the EV stations. Government Code section 65589.5(d)(2) states that “A local agency shall not disapprove a housing development project, . . . including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

(2) The housing development project . . . as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”

Based on this code section, the project would need to violate an existing written health and safety standard in effect on the date the application is deemed complete. In regards to the concession to reduce the number of required EV stations, it is difficult to raise a significant, quantifiable, direct, and unavoidable impact. Arguments have been raised that the reduction in vehicle charging stations will contribute to climate change. However, not only does the City not have a written public health or safety standard related to EV charging stations, the provision of housing in this transit-rich, walkable, and bikeable area reduces reliance on vehicles for daily trips, thereby reducing vehicle miles traveled and associated greenhouse gas emissions. SB 35 law states that it shall be “interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply” (65913.4(n)). Additionally, density bonus “shall be interpreted liberally in favor of producing the maximum number of total housing units” (65915(r)). Therefore, unless there is a preponderance of evidence of a violation of a written health and safety standard or policy, the concession or waiver must be granted.

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. With a base density of 109 units, a minimum of 55 affordable units would be required to be provided for the project to qualify for SB 35 streamlining. The applicants are proposing 71 affordable units at or below 80% AMI, well exceeding the Density Bonus requirement and qualifying the project for a 50% Density Bonus. By committing to providing the 71 affordable units, the project meets all of the affordable housing requirements, including:

- 20% of base units @ 80% AMI: City Inclusionary
- 24% of base units @ 60% AMI or 15% of base units @ 50% AMI: Density Bonus (50% bonus) –There are various ways to meet the Density Bonus affordability requirements, but the final breakdown will be largely based on the funding source requirements. A condition of approval will be included that requires that these minimum affordability requirements are being met and that they are written in to the Affordable Housing Agreement.
- 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 SB 35 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 SB 35 streamlined permit processing including granting of the density bonus request.

Applications submitted under SB 35 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 building permit review 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. With the request for a Density Bonus, the applicant is proposing two concessions and four waivers to the development standards.

The table below summarizes the project’s compliance with the CC requirements:

SETBACK REQUIREMENTS SUMMARY			
Provision	Required	Proposed	Complies?
Building Height	40 feet	63 feet	No (though Density Bonus waiver

			established compliance)
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 14,000 square feet	6,510 square feet	No (though Density Bonus waiver established compliance)
Common Open Space/Unit	150 square feet/unit 21,000 square feet	19,830 square feet	No (though Density Bonus waiver established compliance)
Distance between buildings	10 feet	14 feet	Yes

Parking Requirements. The City's Zoning Ordinance would require a total of 192 parking spaces on site based on the number and type of units (158), guest parking (14), and commercial retail parking (20). Based on Density Bonus Law the standards are lower and would require a total of 107 spaces on site based on the number and type of units (79), guest parking (8), and commercial retail parking (20). 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 136 spaces. Including the eight commercial spaces at grade level, a total of 144 parking spaces are proposed on site. This far exceeds the number of spaces required.

Lot Line Adjustment. The project site is currently made up of three parcels for a total of 39,607 square feet. The application includes a lot line adjustment to reduce the number of lots from three to two, with the proposed lot line splitting the two buildings so that they are on separate parcels. As described above, the intent of separating the buildings is to separate the affordable units from the market rate units 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 in order to receive state and local affordable housing grant funds, and this separation is required by its financing sources. Staff has reviewed the proposed lot line adjustment and while it is consistent with the Zoning Ordinance, our Building Department is currently reviewing the location of the new lot line as it relates to Building and Fire Codes. With the lot line splitting the underground garage, in addition to the proposed pedestrian bridges connecting the two buildings, Building Department staff is working with the project architects to determine the feasibility of the lot line location. If this configuration was determined to not be feasible, another option would be to divide the buildings into airspace condominiums to achieve a similar result. If revisions to the lot line adjustment are necessary, they could be reviewed at the building permit stage. Alternatively, if a property line between the buildings proves problematic from a Building or Fire Code perspective, two (or more)

condominium lots could be created through a Tentative Map and Parcel Map. While those processes would typically require public hearings, they would be ministerially processed under SB 35 and could be approved prior to the issuance of a building permit. Key points here are that these mapping changes require few changes to the actual project plans, and one or more mapping options can be readily accomplished.

Public Improvements. As indicated in the objective standards table, staff has identified that the project is currently not consistent with a requirement to provide an improvement plan that reflects an easement or dedication to include a southbound N. Branciforte right turn lane on to Water Street. This improvement is required to be implemented as part of the Capital Improvement Program previously approved by the City Council. Public Works staff has developed a conceptual plan for the right turn lane whereby the applicants grant a 4-foot sidewalk easement along a portion of the eastern property line to accommodate the right turn lane as well as an 8-foot sidewalk. Based on the conceptual plan, Building “A” can be moved approximately four feet to the west, or the wall of the proposed commercial/retail space can be recessed four feet to accommodate the sidewalk. With these changes being minor in nature and not significantly changing the site layout, they can be addressed by the applicant in the 30-day period following the City Council oversight meeting. A condition of approval will be included that requires the easement be recorded prior to building permit issuance, and that the street improvements be constructed as part of the project.

The project is proposing a new driveway along Water Street which accesses the underground parking garage. Members of the community have expressed concern with the location of the driveway, and city staff has analyzed the site for alternative locations. Based on the initial analysis, staff has concluded that the proposed location is the best location for the driveway access given the various factors associated with the site, such as shape and proximity to a signalized intersection. The City has initiated a traffic study to address concerns surrounding the driveway location as it relates to the slope of the street, bike lane, bus stop and site distance. Recommendations proposed as part of the traffic study will be included as conditions of approval for the project, which could include incorporation of vehicle warning devices at the driveway to warn cyclists and pedestrians of vehicles exiting the driveway, or potentially relocating the bus stop.

Of note, the original objectives standards table attached to the September 14, 2021 City Council Staff Report (published on September 9, 2021), Municipal Code Section 15.20.050(a) regarding driveway location was identified as an objective standard. However, after consultation with the city attorney’s office and recent case law that was released after that staff report, it was determined that this requirement is subjective. In *California Renters Legal Advocacy and Education Fund v. City of San Mateo*, opinion filed on September 10, 2021, it was determined that “A standard that cannot be applied without personal interpretation or subjective judgement is not ‘objective’ under the HAA.” Code Section 15.20.050(a) states that “No driveway shall be so located as to create a hazard to pedestrians or motorists, or invite or compel illegal or unsafe traffic movements.” Without the standard having any numeric value or specificity, case law has suggested that if there are two “reasonable” interpretations of a provision, it is not objective.

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. At the time of preparation of this staff report, the Planning and Community Development Department has determined that the project is mostly consistent with the objective standards, with just a few minor items that staff has discussed with and are currently being addressed by the applicant. The items would not require significant modification to the plans and can be addressed within the 90-day deadline (November 13, 2021), if not before the City Council meeting. The standards are documented in the attached Objective Standards Assessment Table (Attachment 1). The following objective standards are still outstanding and need to be addressed:

Objective Standard	City Analysis of Compliance with Standards
<p>M2.1.3 Implement pedestrian, bike, mass transit, and road system improvements through the Capital Improvements Program</p>	<p>The project conflicts with this objective standard.</p> <p>Improvement plans shall reflect an easement or dedication required for the city to implement the Capital Improvement Program approved by the City Council that includes southbound N. Branciforte right turn lane.</p> <p>This is a minor item that can be addressed prior to the 90-day deadline and without significant modifications to the plans.</p>
<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>	<p>The project conflicts with this objective standard.</p> <p>Improvement plans shall reflect an easement or dedication required for the city to implement the Capital Improvement Program approved by the City Council that includes southbound N. Branciforte right turn lane.</p> <p>This is a minor item that can be addressed prior to the 90-day deadline and without significant modifications to the plans.</p>
<p>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.</p>	<p>The project conflicts with this objective standard.</p> <p>Plans must show how project provides for passive and natural heating and cooling opportunities.</p> <p>This is a minor item that can be addressed prior to the 90-day deadline and without significant modifications to the plans.</p>
<p>Chapter 10.85 TRAFFIC IMPACT FEES FOR CAPITAL PROJECTS</p> <p>10.85.010 AUTHORITY</p> <p>The ordinance codified in this chapter is enacted pursuant to the Mitigation Fee Act, California Government Code Section 66000 et seq.,</p>	<p>The project conflicts with this objective standard.</p> <p>Improvement plans shall reflect an easement or dedication required for the city to implement the Capital Improvement Program approved by the City</p>

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;
 - (3) New development within the city will create an additional burden on the existing transportation system;
 - (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;
 - (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;
 - (6) In establishing the fee described in the following sections, the city council has found the fee to be consistent with the general plan.
- (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.
- (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.

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.

Council that includes southbound N. Branciforte right turn lane.

This is a minor item that can be addressed prior to the 90-day deadline and without significant modifications to the plans.

The applicant will be required to pay the TIF fee and construct the right turn lane. TIF shall be applied toward the right turn lane construction costs.

The project will be required to meet this standard as a condition of approval prior to building permit issuance.

Exhibit PW-D resolution NS-28,574

(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.

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
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.

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 140 unit project, that results in 140 Class 1 bicycle parking spaces and 36 Class 2 bicycle parking spaces. Currently, the plan set shows unidentified number of bicycles in bike storage within the underground parking lot on page G02.4, but provides no details of how these rooms are secured, access, spacing between bicycles, other required elements as called for in 24.12.250
 - The calculations on Sheet B0.2 are incorrect and should be updated to reflect the accurate requirements.
 - Sheet G02.4 shows a bike storage area within the underground parking structure with no details. There are no details included on how these 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,

<p>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.</p> <p>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.)</p> <p>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>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.</p> <p>5. Variation to Requirements.</p> <p>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.</p> <p>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.</p>	<p>vandalism, and weather" as set forth in SCMC 24.12.250 part 3(a).</p> <ul style="list-style-type: none"> o 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 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. <p>This is a minor item that can be addressed prior to the 90-day deadline. Considering the site plan and floor plans, the additional bike parking can easily be accommodated throughout the site.</p>
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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 SB 35 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 4, except that public correspondence that was included with the September 14, 2021 City Council materials is not attached hereto. That correspondence is available online from the September 14, 2021 Council Agenda, accessible from <https://www.cityofsantacruz.com/government/city-council/council-meetings>.

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. As noted above, the City also hosted a special City Council meeting on September 7, 2021 to discuss SB 35.

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 over 50 percent of the units deed restricted to various levels of affordability, the project meets equity goals by providing housing for a wide range of income levels. 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 1/2 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. This also supports equity goals by reducing transportation costs. 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 review the objective standards table, find the project consistent with the standards necessary for being eligible for the density bonus and with objective standards, and direct the Planning and Community Development Department to continue to work with the applicants to

resolve the remaining minor deficiencies and ensure that all objective standards are met prior to the City's SB 35 review deadline, and grant the requested Density Bonus. The Planning and Community Development Department would provide a written documentation letter to the applicant identifying what objective criteria is not being met and provide the 30-day timeline for the applicant to resolve those items pursuant to SB 35.

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 new residential units. 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.

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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. Project Plans and Materials – Submitted September 9, 2021
3. Additional Public Comments Received
4. Public Comments from the August 12, 2021 Community Meeting

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

831 Water Street – CP20-0121

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 Approximately 5,012 Square Feet of Ground Floor Commercial and 140 Residential Units (With 50% of the Base Units as Affordable per SB35) with Shared Underground Parking.

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. The following expiration of approval timelines apply to SB35 projects:
 - a. If the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the base units are affordable to households making at or below 80 percent of the area median income (AMI), then that approval shall not expire.
 - b. If the project does not include public investment in housing affordability (including local, state, or federal government assistance) beyond tax credits, and at least 50 percent of the base units are not affordable to households making at or below 80 percent of the AMI, that approval shall remain valid for three years from the date of the final action establishing that approval, or if litigation is filed challenging that approval, from the date of the final judgment upholding that approval. Approval shall remain valid for the project provided that vertical construction of the development has begun and is in progress. "In progress" means one of the following:
 - i. The construction has begun and has not ceased for more than 180 days.
 - ii. If the development requires multiple building permits, an initial phase has been completed, and the project proponent has applied for and is diligently pursuing a building permit for a subsequent phase, provided that once it has been issued, the building permit for the subsequent phase does not lapse.
 - c. The development may receive a one-time, one-year extension if the project proponent provides documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and processes set forth in this section.
4. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.

CONDITIONS OF APPROVAL
For **831 Water Street – CP20-0121**

5. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Modifications to the building permit may be permitted as described in the SB35 legislation and HCD SB35 Guidelines. Any errors or discrepancies found therein that are not permitted pursuant to SB35 legislation or HCD SB35 Guidelines with may result in the revocation of any approval or permits issued in connection therewith.
6. All refuse and recycling activities during construction shall be done in accordance with Chapter 6.12 of the Santa Cruz Municipal Code. Be aware that private companies offering refuse or debris box services are not allowed to operate within the City limits, except under certain limited circumstances detailed in Chapter 6.12.160.
7. If the project is not a public work, the applicant shall be required to comply with the prevailing wage requirements pursuant to SB35 legislation and HCD SB35 Guidelines, including:
 - a. The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.
 - b. All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.
 - c. All contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein.
8. Pursuant to Gov. Code §65913.4(a)(8)(B)(i)(I), a skilled and trained workforce shall be used to complete the development.
9. The applicant shall be required to comply with all of the requirements of the *Agreement Between the Indian Canyon Mutsun Band of Costanoan Ohlone and the City of Santa Cruz Regarding Project at 831 Water Street (PLN CP 20-0121)*.
10. The owner shall retain a professional property management agent and resident services provider (Management Agent) approved by the City in its reasonable discretion. The Project will, at all times, be managed by an experienced Management Agent with demonstrated ability to operate residential facilities like the Project in a manner that will provide decent, safe, and sanitary housing. The owner shall submit, for the City's information and approval, the identity of any proposed Management Agent and such additional information regarding the background, experience, and financial condition of any proposed Management Agent as is reasonably necessary to review such agent. The City may require the replacement of the Management Agent if the terms of the affordable housing agreement are violated.

PRIOR TO BUILDING PERMIT ISSUANCE:

11. The applicant shall consult with the Tribal representative(s) who are signatories to *Agreement Between the Indian Canyon Mutsun Band of Costanoan Ohlone and the City of Santa Cruz Regarding Project at 831 Water Street* relative to developing and presenting statements on the project website about the tribal cultural heritage and history of the land developed as the project and the territorial lands in the proximity of the project site. Such messaging will advocate support for indigenous peoples' movements and efforts to inform the public about the local and present-day indigenous community. Such messaging shall be posted on the applicant's project website prior to building permit issuance.
12. An easement for emergency vehicle access shall be recorded on the property that extends from the existing easement to North Branciforte.
13. The owner shall enter into a Participation Agreement with the City establishing compliance with affordable housing requirements, prior to building permit issuance. The agreement shall include the following requirements:
 - (a) The project shall include 55 affordable units for households with incomes not exceeding 80 percent of area median income for Santa Cruz County as published and periodically updated by the state of California pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision. In conformance with Health & Safety Code Section 50053, rent, as defined in the California Code of Regulations, Title 25, Section 6918, shall not exceed 30 percent of 60 percent of area median income, divided by 12, and adjusted for assumed household size (one person for a studio, two persons for one bedroom, and one additional person for each additional bedroom).
 - (b) Twenty-two of the affordable units shall also meet all other requirements of the City's inclusionary housing ordinance (Santa Cruz Municipal Code Chapter 24.16, Part One) and density bonus ordinance (Chapter 24.16, Part Three), including but not limited to dispersion throughout the project, affordability in perpetuity, and standards for quality, size, and number of bedrooms.
 - (c) The remaining 33 units shall remain affordable for 55 years or more. To comply with Section 402(f) of the Updated Streamlined Ministerial Approval Process Guidelines adopted March 30, 2021 by the Department of Housing and Community Development, these units shall be distributed throughout the project, unless, prior to issuance of a building permit or approval of any final or parcel map, the applicant provides substantial evidence that, for the project to be eligible for a state or local funding program, it is necessary that the units not be distributed throughout the project.
 - (d) Residents of the affordable units shall have access to the same common areas and amenities as the market rate units in the project, in compliance with Section 402(f) of the Guidelines.

CONDITIONS OF APPROVAL
For **831 Water Street – CP20-0121**

14. All building permits for affordable units shall be issued concurrently with, or prior to, issuance of building permits for the market rate units. All affordable units shall be constructed concurrently with, or prior to, construction of the market rate units
15. All final working drawings shall be submitted to the Zoning Administrator for review and approval in conjunction with building permit application. The plans submitted for building permits shall have the same level of articulation, detailing, and dimensionality as shown in the approved plans. All approved exterior finishes and materials shall be clearly notated on the building permit plans.
16. The development of the site shall be in substantial accordance with the approved plans submitted and on file in the Department of Planning and Community Development of the City of Santa Cruz. All aspects of construction must be completed prior to occupancy. Modifications to the plans shall be granted in the circumstances described in the SB35 legislation and HCD SB35 Guidelines.
17. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
18. Adequate provisions shall be made to supply water to each of the premises covered by this application. The design of water facilities shall be to standards of the Water Department, and plans therefore must be submitted to the Water Department Director for review and approval prior to the issuance of a building permit.
19. Plans submitted for building permit issuance shall include electric vehicle charging stations as required per Section 24.12.241 of the Zoning Ordinance. Based on 144 spaces provided on site, eighteen (18) electric vehicle charging stations will be required to be provided on site.
20. Plans submitted for building permit issuance shall show all exterior site lighting locations and fixture details. All exterior building lighting shall be shielded and contained in a downward direction. No exterior lighting shall produce off-site glare. Exterior site lighting shall be provided along pedestrian pathways and in the vehicle parking area. Security lighting shall be motion sensor only.
21. Landscape and irrigation plans shall be submitted at the time of the building permit application and will be reviewed by both the Planning Department and Water Department. The landscape and irrigation plans shall demonstrate compliance with all requirements of the City's Water-Efficient Landscaping Ordinance in Chapter 16.16 of the Santa Cruz Municipal Code prior to issuance of the building permit.
22. The building permit plans shall include a construction plan that indicates site access areas, staging areas, and parking areas for construction vehicles during all phases of construction. The hours of construction shall comply with Chapter 9.36 of the Municipal Code, which permits construction between the hours of 8:00am and 10:00pm.

CONDITIONS OF APPROVAL
For 831 Water Street – CP20-0121

23. Prior to building or grading permit issuance or in any case any ground disturbance, including but not limited to grubbing, demolition, excavation, and utility-line trenching, the applicant shall submit a copy of a signed contract with a qualified archaeologist (based on the city's list of approved consultants or as previously authorized by the Planning Department) and a Native American monitor indicating that the archaeologist and Native American monitor will be present on the site to observe and monitor all grading and subsurface excavations and that they will provide a follow-up letter to the Planning Department with the results of the monitoring prior to commencement of further construction activities. Improvements that are installed prior the city's receipt of a letter from the archaeologist and Native American monitor may be required to be removed at the cost of the applicant if the letter indicates that resources may be present and additional investigation is recommended in the area of the improvement.
24. A Professional Archaeologist shall be retained to provide a pre-construction briefing to supervisory personnel of any excavation contractor as well as to comply the requirements under the City's accidental discovery program (such as the need to stop excavation in the event of a discovery, the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team) as set forth in Section 24.12.430 of the Municipal Code. The pre-construction briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team. The training shall also meet the following requirements specified in the *Agreement Between the Indian Canyon Mutsun Band of Costanoan Ohlone and the City of Santa Cruz Regarding Project at 831 Water Street*.
 - a. The Tribe and the City agree to require the Applicant's construction contractor, sub-contractors and construction-related crews and workers to participate in, and complete, at least 1 (one) hour of Native American tribal cultural resources sensitivity training prior to commencement of ground-disturbance activities. The Native American tribal cultural resources sensitivity training will be conducted by a Native American monitor acceptable to the Parties.
 - b. Such sensitivity training shall focus, in particular, on California Native American tribal cultural resources, shall include descriptions and photographic examples of Native American tribal cultural resources, and what to do when a potential cultural or archaeological resource is identified by site personnel.
 - c. The Applicant shall be required to submit a certification attesting to the completion of such sensitivity training to the City. That includes the names and work affiliations of all those who received training to ensure compliance with the requirements of this Section 2 prior to building permit issuance.
25. All trees shall be a minimum 15-gallon size.
26. Bike parking shall be provided in accordance with Section 24.12.250-252 of the Santa Cruz Municipal Code.
27. All utilities and transformer boxes shall be placed underground in accordance with the provisions of Section 24.12.700 through 24.12.740 of the Santa Cruz Municipal Code.

CONDITIONS OF APPROVAL
For 831 Water Street – CP20-0121

28. A drainage plan shall be submitted in conjunction with application for building permits.
29. The Project shall demonstrate compliance with Chapter 6B of the City's Best Management Practices Manual- Storm Water BMPs for Private and Public Development Projects and the applicable RWQCB Post-Construction Requirements (PCRs) tiers.
30. The Project shall meet and confirm that it meets the Project Eligibility Criteria for the storm water Urban Sustainability Area (USA) Designation for reduced retention requirements and alternative compliance. In order to be eligible, the Project shall meet the following criteria:

Projects on small parcels (less than 1 acre)

1. Be located within the USA Boundaries.
2. Include no surface parking, except for incidental surface parking. Incidental surface parking is allowed only for emergency vehicle access, Americans with Disabilities Act (ADA) accessibility, and passenger and freight loading zones.
3. Have at least 85% coverage for the entire project site by permanent structures. The remaining 15% portion of the site is to be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping, and stormwater treatment.
4. Within 0.25 miles of a local transit stop.

Confirmation of compliance with the Eligibility Criteria shall be included in the Storm Water Control Plan report and shall be indicated on applicable plan sheets.

31. The Project shall submit the following as part of the Building Permit application:
 - a. Storm Water Control Plan (SWCP) Report: A final 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 and the applicable RWQCB Post-Construction Requirements (PCRs) tiers. The SWCP report shall follow the outline in Chapter 6B, Appendix B.
 - b. Operations and Maintenance Plan (O&M Plan): A final O&M Plan shall be submitted and include at a minimum: 1) site plan showing the location of drainage structures and structural control measures; 2) O&M procedures, timing, and maintenance frequency for the LID features and drainage systems, and include applicable BMPs from Chapter 6B of the City's Storm Water BMPs for Development Projects; 3) cost estimates for maintenance; and 4) BMPs for any Special Site Conditions (see pages 30-31), e.g. trash enclosure, parking, etc. The O&M Plan shall be submitted in an 8 ½ x 11 inch report format, and can be included as a SWCP appendix.
 - c. Maintenance Agreement: Prior to issuance of the Building Permit, the property owner shall sign and submit a BMP maintenance agreement ensuring that they will provide long-term operation and maintenance of structural storm water control

CONDITIONS OF APPROVAL
For 831 Water Street – CP20-0121

measures (see template in Appendix C of Chapter 6B Storm Water BMPs for Private and Public Development Projects). The signed maintenance agreement should be attached to the O&M Plan.

32. The final Storm Water Control Plan report shall include the following revisions:
- a. Section IV. B, first paragraph: correct typo re number of SCMS, e.g. two not four.
 - b. Section, IV. B, third paragraph: confirm that the site meets the USA Eligibility Criteria including that there is at least 85% coverage for the entire project site by permanent structures. Also, clarify wording that there is no increase in impervious surfaces from the pre-project site, therefore onsite runoff retention is not required.
33. Storm Water Source Control: 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.

Please include such control measures/BMPs in the site plan, the storm water control plan and operation and maintenance plan, and please check the appropriate boxes in Appendix A-SW LID Checklist, Section F. b (on page 3). Please see the City Storm Water BMPs for Private and Public Development Projects (available at www.cityofsantacruz.com/lid) for additional information.

34. The Project shall demonstrate compliance with Chapter 4 of the Best Management Practices Manual for the City's Storm Water Management Program, Construction Work. The Project has submitted an Erosion Control Plan sheet, and shall submit a final ECP sheet as part of the Building Permit application.
35. State Construction General Permit: 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).

If subject to the CGP, prior to issuance of a demo, grading or 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. Please submit an electronic copy of the site's Storm Water Pollution Prevention Plan (SWPPP) submitted to the State. For information on the Construction General Permit, please see the State Water Board website:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml

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For **831 Water Street – CP20-0121**

36. Handicap access shall be provided in accordance with California Building Code.
37. All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. visible from the public way and from adjacent properties, shall be screened with material compatible with the materials of the building and shall be subject to the approval of the Zoning Administrator.
38. The owner shall comply with the inclusionary housing requirements as outlined in Section 24.16 of the Santa Cruz Municipal Code.
39. 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 management practices for low impact development shall be exempt from this requirement adjacent to those areas used for treatment or retention.
40. The grade level 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.
41. The findings and recommendations identified in the memorandum “*Site Ingress/Egress Evaluation and Conceptual Engineering Drawing 831 Water Street*” dated November 3, 2021 and prepared by Kimley-Horn and Associates Inc. shall be included in the building permit drawings and implemented into the project. The recommendation for establishment of a neighborhood permit parking program excluding 831 Water residents will be dependent upon the administrative procedure for adding permit parking described in Municipal Code Section 10.41.040 which involves input from the participating neighborhood areas.
42. A noise study shall be submitted as part of the building permit application that demonstrates that the project’s noise generating equipment meets the City property line noise standards and that the indoor and outdoor noise levels for residential units of multi-family projects do not exceed decibel levels pursuant to the California Building Code, CALGreen Code, and City Noise Standards.
43. Prior to issuance of a building permit, the applicant shall provide the legal descriptions for the new lot(s) reflecting the new lot line configuration. Following City approval, the lot line

CONDITIONS OF APPROVAL
For **831 Water Street – CP20-0121**

adjustment shall be reflected in a deed, which shall be approved and recorded prior to building permit issuance.

44. Existing Sewer Lateral Connections – Final building plans shall indicate that all of the existing sewer lateral connections will be abandoned at the City sewer main by method of factory cap or mechanical plug.
45. Traffic Impact Fee - A Traffic Impact Fee will be assessed by the Public Works Department and shall be paid prior to issuance of the building permit. The fee is estimated to be approximately \$59,560.00, but will be calculated at the time of building permit issuance.
46. Utility Locations – Final building plans shall show locations of all existing and proposed underground utilities and points of connection for sewer lateral, gas, electrical, and water lines on the plans.
47. Utility Undergrounding - When providing new electrical service to a parcel, it shall be undergrounded. Final building plans shall indicate the location and the point of connection to the nearest Pacific Gas & Electric (PG&E) facility for the underground power to the property.
48. A Sidewalk Easement Deed will be required in order for the developer to construct the right-turn lane on Branciforte, southbound consistent with the approved civil drawings (C1.0-C5.0). Work shall require relocation and installation of new traffic signal poles and equipment, and storm drain improvements as required per new intersection configuration.
49. Barrier Device (Water Street) – Final building plans shall indicate that bollards, gate or some type of barrier device behind the ADA compliant driveway approach located on Water St. at the East end of the frontage will be installed. These device(s) will be placed in the Emergency Vehicle Easement to not allow any vehicles to pull into the development site which would impede the Emergency Vehicle Easement. Final building plans shall also include a Knox Box for emergency vehicle egress at the barrier.
50. Electronic/Actuated Warning Device – Final building plans shall include an electronic warning device that will emit light and sound on the wall at the egress of the parking structure. This device shall warn east and westbound pedestrians, and westbound cyclists and vehicles of a vehicle exiting the parking garage.
51. Parking Garage Gates – Final building plans shall include a rapid open-close gate system to minimize vehicle queuing on Water Street as vehicles enter the garage.
52. Warning Signs – Final building plans shall include warning signs along Water Street due to retaining wall screening vehicles entering and existing the driveway.
53. Transportation Demand Management: Submit a trip reduction checklist prior to the issuance of a building permit.

DURING CONSTRUCTION:

54. As specified in the *Agreement Between the Indian Canyon Mutsun Band of Costanoan Ohlone and the City of Santa Cruz Regarding Project at 831 Water Street*, the applicant shall be required to adhere to all of the protective measures set forth in Santa Cruz Municipal Code section 24.12.430 in the protection and preservation of tribal cultural resources.
55. The Applicant shall provide for a qualified archaeologist and Native American monitor acceptable to the City and the Applicant to be present during ground-disturbance activities at the project site which the City determines has the potential to detect tribal cultural resources to ensure that such resources are protected from potential damage or destruction. The cost for this service shall be paid by the applicant.
56. 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 or paleontological resource, shall:
 - a. Immediately cease all further excavation, disturbance, and work on the project site;
 - 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;
 - 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;
 - 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.
57. All measures included in the plan for erosion control approved as part of this application shall be installed by November 1.
58. Grading shall be done during periods of dry weather and protective measures shall be incorporated during grading to prevent siltation from any grading project halted due to rain.
59. Final building plans shall include security cameras to be provided in the parking garages, stairwells, and plazas. Recordings shall be accessible to police within 24 hours with a 30-day retention capability.
60. Final building Plans shall indicate that ground floor glass shall not be reflective, tinted, mirrored or otherwise screened from public view.

PRIOR TO BUILDING PERMIT FINAL/OCCUPANCY:

CONDITIONS OF APPROVAL
For **831 Water Street – CP20-0121**

61. All landscaping shall be installed prior to final utility release or issuance of occupancy permits.
62. Occupancy permits and final inspections for affordable units shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.
63. Subsequent to occupancy of the premises, all landscaping shall be permanently maintained. Such maintenance shall be secured through an 18-month bond prior to occupancy.
64. The applicant shall prepare a signage plan for the project and submit it for design permit review and approval before occupancy of the structure.
65. Prior to a final inspection of the building permit, the approved project archaeologist shall provide a follow-up letter to the Planning Department confirming that they were present on the site to monitor all grading and subsurface excavations and the results of the monitoring. If the property owner fails to comply with the full extent of on-site monitoring requirements, the property owner shall be subject to the Archaeological Monitoring Non-compliance Guidelines which includes supplemental archaeological investigation and monetary administrative civil penalties which could delay final inspections and occupancy.
66. The applicant/property owner shall create a commemorative plaque or mural to be placed on the project site prior to issuance of Certificate of Occupancy which acknowledges and expresses respect for the lands upon which the Project is constructed and which acknowledges and expresses respect for the tribal cultural heritage and history of the indigenous peoples who populated the lands of Santa Cruz. The Applicant shall include the Tribal representative or representatives who are signatories to the *Agreement Between the Indian Canyon Mutsun Band of Costanoan Ohlone and the City of Santa Cruz Regarding Project at 831 Water Street (PLN CP 20-0121)* in the design, construction and implementation of the commemorative plaque or mural.

OPERATIONAL CONDITIONS:

67. The project shall maintain emergency vehicle access on the property from the end of Belvedere Terrace to N. Branciforte Ave.
68. The property owner shall be responsible for the on-going maintenance of the building and site in good condition including maintenance of exterior materials, landscaping, sidewalks, street furniture, lighting, open space areas, upper floor balconies free of clutter, appropriate window treatments, and the parking garages.
69. This permit does not allow for the service of alcohol or live entertainment with future commercial uses. Any proposed alcohol or live entertainment uses shall obtain approval of a separate Use Permit and/or entertainment permit.

CONDITIONS OF APPROVAL
For **831 Water Street – CP20-0121**

70. Prior to commercial/business use of a building or site, owners or tenants shall obtain a Zoning Clearance/Occupancy Permit from the City Planning Department and a Business License from the City Finance Department.
71. No outdoor storage, display or sales shall be permitted.
72. The applicant shall make open space features in the project available to Native American peoples, on a reservation-based system, for gathering at a discounted rate no less than two (2) times per year.
73. The property owner and/or project applicant agree(s) as a condition and in consideration of the approval of this development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the City of Santa Cruz or its agents, officials, officers and employees from any claim, action or proceeding against the City or its agents, officials, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner and/or project applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve the property owner and/or project applicant of these obligations under this condition. An agreement to this effect shall be recorded upon demand of the City Attorney or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The City shall promptly notify the property owner and/or project applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. If the City fails to promptly notify the property owner and/or project applicant of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner and/or project applicant shall not thereafter be responsible to defend, indemnify or hold the City harmless.

Rosemary Balsley

From: Susan Cook <susanwilliamscook@sbcglobal.net>
Sent: Monday, December 06, 2021 8:53 AM
To: City Council
Subject: 831 Water Street

Dear City Council,

I am one more voice requesting you to push back against this project - hard! SB 35 has terrible consequences. A modest amount of new housing of all levels is reasonable, but the demand can never be fulfilled, as we are all acutely aware.

Susan Cook

Westside resident

Rosemary Balsley

From: Bonnie Bush
Sent: Thursday, December 09, 2021 9:58 AM
To: City Council
Subject: FW: Advance 831 Water Street

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.

-----Original Message-----

From: Andrew Ow <user@votervoice.net>
Sent: Tuesday, December 7, 2021 3:43 PM
To: Bonnie Bush <bbush@cityofsantacruz.com>
Subject: Advance 831 Water Street

Dear City Clerk Bush,

Dear Mayor Meyers and Members of the Council,

Please direct staff to complete the Senate Bill 35 objective standards consistency review in light of the additional materials provided by the applicant to comply with the City's objective zoning, subdivision, and design standards.

Now more than ever, we need you to reinstate your commitment to pro-affordable housing goals, and to advance this project without further delay in addition to creating a more streamlined approval process for SB35 applications going forward.

This project is a step in the right direction for accelerating the need for affordable, workforce and 'missing-middle' housing production to support enhanced flexible financing structures that enable more mixed-income and integrated communities.

Please, please, please allow this project to proceed. We drastically need more housing and more deed-restricted affordable housing! Thank you for your consideration and service to our wonderful community.

Best,
Andrew

Sincerely,

Andrew Ow
151 Estates Dr
Santa Cruz, CA 95060
andy0080@aol.com

Rosemary Balsley

From: Douglas M. Chesshire <dchesshire@nccrc.org>
Sent: Thursday, December 09, 2021 10:41 AM
To: City Council
Subject: 831 Water St.
Attachments: 831 Water Support Letter 2.pdf

Good morning Bonnie,

As a reminder, Carpenters Local 505 is in full support of Novin Developments 831 Water St. project. Can you please see that the attached support letter makes it to the Mayor and Councilmembers.

Thank you,

Doug Chesshire
Senior Field Representative

Nor Cal Carpenters Union

This message and any attachments may be privileged, confidential or proprietary. If you are not the intended recipient of this email or believe that you have received this correspondence in error, please contact the sender through the information provided above and permanently delete this message.

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

December 9, 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

From: [Valerie Bengal](#)
To: [City Council](#)
Subject: 831 Water Street Project
Date: Thursday, December 09, 2021 2:54:29 PM

Dear City Council,

I am a concerned resident and taxpayer in Santa Cruz. I live near this project site. I am in favor of well-designed and affordable housing which is compatible with the physical, infrastructural, social, and environmental characteristics of our city. I believe that design should serve function and goals.

This current design belongs on flat terrain with a low water table and bedrock closer to the surface. Usually such a building is on a city block with streets surrounding it on all sides. It does not fit this neighborhood and will be very expensive to build. This negates the goals of affordable housing and generating profits for the developer.

The Structural Engineering evaluation was limited to the site and did not adequately address the physical characteristics of the surrounding area.

Any construction would have to **improve** the drainage which is already impaired by the existing buildings, pavement, and retaining wall. The current design would likely worsen drainage.

The structural integrity of the cliff and the subsoil has to be protected.

The shading of the neighborhood north of the development by this very tall structure will cause more harmful effects of water accumulation such as mold and termite infestations, problems with air quality, eventual physical deterioration of homes and harm to health of the residents.

Advantages of a shorter structure with a smaller footprint, better setbacks on all sides, and no underground garage:

Design which is based on the site and the needs of the community, with the goal of best housing at a reasonable cost.

No need for expensive and poorly planned excavations in an unsuitable site.

Less risk of flooding.

Safe egress for emergency vehicles from the Belvedere Terrace cul-de-sac through the easement on the site.

Better traffic control and safety in the neighborhood.

Avoid need for offsite parking in the surrounding area.

Others have written to you regarding other concerns which I share, but will not enumerate here.

This structure sets a terrible precedent for Santa Cruz. A developer can concoct completely inappropriate designs, ram them through the City Planning Department, sell later at a profit (given the real estate appreciation), and leave future owners and the taxpayers to suffer the burdens and consequences.

I add, as a physician specializing in Family and Community Medicine: it is always better to

prevent problems rather than attempt damage control and treatments for illnesses, especially caused by environmental and social factors, infectious agents, intentional violence, and workplace hazards.

Thank you for reading my opinion,

Valerie Bengal MD FAAFP
424 Poplar Avenue
Santa Cruz, CA 95062

Rosemary Balsley

From: Garrett <garrettphilipp@aol.com>
Sent: Thursday, December 09, 2021 8:18 PM
To: City Council
Subject: 12/14/21 Item #25 831 Water Street

12/14/21 Item #25 831 Water Street

Dear Council,

Hay , you call this trashing a neighborhood? Try Queens NY, St Louis, etc. Armatures...



Rosemary Balsley

From: Linda J Carter <calc127@pacbell.net>
Sent: Saturday, December 11, 2021 12:52 PM
To: City Council
Subject: 831

I live 3 houses from the project and even if you have under ground parking the visitors will be parking in front of my house you probably don't care my house has been in my family for 99 years.

Rosemary Balsley

From: Responsible Development <831responsibledevelopment@gmail.com>
Sent: Saturday, December 11, 2021 12:09 PM
To: Donna Meyers; Sonja Brunner; Shebreh Kalantari-Johnson; Justin Cummings; Sandy Brown; Renee Golder; Martine Watkins
Cc: City Council; Bonnie Bush
Subject: Council Item 25 (Dec 14, 2021) - 831 Water St
Attachments: council-letter_12-10-2021.pdf

Mayor Meyers and Members of Council -

Attached please find a letter from citizens deeply concerned about the proposed development at 831 Water Street, and the process being used to streamline that proposal. This letter represents the views of nearly 600 citizens who have “signed on” to oppose this project, as it’s currently proposed. Residents of the adjacent neighborhoods have worked tirelessly for a year now to reach out to and collaborate with the developer, 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

December 10, 2021

Dear Mayor Meyers and Santa Cruz City Council Members,

Thank you again for your attention and commitment as stewards of our town and your continued willingness to listen to your constituents' many serious concerns about the ill-conceived project Novin Development ("Novin") has proposed for 831 Water Street. As we've noted, it's vitally important to get this right and establish an expectation for reasonable, responsible housing development in Santa Cruz.

Our citizens' group, 831 Responsible Development, and the nearly 600 supporters who have signed our petition (see below) believe Santa Cruz absolutely can say yes to responsible developments that will provide affordable housing for our neighbors.

However, many serious problems remain with the 831 Water St. proposal, even as it has evolved. We continue to support our previously submitted comments and are also including the following, as it pertains to the current phase of this process.

State of the application

How can the City Council be asked to approve an application when it's not even clear what's really in that application? Novin has continuously and repeatedly produced partial, conflicting, and error-rich submissions — and made it the City's chore to make sense of them. Many inconsistencies of terminology, pagination, and content remain in the basic plan set, setting aside the applicant's other letters and threats. For example, Novin's latest Density Bonus Statement (dated Nov. 12, 2021) indicates that it plans to build 55 affordable units, while Novin's latest plans (dated Oct 13, 2021) show 71 affordable units. Which is it? What is Novin actually planning to build? What are they asking the City Council to approve?

It should be a simple and non-controversial matter for the applicant to provide a single, coherent, comprehensive, consolidated, and final proposal for the City

and the community to review. We believe the City is well within its rights to expect as much and should reject the current hodge-podge as internally inconsistent.

Density bonus deficiencies

One element of the Council's Oct. 12 denial motion concerned the Density Bonus information required per City code. It was not included anywhere in the proposal. This is still an issue. Santa Cruz has application requirements about location of density bonus units; this application should be denied a density bonus for continuing to omit that information.

The current form of the SB35 application before the City still does not conform to the requirements for a density bonus as set forth by the City. The State Density Bonus Law confirms that the City is the entity to set the "application" requirements.

From the State Density Bonus Law about what local governments (Santa Cruz) need to provide for density bonus applications - 65915(a)(2)(B)

“Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete.”

SCMC 24.16.265(3)

”The affordable housing plan shall include at least the following information: a. Site plan showing total number of units, number and location of affordable units, and **number and location of proposed density bonus units**. [and] 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**.” [emphasis added]

As a consequence of the state of Novin’s application, it’s not apparent where all of the density bonus units are located (these would be all of the units above the

109 units in the base development plan — presumably 31 units [140-109], though that is uncertain). It's also not clear how many units Novin plans to build, since the application only accounts for 55 affordable units, not 71 as depicted in the plan drawings.

Slope variance

As noted in the City's Oct. 14, 2021 letter to the applicant:

“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.” In that same letter, the City stipulates that “The underground garage constitutes a ‘building’ per SCMC 24.22.154 and must comply with slope setbacks.”

We do not believe that it's incumbent upon the City to allow this variance. Rather, the City should refuse to allow a variance, given the profound impacts on public health and safety introduced by having the primary ingress to / egress from the building on a steep street, through a greater than 30% slope, across a protected bike lane, and close to a busy intersection. Instead, the underground parking should be accessed from N. Branciforte Avenue, where these grade conditions don't apply.

The slope regulation has additional public safety implications for such a significant development and earthquake safety. This is due to SB 35 limiting earthquake assessment to a specific State Geologist's map that indicates that Santa Cruz has not yet been assessed for earthquake safety. The slope regulation and general building code remain the only enforceable protections in this regard so we hope to see this regulation upheld.

Segregation of low-income units

Have the low-income units originally segregated in the four-story tower been adequately dispersed throughout the project? It's not clear. The new table seems to show that 11 of the units would be in the market rate building; however, there is no information about the dispersal of the majority of the affordable units — a

requirement set by the City's code and Density Bonus Ordinance. SB 35 specifically states that City ordinances are applicable objective standards.

Many other problems remain

- While clearly Novin's application is anything but complete or even final, it is notable that now that they have (finally) identified the location of at least some of the affordable units, and their targeted affordability levels, NONE of the proposed affordable units currently target very-low income members of our community. As a reminder, the very-low income level is the ONLY RHNA goal that the City of Santa Cruz has yet to meet - that shortfall is the very reason that Novin can even pursue SB35 streamlining. By failing to provide any units at that level Novin (craftily?) leaves the SB35 door wide open in Santa Cruz, allowing Novin and others to continue to aspire to inflict inappropriate projects on our town. Novin should be required to provide at least the 22 inclusionary units at very-low income levels (affordable below 50% of AMI).
- The project's mass, scale, and density externalize health and safety impacts, including shading dozens of homes much of the year, reducing effectiveness of existing rooftop solar, raising groundwater levels, and creating dangerous mold issues.
- The "fire lane" on the building's north side must also serve as access for delivery vehicles, sanitation, and recycling services, etc. We see no changes to the plan that would prevent such delivery vehicles from backing out into North Branciforte Avenue with dangerous consequences to pedestrians, cyclists, and motorists. Staff only notes that "Garbage trucks will back in to pick up refuse...". This requirement must extend to all non-standard vehicles, per City code (24.12.280: "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.").
- Looming over a neighborhood of smaller homes, the project will sacrifice the privacy of young families and retirees living there.

- The probable destruction of Villa de Branciforte and Native American archaeological resources is untenable. The archaeological sensitivity overlay, combined with Staff's submitted document on the project's web page that list laws that protect Tribal/cultural resources, confirm this site has such resources. SB 35 clearly states that sites with known Tribal resources or that damage or destroy historical structures do not qualify for SB 35 streamlining.

Finally, this is still the wrong project to be the first in Santa Cruz to be approved for SB35 fast tracking. It is wrong because even the latest version of the application continues to raise more questions than it answers. It is wrong because it lowers the standard to an unacceptable level for other significant development projects that are likely to come before this city in the next few years.

We sympathize with the City's difficult position in the face of legal threats and applaud the exemplary work of city planning and public works staff. In particular, we appreciate the comprehensive list of Conditions of Approval (COAs) that Staff has included as Exhibit A. If the City Council feels it must overlook the significant shortcomings that continue to exist in this application, we have some additional COAs to suggest — and have included them as an attachment to this letter.

However, given the application's ongoing deficiencies, we believe this proposal is not ready for COAs — and that members of the City Council should once again reject the application as incomplete, internally inconsistent, and for not conforming to all of the objective standards that apply to this proposal.

Sincerely,

831 Responsible Development

Conditions of Approval [COAs] (Suggested by 831 Responsible Development)

Page numbers refer to the City Council packet for the December 14, 2021 meeting.

Subject	Discussion
Participation Agreement	<ul style="list-style-type: none"> This is a modification to existing COA #13(d), page 25.261. This requirement should clearly state that this access must remain in effect for as long as the units are affordable (in perpetuity for 22 units; for 55 years or more for the other 33 units).
Archaeological sub-surface survey	<ul style="list-style-type: none"> This is a modification to existing COA #23, page 25.263. Per Staff recommendation (page 25-73), require an Extended Phase 1 study, including subsurface survey, prior to the preparation of construction documents.
Parking permits	<ul style="list-style-type: none"> This is a modification to existing COA #41, page 25.266. This requirement should clearly state that the Applicant shall pay for these permit-parking programs and that it should be an option for residents of any impacted street.
Noise study	<ul style="list-style-type: none"> This is a modification to existing COA #42, page 25.266. Noise study must account for vehicle noise from Highway 1 that will be reflected off of the building into the adjoining residential neighborhood. Noise study must account for impacts of vehicles' back-up beepers within the development.
Electronic/ Actuated Warning Device / Exit Gate	<ul style="list-style-type: none"> This is a modification to existing COA #50, page 25.267. Warning device(s) must also alert drivers exiting the building regarding oncoming traffic (bicycles and/ or motor vehicles). Ideally, the exit gate will not open unless Water Street is clear of oncoming traffic.
Providing units affordable at very-low-income levels (below 50% AMI)	<ul style="list-style-type: none"> Require that the 22 inclusionary units be provided to families at the very-low-income level (50% AMI).

Subject	Discussion
Exiting north-side parking access driveway	<ul style="list-style-type: none"> • (See SCMC 24.12.280.3.b) – “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.” • Require that vehicles must drive forward out of north-side access driveway.
Groundwater monitoring	<ul style="list-style-type: none"> • Applicant shall install and monitor groundwater wells around the property, in order to gauge the impact of the development on existing groundwater levels. • In the event that groundwater levels are found to be higher than prior to development, applicant shall be responsible for mitigations. • Wells shall be installed immediately, in order to establish baseline data prior to construction. • Data shall be published to the City and residents on a regular and continuous basis (monthly?).
Traffic Study	<ul style="list-style-type: none"> • Traffic study for the site must address both vehicle miles travelled (VMT) and local traffic impacts (level of service). VMT is required by law, but while necessary it’s not sufficient to properly understand the local impacts, and the impacts on “through traffic” (commute, public safety, etc.) and local air quality.
Solar compensation	<ul style="list-style-type: none"> • Developer should both (1) compensate those Belvedere residents who currently have PV solar installed, offsetting the shading impacts that its building will cause, and (2) compensate other affected Belvedere residents for their loss of potential solar generating capacity.

Our Online Petition

The pandemic has made it worrisome for people to sign or collect signatures on a petition — in person. So, out of respect for our fellow city residents, we launched an e-petition on our [831 Responsible Development](#) web site that speaks to our concerns about the project as proposed for 831 Water Street. While people who sign our petition are asked for their full name, full address, and email address, we have — for privacy reasons because it's online — chosen to have our petition display only their first name, the first letter of their last name, and their city of residence. As of December 8, 2021, our online petition had been signed by close to 600 people, almost all of whom are residents of the City of Santa Cruz.

“We the undersigned are in favor of the City of Santa Cruz working with developers to add affordable and attainable housing to our neighborhoods. But we strongly believe that such housing should be responsible, reasonable, and respectful of existing neighborhoods. It is also our belief that the development currently proposed for 831 Water Street satisfies only one of these objectives: It adds housing units. Unfortunately, this proposal would add housing at a scale that is not respectful of the Eastside neighborhoods that would be significantly impacted by its approval. It is also our opinion that the project, as currently proposed, would add housing in a way that is unsafe and environmentally irresponsible. We the undersigned strongly encourage our city representatives — elected officials, appointed officials, and staff — to do everything possible to ensure that this and other similar developments in Santa Cruz add housing AND do so in a way that is respectful of the neighborhoods such proposals impact. Thank you!”

584	Catherine	W	Santa Cruz
583	Dean	H	Santa Cruz
582	Victoria	E	Santa Cruz
581	Barbara	P	Capitola
580	Christopher	B	Santa Cruz
579	Thomas	M	Santa Cruz
578	Franklin	D	Santa Cruz
577	Wendy	R	Santa Cruz
576	Candace	D	Santa Cruz
575	Cheri	L	Santa Cruz
574	Carrie	P	Santa Cruz
573	Chad	F	Watsonville

572	Dale	M	Santa Cruz
571	Eddy	O	Santa Cruz
570	Cheryl	L	Santa Cruz
569	Martin	W	Santa Cruz
568	Barbara	F	Santa Cruz
567	Ellen	F	Santa Cruz
566	Hannah	N	Santa Cruz
565	Donald	S	Santa Cruz
564	Lora	M	Santa Cruz
563	Jack	N	Santa Cruz
562	Jonathan	W	Santa Cruz
561	Mary	W	Santa Cruz
560	Alyssa	B	Capitola
559	Patricia	W	Santa Cruz
558	Robert	W	Santa Cruz
557	Katharina	S	Santa Cruz
556	Alicia	B	Santa Cruz
555	Joshua	C	Santa Cruz
554	Jamie	B	Santa Cruz
553	Connie	B	Santa Cruz
552	Aaron	L	Santa Cruz
551	James	S	Santa Cruz
550	Marguerite	B	Santa Cruz
549	Tim	L	Santa Cruz
548	Bhavani	P	Santa Cruz
547	Neil	B	Santa Cruz
546	Gilad	A	Santa Cruz
545	Alison	C	Santa Cruz
544	Jane	H	Santa Cruz
543	Kathy	R	Santa Cruz
542	Donna	M	Santa Cruz
541	Debra	G	Santa Cruz
540	Donald	W	Santa Cruz
539	Michael	S	Santa Cruz
538	Jamie	A	Santa Cruz

537	Kathy	C	Santa Cruz
536	Douglas	G	Santa Cruz
535	Kimberly	W	Santa Cruz
534	Rob	S	Santa Cruz
533	Sally	J	Santa Cruz
532	Denise	B	Santa Cruz
531	Travis	U	Santa Cruz
530	Joel	M	Santa Cruz
529	Barbara	G	Santa Cruz
528	Mark	G	Santa Cruz
527	Erik	V	Santa Cruz
526	Jane	B	Santa Cruz
525	Sara	H	Santa Cruz
524	Melissa	M	Santa Cruz
523	Savean	B	Santa Cruz
522	Clark	M	Santa Cruz
521	Gail	J	Santa Cruz
520	Kathy	H	Santa Cruz
519	Jasmin	G	Santa Cruz
518	Karen	G	Santa Cruz
517	Dennis	W	Santa Cruz
516	Phyllis	W	Santa Cruz
515	Jack	S	Santa Cruz
514	Jeff	S	Santa Cruz
513	Lily Ana	S	Santa Cruz
512	Andrea	R	Santa Cruz
511	Saundra Lee	T	Santa Cruz
510	Greg	M	Santa Cruz
509	Peter	W	Santa Cruz
508	Sheila	C	Santa Cruz
507	Mary	M	Santa Cruz
506	Jono	S	Santa Cruz
505	Cade	V	Santa Cruz
504	Debbie	G	Santa Cruz
503	Sandra	S	Aptos

502	Bob	G	Santa Cruz
501	Charles	H	Santa Cruz
500	Mike	R	Santa Cruz
499	Sun	H	Santa Cruz
498	Wayne	B	Santa Cruz
497	Mary	D	Santa Cruz
496	Desiree	D	Santa Cruz
495	Mary	A	Santa Cruz
494	Virginia	V	Santa Cruz
493	Connie	S	Santa Cruz
492	James	S	Santa Cruz
491	Jeff	B	Santa Cruz
490	Nikaela	M	Santa Cruz
489	Bill	K	Santa Cruz
488	Sunnie	K	Santa Cruz
487	Donna	M	Santa Cruz
486	Jackie	Y	Santa Cruz
485	Ed	T	Santa Cruz
484	Richard	B	Aptos
483	Fred	E	Santa Cruz
482	Anne	M	Santa Cruz
481	Andre	T	Santa Cruz
480	Karen	S	Santa Cruz
479	Georgina	A	Santa Cruz
478	Craig	R	Santa Cruz
477	Theresa	P	Santa Cruz
476	Kathleen	M	Santa Cruz
475	Lauri	H	Santa Cruz
474	Rhyannan	L	Santa Cruz
473	Kelly	C	Santa Cruz
472	Breta	H	Santa Cruz
471	Peter	J	Santa Cruz
470	Linnaea	H	Santa Cruz
469	Shelley	C	Santa Cruz
468	Dan	B	Santa Cruz

467	Jerilyn	M	Santa Cruz
466	Erik	D	Santa Cruz
465	Adele	K	Santa Cruz
464	Thomas	K	Santa Cruz
463	John	B	Santa Cruz
462	Bruce	B	Santa Cruz
461	Matthew	D	Aptos
460	Laura	F	Santa Cruz
459	Nathan	S	Santa Cruz
458	Rick	G	Santa Cruz
457	Greg	B	Santa Cruz
456	Shirley	H	Santa Cruz
455	Leslie	M	Santa Cruz
454	Bruce	K	Santa Cruz
453	Mary	M	Scotts Valley
452	David	H	Santa Cruz
451	Peggy	H	Santa Cruz
450	Charles	S	Santa Cruz
449	Flo	Q	Santa Cruz
448	Kenneth	K	Santa Cruz
447	Patricia	B	Santa Cruz
446	Caroline	G	Santa Cruz
445	Selina	W	Santa Cruz
444	Gina	C	Watsonville
443	Vern	S	Santa Cruz
442	David	W	Santa Cruz
441	Fiona	S	Santa Cruz
440	Kendall	F	Santa Cruz
439	Don	C	Santa Cruz
438	Katherine	B	Scotts Valley
437	Constance	G	Santa Cruz
436	Hank	M	Santa Cruz
435	Renee	C	Santa Cruz
434	Anthony	H	Santa Cruz
433	Trician	C	Santa Cruz

432	Marian Kitty	D	Santa Cruz
431	Maria	S	Santa Cruz
430	Larry	M	Santa Cruz
429	Connie	M	Santa Cruz
428	Myra	R	Santa Cruz
427	Chris	W	Santa Cruz
426	Grrrant	W	Santa Cruz
425	Shelly	D	Santa Cruz
424	Jim	R	Santa Cruz
423	Julia	P	Santa Cruz
422	Nicholas	D	Santa Cruz
421	Morgan	D	Santa Cruz
420	Emma	A	Santa Cruz
419	Benjamin	D	Santa Cruz
418	Erin	H	Santa Cruz
417	Mary	C	Santa Cruz
416	Randall	J	Santa Cruz
415	Elly	K	Santa Cruz
414	Lisa	M	Santa Cruz
413	Margaret	W	Santa Cruz
412	Kevin	S	Santa Cruz
411	Kate	A	Santa Cruz
410	Danny	J	Santa Cruz
409	Deborah	M	Santa Cruz
408	Lynn	W	Santa Cruz
407	Mary	H	Santa Cruz
406	Katherine	T	Santa Cruz
405	James	TI	Santa Cruz
404	Megan	H	Santa Cruz
403	Tracy	T	Santa Cruz
402	Zane	B	Santa Cruz
401	Linda	A	Santa Cruz
400	Eric	C	Santa Cruz
399	Bonnie	W	Santa Cruz
398	Kathryn	H	Santa Cruz

397	Brooke	E	Santa Cruz
396	Ibukun	B	Santa Cruz
395	Meryl	L	Santa Cruz
394	Leslie	G	Santa Cruz
393	Michael	B	Santa Cruz
392	Kelley	S	Santa Cruz
391	Jon	T	Santa Cruz
390	Lorraine	Z	Santa Cruz
389	Sally	A	Santa Cruz
388	Mark	J	Santa Cruz
387	Pamela	J	Santa Cruz
386	Pat	S	Santa Cruz
385	Maria	Z	Santa Cruz
384	Susan	B	Santa Cruz
383	Linda	H	Santa Cruz
382	Denise	P	Santa Cruz
381	Vita	H	Santa Cruz
380	Nevin	L	Santa Cruz
379	Marlene	F	Santa Cruz
378	Ted	F	Santa Cruz
377	Ethan	S	Santa Cruz
376	Maddie	S	Santa Cruz
375	Dalton	B	Santa Cruz
374	Ryan	M	Santa Cruz
373	Bruce	L	Santa Cruz
372	Aislyn	W	Santa Cruz
371	David	W	Santa Cruz
370	Lynn	H	Santa Cruz
369	Kathleen	C	Santa Cruz
368	Ken	S	Santa Cruz
367	Donna	G	Santa Cruz
366	Julia	P	Santa Cruz
365	Nadine	G	Santa Cruz
364	Shari	J	Santa Cruz
363	Kathleen	A	Santa Cruz

362	Karen	M	Santa Cruz
361	Carol	S	Santa Cruz
360	Tom	G	Santa Cruz
359	Jean	B	Santa Cruz
358	Eva	B	Santa Cruz
357	Ellen	M	Santa Cruz
356	Anne	M	Santa Cruz
355	Christopher	C	Santa Cruz
354	Sean	S	Scotts Valley
353	Daniel	L	Santa Cruz
352	Sally	L	Santa Cruz
351	Laina	R	Santa Cruz
350	Nick	A	Santa Cruz
349	Victoria	V	Santa Cruz,
348	Marc	D	Santa Cruz
347	Larry	E	Santa Cruz
346	Linda	C	Santa Cruz
345	Noreen	H	Santa Cruz
344	James	G	Santa Cruz
343	Marcus	A	Santa Cruz
342	Mark	M	Santa Cruz
341	Thomas	M	Santa Cruz
340	Victoria	B	Santa Cruz
339	Todd	K	Santa Cruz
338	Louanne	K	Santa Cruz
337	William	M	Santa Cruz
336	Dena	B	Santa Cruz
335	Theresa	M	Santa Cruz
334	Chris	M	Santa Cruz
333	Alex	C	Santa Cruz
332	Kate	C	Santa Cruz
331	Robert	C	Santa Cruz
330	Tera	M	Santa Cruz
329	Christy	M	Santa Cruz
328	Victoria	C	Santa Cruz

327	John	H	Santa Cruz
326	Barbara	H	Santa Cruz
325	Martha	K	Santa Cruz
324	Royce	F	Santa Cruz
323	Jennifer	D	Santa Cruz
322	Susan	K	Santa Cruz
321	Vicki	M	Santa Cruz
320	Valerie	B	Santa Cruz
319	Jackie	M	Santa Cruz
318	Dale	B	Santa Cruz
317	Bruce	T	Santa Cruz
316	Heather	B	Santa Cruz
315	Sean	D	Santa Cruz
314	edward	b	Santa Cruz
313	Geordie	H	Santa Cruz
312	Evan	W	Santa Cruz
311	Shelley	C	Santa Cruz
310	Jason	W	Santa Cruz
309	Ashley	C	Santa Cruz
308	Beverley	P	Santa Cruz
307	Trician	C	Santa Cruz
306	Ellen	A	Santa Cruz
305	Antoinette	C	Santa Cruz
304	Trevor	L	Santa Cruz
303	Susan	P	Santa Cruz
302	Marchina	B	Santa Cruz
301	Michael	S	Santa Cruz
300	Diana	S	Santa Cruz
299	Rose	C	Santa Cruz
298	Steve	R	Watsonville
297	Terilynn	D	Santa Cruz
296	Ed	J	Santa Cruz
295	Lauri	D	Santa Cruz
294	Catherine	M	Santa Cruz
293	Barney	L	Santa Cruz

292	Isabelle	S	Santa Cruz
291	Patricia	F	Santa Cruz
290	Joan	T	Santa Cruz
289	Steven	S	Santa Cruz
288	Olivia	S	Santa Cruz
287	Jason	B	Santa Cruz
286	Lisa	B	Santa Cruz
285	Diana	C	Santa Cruz
284	Michele	P	Santa Cruz
283	Elizabeth	L	Santa Cruz
282	Sarah	K	Santa Cruz
281	Jane	M	Santa Cruz
280	Jacqueline	W	Santa Cruz
279	Debbie	R	Santa Cruz
278	Tom	L	Santa Cruz
277	Carol	R	Santa Cruz
276	Ronald	W	Santa Cruz
275	Phil	K	Santa Cruz
274	Lori	C	Aptos
273	Alison	R	Santa Cruz
272	Mary	O	Santa Cruz
271	Marianne	F	Santa Cruz
270	Phil	R	Aptos
269	Darci	H	Santa Cruz
268	Sharon	P	Santa Cruz
267	Sue	W	Santa Cruz
266	Erica	S	Santa Cruz
265	Dennis	H	Santa Cruz
264	Martina	O	Santa Cruz
263	Esmer	K	Santa Cruz
262	Juanita	U	Santa Cruz
261	Michelle	B	Santa Cruz
260	Dennis	P	Santa Cruz
259	Margaret	M	Soquel
258	Margaret	L	Soquel

257	Susan	D	Santa Cruz
256	Kathryn	C	Santa Cruz
255	Jon	L	Santa Cruz
254	Ralph & Maggie	C	Santa Cruz
253	Philip	V	Santa Cruz
252	Tara	F	Santa Cruz
251	Sheri	M	Santa Cruz
250	Janie	D	Santa Cruz
249	NIta	H	Santa Cruz
248	Ted	M	Santa Cruz
247	Maren	H	Santa Cruz
246	Julie	W	Santa Cruz
245	Jill	T	Santa Cruz
244	David	W	Santa Cruz
243	Lexi	B	Soquel
242	Caroline	G	Santa Cruz
241	Ken	G	Santa Cruz
240	Fiona	F	Aptos
239	Erin	W	Santa Cruz
238	April	R	Santa Cruz
237	Katharina	S	Santa Cruz
236	Aukjen	H	Santa Cruz
235	Erik	H	Santa Cruz
234	Woutje	S	Santa Cruz
233	Karen	P	Santa Cruz
232	Sarah	H	Santa Cruz
231	Sophie	S	Santa Cruz
230	Natasha	F	Santa Cruz
229	Jonathan	F	Santa Cruz
228	Margaret	W	Capitola
227	Jim	C	Santa Cruz
226	Doug	S	Santa Cruz
225	Storey	L	Santa Cruz
224	O	P	Santa Cruz
223	Alan	H	Santa Cruz

222	George	B	Santa Cruz
221	Bruce	D	Santa Cruz
220	Lorraine	B	Santa Cruz
219	Deborah	G	Santa Cruz
218	Ingrid	H	Santa Cruz
217	Debra	F	Santa Cruz
216	Whitney	F	Santa Cruz
215	Bob	R	Santa Cruz
214	Bernadette	R	Santa Cruz
213	Carolyn	F	Santa Cruz
212	Victoria T	W	Santa Cruz
211	Joanne	B	Santa Cruz
210	Aven	S	Santa Cruz
209	Jeremy	D	Santa Cruz
208	Kathleen	W	Santa Cruz
207	Jill	E	Santa Cruz
206	Laura	G	Santa Cruz
205	Danielle	L	Santa Cruz
204	Chris	M	Santa Cruz
203	Michael	S	Santa Cruz
202	Heather	M	Santa Cruz
201	Amy	L	Santa Cruz
200	Candace	M	Santa Cruz
199	Ken	B	Santa Cruz
198	Glenn	S	Santa Cruz
197	Thomas	V	Aptos
196	Evelyn	B	Soquel
195	Jack	B	Santa Cruz
194	Nancy	D	Santa Cruz
193	Tani	P	Santa Cruz
192	Bruce	L	Santa Cruz
191	Nichols	R	Santa Cruz
190	Catalina	R	Santa Cruz
189	Ronald	G	Santa Cruz
188	Shane	D	Santa Cruz

187	Tony	G	Santa Cruz
186	Stacey	G	Santa Cruz
185	Heather	G	Folsom
184	Charlie	K	Santa Cruz
183	Jason	C	Santa Cruz
182	Varvara	P	Santa Cruz
181	Nancy	E	Santa Cruz
180	David	S	Scotts Valley
179	Chi	C	Santa Cruz
178	Angie	C	Santa Cruz
177	Beth	O	Santa Cruz
176	Lezlie	W	Santa Cruz
175	Britnee	E	Santa Cruz
174	Martha	B	Santa Cruz
173	Laurie	L	Santa Cruz
172	Cindy	M	Santa Cruz
171	Jenny	E	Santa Cruz
170	Brian	M	Davenport
169	Mary	M	Santa Cruz
168	Jennifer	M	Davenport
167	Cecil	C	Santa Cruz,
166	Marilyn	K	Santa Cruz
165	Robert and Kathleen	M	Santa Cruz
164	Susie	T	San Francisco
163	Francine	T	Santa Cruz
162	Leonard	A	Santa Cruz
161	Clare	C	Santa Cruz
160	Rossana	B	Soquel
159	Steve	L	Santa Cruz
158	DOUG	L	Ben Lomond
157	Shari	W	Santa Cruz
156	Robin	A	Santa Cruz
155	Gary	H	Santa Cruz
154	Howard	K	Santa Cruz
153	Nancy	K	Santa Cruz

152	Deanna	N	Santa Cruz
151	Lynda	W	Santa Cruz
150	Bonnie	C	Santa Cruz
149	Scott	B	Santa Cruz
148	Eloise	N	Santa Cruz
147	Abbey	W	Santa Cruz
146	Dean	Y	Santa Cruz
145	Leela	K	Santa Cruz
144	Marlene	P	Santa Cruz
143	Linda	M	Santa Cruz
142	Connie	W	Santa Cruz
141	Helen	N	Santa Cruz
140	Mayra	C	Santa Cruz
139	Mary Lou	H	Santa Cruz
138	Joyce	B	Scotts Valley
137	Dolores	S	Santa Cruz
136	Michael	F	Santa Cruz
135	Gabrielle	L	Santa Cruz
134	Mark	A	Santa Cruz
133	Bob	S	Santa Cruz
132	Colleen	H	Santa Cruz
131	Eric	H	Santa Cruz
130	Jill	J	Santa Cruz
129	Kendra	K	Felton
128	Tracy	A	Capitola
127	Gordon	L	Santa Cruz
126	Linda	L	Santa Cruz
125	Kate	H	Santa Cruz
124	Nereida	R	Santa Cruz
123	Jack	H	Santa Cruz
122	Gary	R	Santa Cruz
121	LeighAnn	W	Santa Cruz
120	Amy	T	Santa Cruz
119	David	W	Santa Cruz
118	Iris	W	Santa Cruz

117	John	H	Santa Cruz
116	Anna	A	Santa Cruz
115	John	H	Santa Cruz
114	Rosa	R	Santa Cruz
113	Bliss	R	Santa Cruz
112	Gerda	E	Santa Cruz
111	Amanda	P	Santa Cruz
110	Susan	M	Santa Cruz
109	Anika	T	Santa Cruz
108	Rebecca	H	Santa Cruz
107	Ned	C	Santa Cruz
106	Gary	P	Santa Cruz
105	Arthur	K	Santa Cruz
104	Ann	M	Santa Cruz
103	Rachel	K	Santa Cruz
102	Suzanne	N	Santa Cruz
101	Brad	B	Santa Cruz
100	B	W	Santa Cruz
99	Robert	A	Santa Cruz
98	Leslie	M	Santa Cruz
97	Stanley D	S	Santa Cruz
96	Susan	V	Santa Cruz
95	Caitlin	D	Santa Cruz
94	Kim	M	Santa Cruz
93	Linda	F	Aptos
92	Terrie	K	Santa Cruz
91	M	M	Santa Cruz
90	Colette	H	Santa Cruz
89	Veronica	U	Santa Cruz
88	David	C	Aptos
87	Andree	L	Santa Cruz
86	Kristin	S	Santa Cruz
85	Katrin	T	Santa Cruz
84	Richard	P	Santa Cruz
83	Bob	J	Santa Cruz

82	Ann	H	Santa Cruz
81	Susan	N	Santa Cruz
80	Ken	M	Santa Cruz
79	Chris	D	Santa Cruz
78	Cory	C	Santa Cruz
77	Jeannine	G	Santa Cruz
76	Lysa	T	Santa Cruz
75	Roe	S	Santa Cruz
74	Susan	M	Santa Cruz
73	Richard	B	Santa Cruz
72	Marilyn	P	Santa Cruz
71	Grant	C	Santa Cruz
70	S Catherine	C	Santa Cruz
69	Stephen	F	Santa Cruz
68	Lisa	P	Santa Cruz
67	Robert	O	Santa Cruz
66	Jude	T	Santa Cruz
65	Ellen	F	Santa Cruz
64	Lorraine	E	Santa Cruz
63	Rebecca	J	Santa Cruz
62	Susan	D	Santa Cruz
61	Jesse	S	Soquel
60	Josh	R	Santa Cruz
59	Rachel	M	Santa Cruz
58	Karen	C	Santa Cruz
57	Ellen	M	Santa Cruz
56	Lira	F	Santa Cruz
55	Kim	S	Santa Cruz
54	Tamara	A	Santa Cruz
53	Ayata	A	Santa Cruz
52	Isabel	G	Santa Cruz
51	Susan	S	Santa Cruz
50	Tara	M	Santa Cruz
49	Kirby	h	Watsonville
48	S H	B	Santa Cruz

47	Ellen	S	Santa Cruz
46	Marianne	M	Santa Cruz
45	Nancy	N	Santa Cruz
44	Rex	S	Santa Cruz
43	Desiree	D	Santa Cruz
42	peter	B	Corralitos
41	Charles	P	Santa Cruz
40	Patricia	M	Santa Cruz
39	Virginia	M	Santa Cruz
38	John	A	Santa Cruz
37	Gina	H	Santa Cruz
36	Rebecca	G	Santa Cruz
35	Angela	L	Santa Cruz
34	Nancy	D	Santa Cruz
33	Alexander	G	Santa Cruz
32	Marcus	S	Santa Cruz
31	Robert	I	Santa Cruz
30	Ned	S	Santa Cruz
29	Simon	G	Santa Cruz
28	Alison	B	Santa Cruz
27	Tom	L	Santa Cruz
26	Curt	C	Santa Cruz
25	Mark	B	Santa Cruz
24	Dennis	A	Santa Cruz
23	Erica	T	Santa Cruz
22	Malcolm	T	Santa Cruz
21	Sue	T	Santa Cruz
20	Nate	J	Santa Cruz
19	Andrew	J	Santa Cruz
18	Jim	B	Santa Cruz
17	Phil	E	Santa Cruz
16	Amber	E	Santa Cruz
15	Joan	M	Santa Cruz
14	Loke	L	Santa Cruz
13	Janice	L	Santa Cruz

12	Guy	L	Santa Cruz
11	Robin	E	Santa Cruz
10	Doug	E	Santa Cruz
9	Cathy	P	Santa Cruz
8	Brooke	M	Santa Cruz
7	Rosa	M	Santa Cruz
6	Sarah	S	Santa Cruz
5	Nancy	B	Santa Cruz
4	Carol	L	Santa Cruz
3	Michael	Y	Santa Cruz
2	David	L	Santa Cruz
1	Emily	M	Santa Cruz

Rosemary Balsley

From: Norene Huber <jnhuber6@gmail.com>
Sent: Saturday, December 11, 2021 1:19 PM
To: City Council
Subject: 831 Water St. Development

Given the Novin development application's ongoing deficiencies and errors, members of the City Council should once again reject this application as incomplete, internally inconsistent, and not conforming to all of the objective standards that apply to this proposal.

Since this is the first development to be considered under SB35, it is critical that the development meet all criteria, as it will set a precedent for all future applications.

Sincerely,

JN Huber

Rosemary Balsley

From: Rossana Bruni <rossanabruni@yahoo.com>
Sent: Saturday, December 11, 2021 1:34 PM
To: City Council
Subject: Water St Proposal

Hello,
I am a member of the 831Responsible Development group. I strongly support the points in their latest letter to the council.
thank you,
Rossana Bruni
206 Alta Vista Dr
Santa Cruz

Rossana Bruni
rossanabruni@yahoo.com
831-227-5846 cell

Rosemary Balsley

From: Michael Urban <urban47@ucsc.edu>
Sent: Saturday, December 11, 2021 1:34 PM
To: City Council
Subject: 831 plan

Dear City Council Members,

We write to express our apprehension at the proposed 831 project. Aside from incompatibility with the surrounding neighborhood, the project is far too ambitious for the location, and the addition of so many units is guaranteed to create a traffic and parking nightmare. If you must approve more housing on the site, please do so in a reasonable fashion, protecting our community.

Thank you for your consideration,

Michael and Veronica Urban

Rosemary Balsley

From: Sharon Parker <urielus1@gmail.com>
Sent: Saturday, December 11, 2021 2:36 PM
To: City Council
Subject: Community Feedback - Proposed 831 Water Street Project

Dear Council Members:

I will be working and, thus, will not be present (virtually) at the upcoming Council meeting on 12/. I do, however, wish to submit my comments to you (individually and collectively), and respectfully request that you consider them.

Mr. Novin continues to make many changes to his application, which makes a review of a current version of the application for the proposed development an almost impossible task. However, given the tight deadline for commenting, the neighbors group has continued to wade through the application's many layers. We have recently sent our own letter to the Council, continuing to urge Council members to once again reject an application that has been (and remains) incomplete.

The aspects of the proposed development of greatest concern to me are the impacts of traffic (including parking) on our streets and the Branciforte community, as well as the direct effects on the neighbors who would then dwell in the shadow of the proposed buildings. Additionally, as you are well aware, we are currently experiencing a severe drought. There is, of course, no way of predicting whether or not the drought will persist ... and for how long. I take measures to minimize my water usage, such as fewer and shorter showers, fewer loads of laundry, using harvested rainwater to augment city water for irrigation. Adding what will likely be hundreds of people to Santa Cruz does not seem to be prudent at this time.

I would like to emphasize that I am NOT "anti-development". However, I do have issues with such a massive development, which would loom over the neighborhood and impact us environmentally. Other developments in the City seem to "fit" better than the one proposed for 831 Water St. I remain very supportive of affordable housing — and very supportive of locating it on this very site (three stories, rather than four or five, perhaps?). But I cannot support this proposal.

Sincerely,
Sharon Parker
930 North Branciforte Avenue

Rosemary Balsley

From: Gary <garyhughes@earthlink.net>
Sent: Saturday, December 11, 2021 2:59 PM
To: City Council

Hi,

I think that the "831" project is a really bad idea for the following reasons:

1. We are in a bad enough water shortage that I am receiving messages to save water. This building alone will consume a great deal of water.
2. The building will not remedy any housing shortages in Santa Cruz. The small number of low-income units are priced beyond the budget of people with low-paying jobs. It is likely that the majority of the units will be occupied by incoming population, not local population.
3. The neighborhood itself is worth saving. This historical neighborhood will suffer greatly from overcrowding and dangerous traffic conditions.
4. The transit issues are not adequately resolved as required by State law.

regards,
Gary Hughes

Rosemary Balsley

From: James Griffin <jimmerg@pacbell.net>
Sent: Saturday, December 11, 2021 3:43 PM
To: City Council
Subject: 831 Water Street Development

Dear Council Member,

Please do not allow the 5 story housing project to be developed on the corner of Water St. and Branciforte Ave. Such a structure would block sunlight to the homes on Belvedere Terrace. It would also negatively impact automobile congestion on both Water St. and Branciforte Ave. which is already intolerable. The Branciforte area is characterized by one and two story residences and businesses; this project is not in keeping with the character of Eastside Santa Cruz.

Thank you for your No vote.

Jim Griffin
126 Minnie Street
831-425-1663

Rosemary Balsley

From: Amanda P <amandapfeff@gmail.com>
Sent: Saturday, December 11, 2021 3:57 PM
To: City Council; Donna Meyers; Justin Cummings; Martine Watkins; Renee Golder; Sandy Brown; Sonja Brunner; Shebreh Kalantari-Johnson
Subject: 831 Water

Dear Mayor Meyers and members of the Santa Cruz City Council,

Please do not allow plans to move forward in the proposed development at 831 Water street. This 4-5 story structure would be towering over and completely shading the one story homes just feet away. It would also create congestion and huge transportation issues in an already busy location. Santa Cruz does not need anymore overpriced, luxury units that lack parking. We need projects that fit in the neighborhood and provide housing solely for residents with very low income.

Please reject the current proposal at 831 Water.

Thank you.

Rosemary Balsley

From: s parker <sparker740@yahoo.com>
Sent: Saturday, December 11, 2021 4:10 PM
To: City Council
Subject: 831 Water Street

As a resident of Santa Cruz for almost 35 years, I am in opposition to the proposed 831 Water Street project. Not only does it not fit into the neighborhood due to its massive size, there remain many unanswered questions from the proposal. Do you really trust a business to build a structure in our city when it does an inadequate job with its application? This permit should be denied!

Sincerely,
Susan Parker
123 4th Ave
SC

Sent from my iPhone

Rosemary Balsley

From: mischief38@aol.com
Sent: Saturday, December 11, 2021 7:06 PM
To: City Council
Subject: 831 Project

PLEASE LISTEN to the concerns of the 831 Responsible Development Group!!!!

We need development that takes into concern the people living in the area and our specific needs. PLEASE LISTEN to US!!!

I pass through the intersection of Water and Branciforte often several times a day. Having a large development with poor access to the streets and inadequate parking would be a real disaster. PLEASE LISTEN to US!!!!

Thank you,
Diana Slavin
317 Pacheco Ave.
Santa Cruz, 95062

Rosemary Balsley

From: Bonnie Bush
Sent: Saturday, December 11, 2021 8:04 PM
To: City Council
Subject: Fwd: I Support 831 Water Street

Bonnie Bush, CMC
City Clerk
831-420-5035

Begin forwarded message:

From: jamileh cannon <jamileh113@gmail.com>
Date: December 11, 2021 at 7:54:38 PM PST
To: Bonnie Bush <bbush@cityofsantacruz.com>
Subject: I Support 831 Water Street

Dear City Clerk Bush,

Dear Mayor Meyers and Members of the Council,

Please direct staff to complete the Senate Bill 35 objective standards consistency review in light of the additional materials provided by the applicant to comply with the City's objective zoning, subdivision, and design standards.

I ask that you advance this project without further delay in addition to creating a more streamlined approval process for SB35 applications going forward. This project is a step in the right direction for accelerating the need for affordable, workforce and 'missing-middle' housing production to support enhanced flexible financing structures that enable more mixed-income and integrated communities.

Thank you for your time and leadership,

Sincerely,

jamileh cannon
1270 Capitola Rd
Santa Cruz, CA 95062
jamileh113@gmail.com

Rosemary Balsley

From: CATHERINE MOONEY <catherine_mooney@comcast.net>
Sent: Saturday, December 11, 2021 8:49 PM
To: City Council
Subject: 831 Water St

I am writing once again to express my objection to this project. It's very disappointing that you would cave to the developer's attempts to push it through after you had previously done the right thing and disapproved it. Please do the responsible thing for the citizens of the neighborhood and do not approve the project.

Thank you,
Catherine Mooney

Rosemary Balsley

From: Robert Corrigan <corriganr@gmail.com>
Sent: Sunday, December 12, 2021 8:05 AM
To: City Council
Subject: Re. 831 Water Street

City Council,

I strongly oppose the construction of the buildings proposed for 831 Water Street in their present form.

My first concern is with the height and scale of the buildings. While five story structures may fit the scale of downtown Santa Cruz, buildings of this size are ludicrous immediately adjacent to a neighborhood of one and two-story single-family homes.

A second concern is with the very limited number of parking spaces being proposed. Yes, there will be a bus stop immediately adjacent to the buildings, and yes, downtown is within walking distance, but you realize as well as I that everybody who lives in those buildings is going to have an automobile — and if multiple adults are living in a unit then they will all have cars. There is already very limited unused parking available on residential streets in the neighborhood. Several hundred additional vehicles will have a very adverse effect on the quality of life of everyone in the area, including those living at 831.

A third concern is with the location of the entry/exit point of the limited garage that is proposed. It is well downhill from the intersection of Water Street And N. Branciforte Avenue. Cars and bicycles are going fast at that point. It's simply too dangerous to have vehicles entering and exiting the parking area at that point.

Thank you for the previous action you took to disapprove 831 as proposed. I hope that at this next council meeting you maintain this position.

Thank you,
Robert Corrigan
Santa Cruz

Rosemary Balsley

From: Julia Pinsky <juliapinsky@me.com>
Sent: Sunday, December 12, 2021 8:26 AM
To: City Council
Subject: 831 Water St

Hello City Council!

I'll keep this short: I live at 950 N. Branciforte Ave and I want a developer to build affordable housing at 831 Water. I want happy people to be my neighbors and to sense we're all in community together. I'm predicting that the small hotel-like rooms in the current plan will be temporary housing, will be isolating, and will likely create a sense of "othering" — I'll be the neighbor with the 3br house down the block while the person living in 300sf, though likely grateful for a place to live, might feel less-than and therefore less likely to connect in a neighborly way.

If the units were bigger, 2-3 br for families or folks with roommates, I believe community building over time will be much easier.

As far as mass, of course I'd like something less massive than proposed. I really like Novin's updated design—the architect thoughtfully responded to community input. The one area that hasn't had much discussion is the bus stop situation. Has Metro given any input? My husband is a bus driver and says that stop is already problematic without a pull-out area and I don't see this accounted for in the updated design. That and other traffic issues concern me.

I know you have many considerations to account for with this project and I thank you for all your due diligence in getting this decision right for our neighborhood and ultimately for the future of housing in Santa Cruz. Please keep social and emotional factors in mind for everyone living in and around our new housing developments. Thank you.

Julia Hamblin Pinsky

Rosemary Balsley

From: Donna <donnagallagher@sbcglobal.net>
Sent: Sunday, December 12, 2021 11:11 AM
To: City Council
Subject: 831

Was so impressed you were able to stand for civility and prioritize the importance for the people of Santa Cruz.

Yes we need housing, and of course the investors need to make their due.

Please find a way not to overpower our quiet small neighborhoods, Not discriminate against the low income.

And keep Santa Cruz Beautiful.

Thank You

Donna

Sent from my iPhone

Rosemary Balsley

From: Nancy Maynard <mtnmom3@gmail.com>
Sent: Sunday, December 12, 2021 11:04 AM
To: City Council
Subject: Water St project is not thought through

The entrance/exit for the underground parking garage would be located on a hill with a protected bike lane and wide sidewalk that allows safe travel for bicyclists and pedestrians making their way through this neighborhood. Our understanding is that the proposed parking garage would generate approximately 140 vehicles entering and exiting at this location. This poses safety issues for motorists, pedestrians, and bicyclists with a potential for increased conflicts as drivers turn into and exit the garage. Bicycle and motor vehicle speeds traveling downhill on Water Street can reach 30-40 MPH and slow to a stop at these speeds will be difficult. We fear there may be increased crashes at this location that reverse the increased safety of the active transportation infrastructure previously installed."

Nancy Maynard

Rosemary Balsley

From: Brooke Matteson <bmatteson@me.com>
Sent: Sunday, December 12, 2021 11:26 AM
To: Donna Meyers; Sonja Brunner; Shebreh Kalantari-Johnson; Justin Cummings; Sandy Brown; Renee Golder; Martine Watkins; City Council; Bonnie Bush
Subject: Subject: Council Item 25 (Dec 14, 2021) - 831 Water St

Dear Mayor Meyers and members of our City Council,

I am 100% in favor of more housing in Santa Cruz (especially low income housing).
I am not from out of town, I live quite near the proposed development at 831 Water Street.

For months and months the surrounding neighborhood has expressed grave concerns about this project but not once have I heard anyone come out against more affordable housing. We are in favor of housing AT 831 WATER STREET.

We have made numerous attempts to work with Mr. Novin, express our concerns, share ideas and try to achieve a happy compromise. To no avail.

Good faith does not seem to come natural to this developer yet his proposal asks for variance after variance, special exemption after special exemption.

I can't understand why the City feels so compelled to bend over backwards to help him make his "nut" at the serious risk of public health and safety.

This proposal is deficient on many fronts:

- 1) parking requirements
- 2) height restrictions
- 3) density restrictions
- 4) geologic stability
- 5) it still appears to segregate affordable units

The public safety issues are even more disturbing:

- 1) parking entrance on a steep hill with limited (and non-conforming) sight lines, across a cross-town bike lane,
- 2) delivery and service trucks needing to BACK up onto Branciforte blindly
- 3) height variance creating shade and mold issues
- 4) drainage complications will exacerbate existing water and runoff issues
- 5) emergency vehicle access
- 6) severe traffic congestion near an already heavy traffic intersection

The application itself is incomplete and a hodge podge of inconsistencies, changes, corrections and omissions.
How can the city possibly have a clear picture to grant approval?

Mr. Novins last minute changes (especially in the middle of the last meeting) have certainly not been in good faith and have cost tax payer funded city work to be squandered.

I understand the pressure you feel with the threats of litigation however, this developer doesn't seem to treat you, the City Council and Staff with respect or good faith either. Not only does Novin threaten to sue, he continues to gum up the process with incomplete, contradictory, deceptive and vague applications, all the while asking for exceptions, variances and waivers.

I support you and the Council and the City to stand up to the "bully" in this situation.

I support you to push back on a sloppy application with inconsistent adherence... one that does not conform to several applicable Objective Standards.

I support you to do the hard things, the right things in this first implementation of new state laws.

I support you in protecting the rights, health and safety of your constituents.

This proposed development would lower the standards to an unacceptable level for future development and is not ready for "conditions of approval".

What ever you allow to be built here will be with us (and you) for a long time.

Thank you for your consideration,

Brooke Matteson

Rosemary Balsley

From: Steve Lawton <steve@otterbbooks.com>
Sent: Sunday, December 12, 2021 12:24 PM
To: City Council
Subject: 831 Water Street

City Counselors -

Nonsense, obfuscation, insult: where big money is involved there is no limit to the greed that the greedy will display.

Their proposals and modifications do not move their project any closer to reasonable and livable in any sense of the words. Please stop this ridiculous project, so our community is no longer threatened with outlandish density.

Steve Lawton

Rosemary Balsley

From: kate@calcentral.com
Sent: Sunday, December 12, 2021 12:32 PM
To: City Council
Subject: Novin Proposed Development Project

Dear Santa Cruz City Council Members:

I encourage you to again reject the Novin Development Project proposed for 831 Water Street and point to the December 10, 2021, letter sent to you by the 831 for Responsible Development Citizens Group as arguments supporting my reasons why—again—the Novin Development Project should be rejected.

Novin has not done the work, they should not get a pass.

Please do the right thing for all Santa Cruz citizens.

Kind regards,

Kate Cunningham

425 Linden Street

Rosemary Balsley

From: Gabrielle Diane Laney-Andrews <gdlaney@icloud.com>
Sent: Sunday, December 12, 2021 2:05 PM
To: City Council
Subject: Novin Development ("Novin") proposal for 831 Water Street

Dear Mayor Meyers and Santa Cruz City Council Members,

I am writing in support of 831 Responsible Development citizens group concerns with the SB35 application for 831 Water St. I have read the letter they sent to you and I agree with all of their points. They laid out their concerns perfectly so I am quoting the part of the letter I am in most agreement with as I couldn't have said it better:

"Finally, this is still the wrong project to be the first in Santa Cruz to be approved for SB35 fast tracking. It is wrong because even the latest version of the application continues to raise more questions than it answers. It is wrong because it lowers the standard to an unacceptable level for other significant development projects that are likely to come before this city in the next few years.

We sympathize with the City's difficult position in the face of legal threats and applaud the exemplary work of city planning and public works staff. In particular, we appreciate the comprehensive list of Conditions of Approval (COAs) that Staff has included as Exhibit A.

However, given the application's ongoing deficiencies, we believe this proposal is not ready for COAs — and that members of the City Council should once again reject the application as incomplete, internally inconsistent, and for not conforming to all of the objective standards that apply to this proposal."

Thank you for your time to address this issue,
Sincerely,

Gabrielle D. Laney-Andrews
gdlaney@icloud.com

Rosemary Balsley

From: Jane Hancock <dantesc@sbcglobal.net>
Sent: Sunday, December 12, 2021 3:26 PM
To: City Council
Subject: 831 Water St. Project

Jane Hancock
415 Grant St.
Santa Cruz, CA
95060
Dec 12, 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.

You have been receiving numerous reasons from many residents on the problems with this plan. These are my concerns as well which include traffic flow, sun blocked for Belvedere residents, water concerns, the out of place architecture, and most importantly this structure not really solving housing needs for families because most units are too small.

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.

Thank you for your consideration,
Jane Hancock
Santa Cruz Citizen

Rosemary Balsley

From: Matt Farrell <mattfarrell922@gmail.com>
Sent: Sunday, December 12, 2021 4:16 PM
To: City Council
Subject: Council Agenda Item 26: Mixed Use Library Project Support

Mayor Meyers, Vice Mayor Brunner, Council member Brown, Council member Cummings, Council Member Golder, Council member Kalantari-Johnson, and Council member Watkins,

I serve as the chair of the Downtown Commission. Today I am writing to you as an individual commissioner; and the following opinions are mine alone.

Please support the proposed updated site design and program for the mixed use library project. This is a landmark proposal which includes not only a beautiful and welcoming library, but also a minimum of 100 units of affordable housing (a mix of studio/1bedrooms, 2 bedrooms and 3 bedrooms) which is sorely needed in our community. It also includes a daycare space (minimum 7,000 square feet); and a corner commercial space. Along with these benefits, the project will include 310 parking spaces, which will serve both on site and neighboring residents, library patrons, and adjoining businesses and affordable housing projects.

The library will have 30,000-35,000 square feet; and will include a 3,000 square foot roof deck, and improved daylighting (which has resulted from increased glazing and higher ceilings on the second level). It will also have a green roof; and be a zero net energy building.

The residential units will be constructed above the parking structure; and will include a 14,000 square foot roof deck with a children's play area. These units will all reduce their greenhouse gas emissions by using only electric appliances and heat; and through the installation of solar panels. Separating the residences from the library also improves daylighting and views for residents.

The parking structure has been reduced from 400 to 310 spaces to accommodate the library and housing program needs. In addition, the structure has been designed with flat decks so that it could be converted to other uses as needs change. It will be replacing spaces that are or will be lost with the construction of the affordable housing projects planned at the Metro Transit Center, and Calvary Episcopal Church.

Finally the site plan includes space at the corner of Cedar and Cathcart, which includes a 1,800 square foot daycare center (with outdoor play area) and a 7,000 square foot commercial space. These uses will activate the corner; and link this building with neighboring businesses.

This site design carefully balances library, housing, commercial and parking needs and opportunities. It will be a great new anchor for the southern portion of Downtown; and will address critical community needs. Please support the staff's recommendation.

Matt Farrell
Chair
Downtown Commission

Rosemary Balsley

From: Joan Gilbert Martin <joan@baymoon.com>
Sent: Sunday, December 12, 2021 4:55 PM
To: City Council
Subject: 831 Water Street

Dear City Council Members,

I am writing to ask you to disapprove the proposed development at 831 Water Street. Here are the reasons I think you should take such a serious serious step.

- It does not do what was intended by state bill SB35, that is to insure local communities have needed housing. Here in Santa Cruz, we need housing for citizens with very-low income (below 50% of our local median income). The plan for 831 Water Street does not provide such housing.

- It is a health hazard. It will be built on a steep hillside with a long history of erosion and seepage. Existing houses on the hillside need sump pumps to prevent seasonal flooding. A recently built house is unlivable due to mold caused by standing water.

- It is a traffic & safety hazard. The underground garage is a nightmare scenario. Its entry and exit are onto a steep street that is the main route for emergency vehicles, and crosses a dedicated bicycle lane. Delivery vehicles can enter from North Branciforte (another heavily traveled street), but must then back out onto that street

- It is not a good neighbor. The two unnaturally tall, and wide, buildings impede sunlight to adjoining houses, diminish privacy, and add to noise pollution.

- It ignores, even desecrates, the site of the Villa de Branciforte, one of the two earliest cities founded in California. Only projects whose architecture respects the history of that site should be built on that corner.

If this is the first project our city approves for development under SB35, it sets a terrible example. What we need is housing for members of our community living on very-low incomes. We need one building situated on level ground, that has ample street-level parking. Please think to the future of the City of Santa Cruz, and realize that 831 Water Street is not the example you want to set.

Sincerely,

Joan Gilbert Martin

158 Belvedere Terrace

Santa Cruz, CA 95062

831-426-6974

joan@baymoon.com

Rosemary Balsley

From: Santa Cruz YIMBY <santacruzylimby@gmail.com>
Sent: Sunday, December 12, 2021 6:27 PM
To: City Council; Bonnie Bush
Subject: Petition of Support for 831 Water St. - Agenda Item #25 on 12/14/21
Attachments: Santa Cruz YIMBY - 831 Water Petition- Dec 14th Santa Cruz City Council.pdf

Mayor, Vice Mayor and Councilmembers,

On behalf of Santa Cruz YIMBY and 89 members of our community, please see our attached Petition of Support for 831 Water Street project, Item #25 on your Tuesday Dec 14th agenda.

The petition has doubled in size since your last meeting, now with over 200 signatures. 75% of the signatures are from Santa Cruz City, from the adjacent zip codes to the project, 93% of the signatures are from Santa Cruz County. This is local support.

Thank you,
Santa Cruz YIMBY



Petition: Yes to Affordable Housing at 831 Water Street

To: Santa Cruz City Council

I support the 831 Water Street mixed-use development that would create 140 housing units, the majority 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.

I urge you to support and approve this project.

Thank you.

- | | |
|---|---|
| 1. Grant McGuire, Santa Cruz, 95060 | 15. Sasha Wasserstrom , Santa Cruz, 95062 |
| 2. Ashley Gauer, Pacific Grove, 93950, Let's get this going | 16. Kimberly Delong, Santa Cruz, 95060, Would love to see it! I really don't care if the more lux apartments are in a separate building. We just need more housing ASAP! |
| 3. Youngwoo Song, Santa Cruz, 95060 | 17. Sylvia Bayard, Santa Cruz, 95060 |
| 4. Edward Pashkov, Los Angeles, 90046 | 18. Indiana Reid-Shaw, Santa Cruz, 95060 |
| 5. nitya jain, Santa Cruz, 95064 | 19. Moumita Das, Santa Cruz, 95060 |
| 6. Jose Gomez, Santa Cruz, 95060 | 20. Stephan Bitterwolf, Santa Cruz, 95064 |
| 7. Sierra Dodd, Santa Cruz, 95064 | 21. Stephanie Hertel, Santa Cruz, 95064 |
| 8. Charles Vaske, Santa Cruz, 95060, We need this housing, especially the below market rate units! | 22. Spencer Holmes, Santa Cruz, 95060 |
| 9. Robert Corning, Santa Cruz, 95064 | 23. LYNN ALEXANDER, Los Angeles, 90048 |
| 10. Daniel A Ramirez, Santa Cruz, 95060 | 24. MONICA SHANDAL, 95064 |
| 11. Ryan McGrody, Santa Cruz, 95060, We need more structures like these in Santa Cruz to support housing for the area. | 25. Aubrey Trapp, Santa Cruz, 95062 |
| 12. Julia Harencar, Santa Cruz, 95060 | 26. Tyler Takaro, Santa Cruz, 95064 |
| 13. S Pit, Santa Cruz, 95060 | 27. Stephanie Bazarini, Santa Cruz, 95060 |
| 14. Lydia Barrett, Santa Cruz, 95062 | 28. Corey Fromille, Santa Cruz, 95064 |
| | 29. Theresa Hice-Fromille, Santa Cruz, 95064 |
| | 30. Amanda Smart, Santa Cruz, 95065 |



Petition: Yes to Affordable Housing at 831 Water Street

31. Audrey Morrow, Santa Cruz, 95060
32. William Chapman, Santa Cruz, 95060
33. May Roberts, Santa Cruz, 95060
34. Arianna Torello, Santa Cruz, 95062
35. Pamela Schleissner, Santa Cruz, 95060
36. Fatima Rizvi, Santa Cruz, 95060, **UC Santa Cruz graduate students have to resort to off campus housing due to the lack of on campus housing available to graduate students, and don't get paid enough to afford the extremely high rents, in combination with lack of appropriate housing with good living conditions around town. There is a need for more housing AND affordable housing in Santa Cruz**
37. Isabel Kain, Santa Cruz, 95060
38. Kevin McKinnon, Santa Cruz, 95060
39. Connie Zheng, Oakland, 94611
40. Casey Heaney, Santa Cruz, 95060
41. Nevé Baker, Santa Cruz, 95060
42. Levi Matsushima, Santa Cruz, 95060
43. Allison Laubach, Santa Cruz, 95060
44. Rachel Grad, Santa Cruz, 95060
45. Joseph Novak, Santa Cruz, 95060
46. Dan Palance, Santa Cruz, 95060
47. Carrie Hamilton, Santa Cruz, 95060
48. Hugo Galindo, San Jose, 95124
49. Mario Avalos, Santa Cruz, 95060, **Give us places to live, not just persist.**
50. Kathryn Bernier, Santa Cruz, 95064
51. Melissa SvigeljSmith, Santa Cruz, 95064
52. Sam Kodama, Santa Cruz, 95060
53. Stephen David Engel, Santa Cruz, 95062, **The whole thing should be affordable housing. Period.**
54. Jordann Young, Santa Cruz, 95064, **Santa Cruz desperately needs more affordable housing. Please support this proposed development!!!**
55. Alix MacDonald, Santa Cruz, 95060
56. Dominique Banta, Half Moon Bay, 94019
57. Joel Moore, Santa Cruz, 95060
58. Katherine Montano, Santa Cruz, 95060
59. Joshua Tan, Santa Cruz, 95064
60. Mareike Badstuebner, Santa Cruz, 95060
61. Michelaina Johnson, Santa Cruz, 95060
62. Candy Martinez, Tarzana, 91356
63. Talia Waltzer, Santa Cruz, 95064
64. Ian Slattery, Santa Cruz, 95064
65. Shireen Nabatian, Santa Cruz, 95062
66. Rafael Franco, Santa Cruz, 95060
67. Addison Day, Soquel, 95073
68. Riley Ball, Santa Cruz, 95060
69. Francis Joyce, Santa Cruz, 95065
70. Shanna Howard, Santa Cruz, 95062
71. Alberto Ganis, Santa Cruz, 95064
72. Allison Allen, Santa Cruz, 95060
73. Jacob Stone, Capitola, 95010
74. Madeline Slimp, Santa Cruz, 95062
75. Nerissa Barling, Santa Cruz, 95060
76. Deewang Bhamidipati, Santa Cruz, 95062
77. Angie Sijun Lou, Oakland, 94611
78. Iana Kostina, Santa Cruz, 95060
79. Timothy Johnson, Capitola, 95010, **As a Santa Cruz County resident and worker, I am in strong support of affordable housing initiatives in Santa Cruz not only for myself but for those in a less fortunate and privileged situation than I who want to call this area home and put down roots.**
80. Jessica Gilbert, Santa Cruz, 95062, **We need more affordable housing in Santa Cruz! We don't want to be a community that only caters to the tech rich and the grandfathered in!**
81. Mercy Olmstead, Aptos, 95003, **We need more housing in Santa Cruz! Please build 831 Water Street.**
82. Chelsea Muller, Santa Cruz, 95060
83. Dusten D, Santa Cruz, 95062
84. Tommy Zabonik, SANTA CRUZ, 95062-2434
85. John Barnes, Davenport, 95017
86. Emily Brough, Aptos, 95003
87. Rob Tidmore, Santa Cruz, 95060, **I live and work in Santa Cruz and fully support this project. I also ride my bike to work along Water Street in front of this project and the concern about bike safety is overblown. We need affordable housing projects EXACTLY like this one. I was appalled when the City Council voted to overturn the staff recommendation and denied the project based on questionable merits. Thank you Sonja Brunner for being the sole supporter of the project.**
88. Richard McGahey, Bellmead, 90560,
89. Erin Lee, Santa Cruz, 95060
90. Jack McCourt, Santa Cruz, 95060



Petition: Yes to Affordable Housing at 831 Water Street

91. Carrie Swain, Santa Cruz, 95060, **Please, we need to add more affordable housing options to our community! The demand here is real and the problem won't go away just because the city chooses to ignore it. A majority of the students I know are forced to live in houses with 8 or more people. With people living in garages and having to live in fear of being kicked out, just so that they can afford the rent. At the apartment complex I live in, people who have lived here for over 10 years are being priced out. Just in the the two years since I have moved in, rent on a single bedroom here has jumped from \$2000 to \$3000 per month. And mind you, this is not a luxury apartment in any way. The building is old and in need of repair, but because there are few options, the management company can price gouge as they'd like. Please help the renters of Santa Cruz! Just because we are not homeowners, does not mean we don't deserve a safe and comfortable place to live.**
92. Michael Pavich, Santa Cruz, 95060
93. Kayla Kumar, Santa Cruz, 95060
94. Sofia Zuniga, Santa Cruz, 95060
95. Curtis Chun, Santa Cruz, 95062
96. Daniel Rudin, Santa Cruz, 95064
97. sharon block, Santa Cruz, 95062
98. Graham Freeman, Santa Cruz, 95060
99. Chris Cortingham, Santa Cruz, 95060
100. Keith Trainor, Santa Cruz, 95065
101. Lukas Shaw, Santa Cruz, 95060
102. Jesse Carrizzo, Haworth, 07641
103. Katherine Miller, Boulder Creek, 95006, **It is vital to Santa Cruz to have more affordable housing. We have enough hotel/ airbnb and overpriced empty homes.**
104. Anthony Errichetto, Aptos, 95003, **Please approve this crucially important project for our community!**
105. Nikolaus Hildebrand , Santa Cruz , 95062, **Absolutely everyone has a right to housing, and this is the absolute least we can do. Without housing for our essential workers, the quality of life of the whole city will fall even further. Green light this project!**
106. Andra Scheller, Santa Cruz , 95062
107. Robert Burke, Alamo, 94507, **This is a well thought out development in an under supplied area. California needs more development like this.**
108. Rebecca Wood, Santa Cruz, 95060 **This is exactly what SC needs for our community!!**
109. Philip Wiese, Watsonville, 95076
110. Sophia Alarcon, Felton, 95018
111. Sabina Holber, Santa Cruz, 95060
112. Michael Wool, Los Gatos, 95033
113. Reggie Meisler, Santa Cruz, 95060 **We need low income housing desperately!**
114. Hope Armstrong, Santa Cruz, 95060
115. Ben Eisenpress, Santa Cruz, 95062
116. Pierce Brownstone, Santa Cruz, 95060, **There is NO legitimate reason this project should have been denied. Santa Cruz is LONG OVERDUE for the construction of these missing middle housing projects. Stop gatekeeping this city for the wealthy**
117. Austin Park, Davis, 95616
118. Chloe Bradburn, Santa Cruz, 95060
119. Patricia Greenway, Santa Cruz, 95062 **We desperately need more housing in Santa Cruz. This project has potential to make a positive impact in our community.**
120. Evan Siroky, Scotts Valley, 95066
121. Michael F Cox, Soquel, 95073 **I support the housing project at 831 Water Street because I support the creation of new housing. It is time to reverse the trend of turning single family homes into multi-tenant rentals. Single family homes are for families to live and grow in. More and more are being stuffed with renters and crowding our streets with the renter's cars just so the owner's can make maximum bank. 831 Water Street is the badly needed high-density housing that will restore some balance.**
122. Angelee Dion, Santa Cruz, 95060 **It's time to walk our talk. We desperately need more housing, and especially low income, high density housing. Supporting affordable housing at 831 Water St. is the right thing to do if we truly believe in diversity and inclusion.**



Petition: Yes to Affordable Housing at 831 Water Street

123. Brad Wiblin, San Francisco, 94108 **I fully support this thoughtful, transit friendly, affordable housing project. I encourage the City Council to bring much needed housing downtown.**
124. Susan Stuart, Bellmead, 76705 **I support this effort to provide additional affordable, transit-friendly, climate friendly housing to our city.**
125. Robin McDuff, Santa Cruz, 95060
126. Marcus Griffin, Los Gatos, 95032
127. geri Lieby, Santa Cruz, 95060 **Don't bite on the segregation bait. If designated low income housing is so categorized, my daughter would never have had her first home. It was one of four Habitat for Humanity homes built in a middle class neighborhood.**
128. Emily Ham, Santa Cruz, 95062
129. Elizabeth M, San Francisco, 94110
130. Henry Hooker, Santa Cruz, 95062
131. Tyler Olson, Santa Cruz, 95060 **We need housing! Listen to your renter constituents!**
132. Jim Carter, SANTA CRUZ, 95060, **I support the affordable housing project at 831 Water Street. I oppose spending tax dollars to challenge the project in court.**
133. Coleman Segal, Watsonville, 95076 **We need sustainable affordable housing now!**
134. Alicia Kretsch, Aptos, 95003
135. Brian DiGiorgio, Santa Cruz, 95060
136. Anastasia Baboulevitch, Soquel, 95074
137. Sally Ghilarducci, Santa Cruz, 95060
138. Tara Gasta, Santa Cruz, 95062 **I support 831 Water Street.**
139. Bob Lamonica, Santa Cruz, 95060
140. Robynne Blume, Santa Cruz, 95060
141. Casey KirkHart, Santa Cruz, 95060 **We can either keep complaining about homelessness and astronomical cost of living or we can act on it and develop new affordable housing like this project.**
142. Rick McGahey, New York, 10003 **Please reconsider your earlier decision and stand up for affordable housing in Santa Cruz!**
143. Dory VanKlootwyk-Forde, Ben Lomond, 95005 **Forget the vacancy tax; this is how you solve the housing crisis!**
144. Zennon Ulyate-Crow, Topanga, 95064
145. Ben Breen, Santa Cruz, 95064
146. Pete Kennedy, Santa Cruz, 95060 **This project is exactly why SB 35 was written. Segregation isn't building two connected buildings with shared common areas, it's allowing wealthy neighbors in adjacent single family homes to kill apartment projects. I'm working on this design and it will be all electric due to our cutting edge policy. This means it will be carbon neutral day one and only getting cleaner by the day as renewables are added to the grid. What's not to like? Please approve this project. Let's go build some housing!!!**
147. Erin Sheva, Santa Cruz, 95073 **This town is desperately overdue for a housing and commercial property makeover, to replace the dilapidated shops that line every major street. Santa Cruzians suffer the biggest wealth gap in California, with a quarter of residents living below poverty—largely because of housing costs. Please remember that you serve all Santa Cruz's residents, not just the NIMBY homeowners.**
148. Sandy Skees, Soquel, 95073
149. Ryan Meckel, Santa Cruz, 95060
150. Peter Detlefs, Santa Cruz, 95065 **I support this project and more housing along the Water St corridor. Sadly, the community-serving amenities such as the ground floor retail and roof-top bar were reduced or eliminated from the proposed project.**
151. Donna Murphy, Santa Cruz, 95060
152. David Lieby, Santa Cruz, 95060 **Please let the 831 Water Street project proceed. I strongly feel it is an important project for Santa Cruz.**
153. Stacy Nagel, Scotts Valley, 95066 **We need housing and this project is a wonderful addition to the community.**
154. Earl Wagner, Santa Cruz, 95060



Petition: Yes to Affordable Housing at 831 Water Street

155. Andrew Trapani, Santa Cruz, 95062 **The city council ignored the thorough review of the city's other departments and voted against 831 water street, and this illegal action will be challenged in court, and challenged at the voting booth. Approve 831. It is safe, very necessary for the extreme housing crisis, and approved by the dedicated people working for us, at the city of Santa Cruz.**
156. Norma Guzman, Seattle, 94559
157. Ryan Porter, Boulder Creek, 95006
158. Amelia Conlen, SANTA CRUZ, 95062 **Please consider the needs of all of our community members, not just wealthy property owners, and approve this project.**
159. Ariel Zucker, Santa Cruz, 95060 **This is a highly needed, attractive, accessible, and affordable building. As a cyclist, I would love to live in a place like this.**
160. Joel Steinberg, Santa Cruz, 95060
161. Dean Lundholm, Capitola, 95010
162. Andrew Barber, SANTA CRUZ, 95062
163. Roya Pakzad, Santa Cruz, 95064
164. Julian Meyer, Santa Cruz, 95060
165. Mason Flanagan, Santa Cruz, 95062 **Santa Cruz has one of the most unaffordable rental markets in the country. The root cause of this problem is the lack of housing supply as individuals continue to move into the area and housing construction doesn't keep up. The Water Street development will bring much-needed housing to ease the strain on other residential areas of the city.**
166. SEAN MCCLELLAN, Santa Cruz, 95060 **Yes to affordable housing!**
167. Benji Levine, Lafayette, 94549 **Lets go housing**
168. 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.**
169. Erik Bracken, Boulder Creek, 95006
170. Benjamin Levine, Santa Cruz, 95060
171. Preston Rutherford, Lafayette, 94549, **We need more housing**
172. 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!!!**
173. 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.**
174. Cathy Godwin, Santa Cruz, 95060
175. Drew Thompson, Bellevue, 98005
176. Nathan Adams, Santa Cruz, 95062
177. Katayun Salehi, Santa Cruz, 95062
178. Austin Park, Davis, 95616
179. Zackary Hall, Santa Cruz, 95065
180. Renee Bayard, Soquel, 95073
181. 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.**
182. 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.**
183. Felix Vayssieres, Felton, 95018
184. Kristina Gutzman, Arroyo Grande, 93420
185. 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**
186. Philip Wiese, Watsonville, 95076
187. Erin Young, Ben Lomond, 95005
188. Karen Ottemann, Santa Cruz, 95060
189. Jazmin grant, Santa Cruz, 95060



Petition: Yes to Affordable Housing at 831 Water Street

190. david VAN BRINK, SANTA CRUZ, 95060, **Density in our city center is necessary and appropriate and contributes to a thriving community.**
191. Kevin Meehan, Saratoga, 94110
192. 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.**
193. 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.**
194. Sharman Murphy, Santa Cruz, 95062
195. Giovanni Emblen, Santa Cruz, 95060
196. Nellie Thorngate, Santa Cruz, 95062
197. Etta Tyler, Santa Cruz, 95060
198. Greg Brandt, San Francisco, 94103
199. McKenna Maness, Soquel , 95073
200. 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.**
201. Skai Mendoza, Santa Cruz, 95064
202. Kyle Kelley, Santa Cruz, 95060 **Let's keep building more affordable housing!!!**
203. Faina Segal, Santa Cruz, 95062. **Yes to high density housing along our corridors!**
204. Patrick Cady, CAPITOLA, 95010
205. Janine Roeth, santa cruz, 95062
206. 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.**

Rosemary Balsley

From: Barbara Fargo <barbarafargo@comcast.net>
Sent: Sunday, December 12, 2021 6:41 PM
To: City Council
Cc: Donna Meyers; Sandy Brown; Justin Cummings; golder@cityofsantacruz.com; johnson@cityofsantacruz.com; Martine Watkins; Sonja Brunner
Subject: 831 Water Street Development

Please consider this letter for your December 14th hearing on the 831 Water Street Project.

BARBARA B. FARGO & MARTIN WILLIAMS

361 Berkeley Way

Santa Cruz, CA 95062

831-345-0250

December 13, 2021

Dear Mayor and City Council Members—

My family and I are residents of 361 Berkeley Way, two houses from the corner of N. Branciforte Ave. (B-40), and one block north of Belvedere Terrace. We are adamantly opposed to the Novin development at the corner of B-40 and Water. I wrote two letters to you before the October 12th hearing expressing the reasons for my opposition. I was relieved and elated when the City Council voted 6-1 to disapprove the project due to significant public safety and community values reasons. You showed courage in the face of threats of lawsuits by Novin, and instead did the right thing for the safety, not only of the adjacent neighborhood, but the entire community. You don't need to live two blocks from the corner of B-40 and Water, and traverse the intersection at least twice a day like we do, to know what a dangerous and impacted intersection it is *now*. Adding underground parking with ingress and egress on the steep Water St. slope, across a dedicated bicycle lane is dangerous, and irresponsible. How long will it take until a bicyclist coming down Water St. and a car coming out of the **only exit** from the parking garage will collide? Novin encourages you to be afraid of a lawsuit for disapproving his project as presently designed, but ignores the lawsuit(s) the city will be named in when a bicyclist or pedestrian is killed or injured coming down the Water St. hill by a car exiting the development. The City is on notice of this dangerous situation and approval of this design despite that notice will subject the City to liability. Would you rather be sued for rejecting this project on the basis of safety issues or for the personal injury damages caused by your approval?

The Water St. hill is not the only public safety traffic issue attendant to this project. As currently designed, delivery and garbage trucks will enter and exit on B-40. There isn't enough space for trucks to turn around, and instead will have to back out onto B-40. Proposing garbage trucks back into the project does not solve the dangerous situation of impacting cars on N. Branciforte. This will almost certainly back up traffic on southbound B-40, which will cause cars to turn down Berkeley Way to avoid the intersection. Similarly, eastbound Water St. will be backed up due to the necessity of cars coming from the Westside having to make a U-Turn at Water and B-40 to enter the parking garage. Despite the "no through street" signs at Reed Way, cars will turn left on Reed Way and go up the steep Berkeley Way hill to bypass the intersection at B-40 and Water. Berkeley Way is a narrow residential street, with children crossing the street, playing basketball and riding bikes to and from school. It cannot sustain the type of traffic which will be created by the project, and will endanger our children.

There are numerous other valid objections to the project, such as the impact on the houses on Belvedere Terrace (shading, noise, lack of privacy), segregation of low-income occupants from those in market rate units, archeological issues at this historic site of Villa Branciforte, and ground water problems to name only a few. Perhaps some of these may be ignored because of the parameters of SB35, those relating the public safety issues may not be pushed aside in the name of affordable housing. We strongly support affordable housing in our community and even at this location. However, two 4-5 story buildings with 140+ units, only some of which are affordable, looming over the mostly one-story cottage style homes on Belvedere Terrace, is not the answer.

As representatives of the people of Santa Cruz, you can not abdicate your responsibility to protect the public safety of our community. Your decision on this project on October 12th was the correct one. None of the public safety issues recognized then have been remedied by the developer. Please disallow this development until changes are made to satisfy these concerns, or wait for another developer who is willing to be responsive to the community safety issues to build appropriate and properly scaled affordable housing on this property.

We appreciate all the effort the city planners and the council has put into the analysis of this development. And we appreciate the necessity of affordable housing. Do not be intimidated by Novin's threats of a lawsuit. Foregoing public safety in this first SB35 development in this community sets a terrible precedent for future developments. Do the right thing now. Vote No on this project.

Sincerely,

BARBARA FARGO

MARTIN WILLIAMS

Rosemary Balsley

From: Ms. Monroe <marygenevieve3@gmail.com>
Sent: Sunday, December 12, 2021 7:23 PM
To: City Council
Subject: Re: No 831 h20

Dear Council,
visualize the atrocity aiming to erect itself on our corner
a rodent hole towards the sky
impeding and blocking neighbors with no regard

is this how we build community?
allowing a gargantuan cyclops to throw shade on family homes
say no
to the giant out of scale polyp vying for 831 water
Mary Monroe

On Sun, Dec 12, 2021 at 7:01 PM Ms. Monroe <marygenevieve3@gmail.com> wrote:

Rosemary Balsley

From: S. LaVerne Coleman <caburne@gmail.com>
Sent: Sunday, December 12, 2021 7:07 PM
To: Donna Meyers; Sonja Brunner; Sandy Brown; jcummings@cityofsantacruz.com; Renee Golder; Shebreh Kalantari-Johnson; Martine Watkins
Cc: City Council
Subject: CONCERNS re: 831 Water Street project

I appreciate the council's attention and dedication to "getting it right" for Santa Cruz.

I am also in agreement that the city and county of Santa Cruz need more AFFORDABLE housing for the people who currently live and work here. Not affordable for people who live and work over the hill, often in the tech industry—earning more, but who would rather live in Santa Cruz— heightening our local problems of congestion and unaffordability that have long plagued life "over the hill." That is not what we want for Santa Cruz.

Novin's proposal seems incomplete and unclear in some aspects.

I personally am concerned about adding further congestion to an already busy intersection., which I traverse several times each day.

I think it is poor planning to have a 4 - 5 story building tower over a quiet residential neighborhood of mostly one story homes.

Novin's "affordable" housing does not appear to provide housing for the many LOW income families and individuals in Santa Cruz. It is my understanding that this is the only metric that Santa Cruz is yet to meet, thus invalidating Novin's threat to litigate the city's denial.

I am not a geologist, but the plan to build underground parking on a sloping hillside seems structurally flawed.

I urge you to oppose the plan for a mega structure at 831 Water Street.

Sincerely,

LaVerne Coleman
1413 N. Branciforte Avenue

"Travel is fatal to prejudice."
Mark Twain

Rosemary Balsley

From: Ann Hubble <hubbletalk@gmail.com>
Sent: Sunday, December 12, 2021 8:47 PM
To: City Council
Cc: Donna Meyers; Sonja Brunner; Sandy Brown; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Martine Watkins
Subject: 831 Development Proposal Still Too Problematic

Dear Mayor Meyers and Santa Cruz City Council Members,

Thank you for taking the time to listen to our concerns about the proposed development of 831 Water Street.

New housing on the corner of Water and Branciforte would be good for our city. I support a reasonable development plan that provides affordable housing for our community.

However, the 831 project proposal still has many serious issues. The many changes proposed by Novin Development makes proper review and evaluation of the current proposal impossible.

The proposed project is totally out of scale and inappropriate for that location. The poorly designed entrance/exit to parking would contribute to significant traffic hazards to our Water street/Branciforte transportation corridor. I regularly bike this corridor and dread the unsafe traffic conditions this development would generate.

Please **vote against** this development proposal. We deserve new, affordable housing that works for our neighborhood, not just the developer. Let's do this right.

Ann Hubble

Rosemary Balsley

From: Woutje Swets <woutje.swets@gmail.com>
Sent: Sunday, December 12, 2021 5:12 PM
To: City Council
Cc: Donna Meyers; Sonja Brunner; Sandy Brown; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Martine Watkins
Subject: 831 Water Street

Dear Mayor and City Council members,

Sadly, the Kimley Horn report with its "Findings and Recommendations" is inadequate and slanted towards the Novin Development, rather than an unbiased report.

#2 of their "Findings and Recommendations" suggests that permit parking be established to make up for lost parking spaces on Branciforte Avenue (831 Water St and residents would not qualify for a permit).

Unless the 831 Water Street development will be paying for the proposed parking permits in perpetuity, this would burden the neighborhood residents with a whopping \$336.00 per year per permit, and we all know that those permits will increase and never decrease.

Why on earth should people who live in the neighborhood be burdened with paying for parking so that Novin can get away with this monstrous building he is proposing? He should pay, or at the very least the 831 Water St HOA should pay, for those permits in perpetuity!

#3. Kimley Horn is proposing to remove the Channelizers so that the cars coming out of the proposed garage can get out.

Why do you think those channelizers were installed? Maybe because the City of Santa Cruz did a study that showed that the most accidents in the City happen on Water Street and that channelizers must be installed to protect bicycles on Water Street? And now Kimley Horn suggests that they be removed so that Novin Development can build his 831 Water Street development? How many people have to get insured and/or die for Novin Development's benefit??

#4. Kimley Horn wants to install "warning signs" because the retaining wall is screening vehicles. All of a sudden the burden should be placed on cars and bicycles so that Novin Development can get his needed parking garage exit? Water Street is a dangerous street, we all know it, and putting up some silly warning signs is only to the benefit of Novin Development and does nothing to protect bicycles and cars.

It gets worse:

Glaringly, Kimley Horn completely ignores Novin Development's statement that cars exiting from the 831 Water Street development's garage and needing to go to the Eastside, will be able to go down the Water Street hill and then make a U-turn at the end of the median strip. No mention of this in Kimley Horn's report because they know it will not work and is very dangerous. I tried it and almost got rear-ended.

There is indeed a teensy little strip with a left arrow painted on it. So I tried going down the hill at 30 miles per hour (got honked at when I went slower), and then slammed on my brakes to maneuver into the small left turn lane at the end of the median strip. However, there is only room for one car at a time to turn! What about all the other cars that need to make a U-turn there? Are they just going to stop in the downhill lane on Water Street while the car that is trying to make the U-turn is waiting for an opening in the 2-lane uphill traffic (which is also going at 30 miles/hr)? Not only did it take quite some time to have an opening in the uphill traffic, once I was finally able to go, I needed to back up to complete the turn, because there is not enough room to do it all in one

turn... There are cars parked along the uphill side of Water Street that block being able to do the turn in one swoop.

I beg you - no, I dare you! - to go down the Water Street Hill and try to make a U-turn at the bottom of the median strip.

IT DOES NOT WORK! Cars will get rear-ended while waiting to move into the U-turn lane, and cars will get hit while trying to complete the uphill turn.

Please do the right thing, save lives and prevent accidents, and deny once and for all this inappropriate development at 831 Water Street.

Don't be cowed by Novin Development!

Thank you,
Woutje Swets

Rosemary Balsley

From: Eva Brunner <evasbrunner@gmail.com>
Sent: Sunday, December 12, 2021 6:26 PM
To: City Council
Cc: Donna Meyers; Martine Watkins; Renee Golder; Sandy Brown; Sonja Brunner; Shebreh Kalantari-Johnson; Justin Cummings
Subject: 831 Water Street proposed development

Dear Councilmembers -

I am utterly dismayed and disappointed that the Council rescinded it's October 12 decision to deny the proposed development at 831 Water Street due to the threat of a lawsuit by YIMBY. The threat of the lawsuit does not change any of the major issues that this development creates. Nothing has changed. The neighbors on Belvedere will lose their quality of life, the traffic issues will be a nightmare - that corridor is a mess as it is. That area cannot support such a huge and out of place development.

I support and sign onto 831 Responsible Development's proposals and letter to the council dated December 10, 2021.

It's clear that SB35 is a developer's dream come true. But it's our community that pays, as they profit.

Thank you for your consideration.

Eva Brunner
Routier Street
Santa Cruz
--

Eva Brunner

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Rosemary Balsley

From: Gary Miles <miles@ucsc.edu>
Sent: Sunday, December 12, 2021 7:14 PM
To: City Council
Subject: 831 Water St

To the Santa Cruz City Councilmembers
Please vote NO on this project. Among objections I cite 3:

Scale. Too big for neighborhood. It's a an ugly hulk!

Traffic. Water and B'40 intersection is already jammed at rush hour. Traffic jams are getting worse even without 831.

Water. Santa Cruz is already running on near empty. Build big and Santa Cruz will be the New Goleta. <https://www.edhat.com/news/goleta-water-moratorium-continues>

With all due respect, Councilpersons, for the good of Santa Cruz, please reject this project.

Sincerely, Gary Miles

--

Gary B. Miles
Professor Emeritus, History and Classics
220 Stockton Ave.
Santa Cruz, CA 95060
831-426-3594

Rosemary Balsley

From: Nita nita <nitahertel@gmail.com>
Sent: Sunday, December 12, 2021 8:49 PM
To: City Council
Subject: 831 Water street

Dear Council,

I applauded your decision to not approve this development in its initial stages for all the same reasons I am still urging you to not approve this project. Even though the courts did not allow your rejection to hold, there are still many issues that remain unresolved.

The scale of the project is out of line with the neighborhood.

The traffic plan is downright unsafe and irresponsible to the location.

And the design is entirely out of step with a local Santa Cruz aesthetic. Clearly there are other developments that jive better with our neighborhood, for example the apartment building just down the hill on Water street. It occurs to me this developer is out of touch with our community and is presenting a generic modern design that could be found anywhere in the country.

If this project is allowed to go through we will end up with one more ugly, behemoth, like the half empty complex at upper Pacific and the 555 Front street complex, which looks like a ghost town. We can do better. And it is your job to demand prospective builders heed our wishes. We are not desperate. And if you feel we are, you are not doing your job properly.

Let's keep housing coming, but not at any cost to the communities needs.

Thank you
Nita Hertel

Rosemary Balsley

From: Jim Burns <jrburns8788@gmail.com>
Sent: Sunday, December 12, 2021 10:23 PM
To: Donna Meyers; Sonja Brunner; Sandy Brown; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Martine Watkins
Cc: City Council; Bonnie Bush
Subject: Council Item 25 for Dec. 14, 2021 meeting - 831 Water Street

December 12, 2021

Dear Mayor Meyers and Other Members of the Santa Cruz City Council,

We have been closely following your careful consideration of the many iterations of the SB 35 development application for 831 Water Street. Before sharing our latest comments, please accept thanks from us, from the almost 600 other signers of the "831 Responsible Development" citizen group's e-petition, and from untold numbers of other city residents for your efforts to objectively review — and when appropriate — push back against this disastrous proposal.

For the record, the two of us are very much in favor of projects that address the need for more affordable housing in our city — and we absolutely support a reasonable amount of affordable housing on this very site.

But that doesn't mean we are required to support all housing proposals, no matter how dangerous, flawed, or disrespectful they are. And, if we can be sensitive for a minute, it's insulting to us to register legitimate concerns about this one proposal, only to be told by the YIMBYites that we must be opposed to affordable housing. No matter how many times they say it, it's just not true.

What *is* true is that our concerns about this project and process are way too numerous to describe in totality here. So we'll try to boil it down to as few as possible:

- It's outlandish, really, that we are unsure even what the elements of the current application are. Acting in the role of Oversight Board for this proposal, you all should at least be in a position to say to your constituents — regardless of their perspective — that *this* is the application currently before the city. Amazingly, it must be difficult for even you and Staff to figure out "what is what" with this so-called application.
- We also remain (very) concerned about the slope variance that the developer is seeking from the City. Under threat of a lawsuit, you may feel boxed in by this seemingly disorganized applicant, fearing the financial ramifications of SB 35 litigation. But, surely SB 35 does not mandate that that you grant a variance of any kind, if doing so would create real and significant health and safety issues for your constituents.
- We also feel that the Villa de Branciforte aspect of this location continues to deserve more attention than it is getting. The City seems to be checking off the Native American resource element by way of the archaeological monitoring agreement. But we also believe the City is ignoring the fact that your own submitted codes for the document "Archeology Report – A Confidential Document" — uploaded to the project web page for 831 Water Street — make it clear that this site is a cultural resource and should not even be eligible for SB 35.
- You may not find this last point as relevant as you conduct your second objective-standards Oversight meeting re. this application. But it may be the most principled of our comments. SB 35 and state laws

like it, however well-intentioned, deserve to be challenged by all of us — regardless of how we feel about a particular project or the obvious need for housing. That's because they make it difficult for you, our elected officials, to constitutionally represent your constituents, to receive their input, to listen to their concerns, and to try to address them. Perhaps this particular developer and his supporters don't care, but most of us still strongly believe in that kind of representation.

In closing, we want you to know that we support and stand behind the Council's previous denial of this application — and urge you to once again say "no" to an applicant who makes no (real) effort to put forth a safe, responsible, or even coherent proposal.

Thank you again (very much) for your work on behalf of your constituents.

Sincerely,

Nancy and Jim Burns
Santa Cruz

Rosemary Balsley

From: Mitchell lachman <shevat117@gmail.com>
Sent: Sunday, December 12, 2021 11:41 PM
To: City Council
Subject: 831 Water St

I am against the 831 Water St Project. It is too large, and will add too many cars to any already congested Street.. I suggest one story and less units

Good bye, Mitchell Lachman

Rosemary Balsley

From: Scott Family <imscott@cruzio.com>
Sent: Monday, December 13, 2021 7:49 AM
To: City Council
Subject: December 14, 2021 Item 25 831 Water St.

Dear Mayor Meyers and Members of the City Council:

We ask you once more to deny the current version of the 831 Water Street development proposal until Novin Development demonstrates compliance with all of the very clear conditions for approval. Your handling of this application is especially important as it will set the example many future development proposals. Insisting on all standards under your control will help insure future responsible developments which are sensitive to the needs of our city.

Safety concerns are foremost. Please do not grant a variance for the proposed vehicle entrance/exit at its currently planned location on Water St. as this would increase cyclist, pedestrian, and vehicle dangers and undermine the safety mitigations recently installed.

Insist on 'Health in all Policies' to preserve essential light, air, moisture and acceptable noise levels for the residents of the adjacent properties.

Require the affordable units be distributed throughout both buildings and the 22 inclusionary units be very low income (affordable below 50% AMI) as this is the only income level in which the city is deficient under the state's RHNA goal. Not insisting on the inclusion of very low income units dooms the city to overbuilding with no gain in the level of affordable housing we truly need.

In addition to the above priorities, thorough analysis and preservation of historic and archeological resources at the Villa de Branciforte site must be upheld to protect our city heritage. If you do not do this, who will?

Please use your authority and the city's objective standards to require the kind of housing the city needs while not endangering cyclists and pedestrians or the health of nearby residents, and require inclusion of very low income units.

Thank you for your time and commitment on behalf of the current and future residents of our city.

Sincerely,

Michael A. Scott
Isabelle B. Scott
418 Sumner St.
Santa Cruz

From: Connie <camt@cruzio.com>
Sent: Monday, December 13, 2021 7:57 AM
To: City Council
Subject: 831 project

Subject: 831 project

Dear Members of the Santa Cruz City Council,
This letter shares my concerns about the 831 project.
I support low and very low income housing and actually support more affordable units in this specific project.
With the \$300 monthly fee for parking, I am not sure how many low income residents can actually afford that amount.
As a cyclist and pedestrian this intersection has always been challenging. With increased traffic/vehicles accessing this building there will be increased safety challenges. I strongly support studies addressing the safety specifics of the parking access down the Water Street hillside and the access in and out on North Branciforte.
We need more reasonable and responsible affordable housing built along our corridors. This project is too large for the lot and would better serve our community with a more compatible design for the Branciforte neighborhood.
Sincerely,
Connie Wilson

Rosemary Balsley

From: Susan Down <sedseds18@gmail.com>
Sent: Monday, December 13, 2021 8:08 AM
To: City Council
Subject: 831 Water St. Project: Please Vote NO

As a concerned Santa Cruz city resident of over 30 years, I am writing to encourage you to deny this latest god awful proposal from the developer of the Water street project. There are many other ways to provide affordable housing intelligently and with less detrimental impact to the neighborhoods.

Please reject this proposal and deny any further machinations thereof. It's wasting our precious local resources; energy could be better spent on real solutions.

Thanks for listening,
Susan

Rosemary Balsley

From: Storey LaMontagne <taznscout@gmail.com>
Sent: Monday, December 13, 2021 8:20 AM
To: City Council; Donna Meyers; Sonja Brunner; Sandy Brown; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Martine Watkins
Subject: 831 Development Proposal still too problematic

Dear Mayor Meyers and Santa Cruz City Council Members,

Thank you for taking the time to listen to our concerns about the proposed development of 831 Water Street.

New housing on the corner of Water and Branciforte would be good for our city. I support a reasonable development plan that provides affordable housing for our community.

However, the 831 project proposal still has many serious issues. The many changes proposed by Novin Development makes proper review and evaluation of the current proposal impossible.

The proposed project is totally out of scale and inappropriate for that location. The lack of affordably priced units is also a concern. The need in the community is for family housing not more single units. Finally, requiring the city to allow a variance to the slope requirements brings up significant issues with geologic dangers such as soil stability and earthquake safety.

Please **vote against** this development proposal. We deserve new, affordable housing that works for our neighborhood, not just the developer. Let's do this right.

Storey La Montagne

Rosemary Balsley

From: Shelly D'Amour <shelly@cruzio.com>
Sent: Monday, December 13, 2021 8:39 AM
To: City Council
Subject: 831 Water Street

Dear City Council,

Again I write to express concerns about the 831 Water Street development application and request that you not approve it at this time.

I resonate with the many concerns raised by others but the issue I want to speak to is affordable housing.

Very-low income people *desperately* need affordable housing in Santa Cruz. The fact that this project contains NO units for very-low income is unacceptable. As I understand it, the only reason Novin can apply for SB35 streamlining is to assist Santa Cruz in meeting its required goal in this regard. Novin should not be permitted to receive the density bonus without significant inclusion of very-low income units.

Council should require Novin to clean up the confusing mess of language around the number and location of the density bonus-related units. Are there 55 or 71? Does the proposal un-ghettoize affordable units through adequate disbursement among market rate units? What is the proposed rent for the so-called affordable units and is it sufficiently low for applicants who meet the income restrictions (30% of income)? How long is the developer required to maintain the affordability?

Rent restriction is obviously a key element of affordability. It doesn't matter if you meet the income restriction if the rent is 50% of your income (or higher). You can't afford it. It's hard to believe that a single person making a maximum of \$78,050 a year is considered "low income" in Santa Cruz according to the HUD/HCD chart but - be that as it may - restricting rent to a maximum of 30% of income for that person would equal \$1951.25/mo. This, in a community where the average rent (according to rentcafe.com) is \$2851 and where 87% of rents charged are over \$2000/month. Even at 30%, it still seems extraordinarily high.

The average base salary in Santa Cruz, according to Payscale, is \$75k. A cursory internet search of job recruitment sites, plus knowledge of my own professional contacts, indicates professional-level employment available in salaries in the \$50-\$60k range, sometimes lower in entry-level positions. These are our "very-low income" folks. I am one of them. Fortunately I live in a housing cooperative where we intentionally keep the rents very low. Unfortunately, we are the rare exception.

I urge the Council to deny this application until the many issues raised by others are sorted out, but most importantly the issues pertaining to the density bonus, affordability, and fast-tracking this application. We should not be lowering our standards to get this project through, especially over the objections of the many neighbors and concerned other citizens, who also live here and will be affected by what goes up in that location.

Sincerely,
Shelly D'Amour
2120 N. Pacific Ave., #93 Santa Cruz 95060

Rosemary Balsley

From: Joe De Meo <joedblues1@gmail.com>
Sent: Monday, December 13, 2021 9:45 AM
To: City Council
Subject: Library and water st

Hello council,

I'm too soon old, too late smart. I would always vote no on new housing (the so called progressive stance). Now I realize we created the housing problems we have now. Over the last 20 years we should have allowed a moderate amount of building. Today those units would be more affordable than a new unit today. But that is the past. We need housing for all, low, moderate and market rate.

Please approve the Library and 831 water. We need the housing!!!

Regards Joe De Meo

Rosemary Balsley

From: Bonnie Bush
Sent: Monday, December 13, 2021 10:06 AM
To: City Council
Subject: FW: 831 Water Street 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.

From: Casey Beyer <casey.beyer@santacruzchamber.org>
Sent: Monday, December 13, 2021 9:45 AM
To: Donna Meyers <dmeyers@cityofsantacruz.com>; Sonja Brunner <sbrunner@cityofsantacruz.com>; Justin Cummings <jcummings@cityofsantacruz.com>; Sandy Brown <sbrown@cityofsantacruz.com>; Renee Golder <rgolder@cityofsantacruz.com>; Shebreh Kalantari-Johnson <SKalantari-Johnson@cityofsantacruz.com>; Martine Watkins <mwatkins@cityofsantacruz.com>
Cc: Bonnie Bush <bbush@cityofsantacruz.com>; Lee Butler <lbutler@cityofsantacruz.com>; Bonnie Lipscomb <bblipscomb@cityofsantacruz.com>
Subject: 831 Water Street Project -

Dear Mayor Meyers, Vice Mayor Brunner and Council members Brown, Cummings, Golder, Kalantari-Johnson and Watkins:

I am writing once again on behalf of the Santa Cruz County Chamber of Commerce regarding this project. Please direct staff to complete Senate Bill 35 objective standards consistency review in light of the additional materials provided by the applicant to comply with the City's objective zoning, subdivision, and design standards.

I ask that you approve this project without further delay in addition to creating a more streamlined approval process for SB 35 applications. This project is one step in the right direction to address the need for affordable, workforce and 'missing-middle' housing production to support enhanced flexible financing structures that enable more mixed-income and integrated communities.

Thank you for considering the views of the Chamber and the business community regarding this housing project.

Casey

Casey Beyer
Chief Executive Officer
Santa Cruz County
Chamber of Commerce
(831) 457-3713

Rosemary Balsley

From: campgio@aol.com
Sent: Monday, December 13, 2021 10:12 AM
To: City Council
Subject: 831 Water Street Application

Dear Mayor Meyers and Santa Cruz City Council members,

Thank you for your continued effort to support responsible development in our community; I appreciate your earlier denial of this ill conceived and insensitive proposal from a developer that hasn't listened at all to neighbor concerns. Clearly, the developer continues to pursue its plan under the guise of SB35 without consideration for the numerous impacts this project will have on our neighborhood. For the record, I like many neighbors, support responsible development in accordance with current zoning, including three story height limits.

As proposed, this development will have negative consequences for this beautiful neighborhood and set precedent for other "cookie cutter" applications throughout our City under the guise of SB35. In effect, It is an urban, downtown style project in a neighborhood setting, with the proposed studio/1br unit mix intended to maximize developer income with likely residents of a transient UCSC nature rather than the workforce housing mix Santa Cruz so desperately needs. The developer has not responded to concerns with project access and safety (on a major slope) impeding both auto and bicycle traffic, set backs from a major street with minimal landscaping, architectural style as related to Branciforte history, and parking, where both residents and guests will undoubtedly elect to park on neighboring streets. Visually, it would be a white elephant for all to see (including balcony storage!) as they drive Water Street through midtown.

Our Santa Cruz neighborhood and our City deserve much better. Again, I support the current zoning/height limits and expect that a well designed apartment project would meet with neighbor approval and have the financial feasibility to proceed. Please don't allow this ill conceived SB35 precedent to be set in this neighborhood location.

Thank you.

Ken Giannotti
212 Stanford Avenue
Santa Cruz, CA

Rosemary Balsley

From: SC Tomorrow <santacruztomorrow@gmail.com>
Sent: Monday, December 13, 2021 10:43 AM
To: City Council; Donna Meyers; Sonja Brunner; Justin Cummings; Shebreh Kalantari-Johnson; Martine Watkins; Renee Golder
Subject: 831 Water Public Oversight - Agenda Item 25 (12/14/21)

Dear Mayor Meyers and City Council,

As the proposal for streamlined development at 831 Water Street comes before you again, Santa Cruz Tomorrow is asking you to consider the following issues and deny the project for SB 35 streamlining.

1. Actual Proposal Unknown - The most recent set of application materials contain significant incongruencies, including but not limited to, the number of affordable units proposed for the development and where those units may be. Will there be 55 affordable units, or 71? Will all of the affordable units be unsegregated, and adequately dispersed throughout the development, or will only 11 of the Inclusionary units be dispersed into the other building, as shown in the table?
 1. Additionally, the applicant has repeatedly told the City and community that there would be 71 affordable units at the "very-low" income category. In fact, as of today (10/13/21), the applicant's website still claims they will be providing 71 affordable units. However, the new version of the application for density bonus says only 55 affordable units affordable to families who qualify at 80% AMI. This is low-income housing, not very-low income housing. We have already produced way more low-income housing than required for this cycle's RHNA, with 2 more years left in the cycle.
 2. The applicant should be submitting one clear, coherent application that is internally consistent and that also reflects the outward advertising and messaging on their website.
2. Density Bonus Specifics - Even after Council denied the project for a density bonus on October 12, in part for failure to include the location of the density bonus units (as substantiated in the October 14th letter to the applicant), the revised/new materials continue to omit this information.
 1. The State Density Bonus Law leaves little oversight for Cities, but one of the powers it does specifically give to the City, is the ability to set the application material required to be submitted by the applicant.
 2. The City's coded requirements specify that the locations of the proposed density bonus units must be included for an application for density bonus to be deemed complete. The table given by the applicant saying that it shows the location of Inclusionary and Density Bonus Units, only includes the 22 inclusionary units and omits the density bonus units.
3. Social Equity - The current application does not provide information necessary for approval. To adhere to both City code and State laws on segregation, including HCD's SB 35 regulations, either:
 1. All of the affordable units are dispersed throughout the development, conforming to HCD and City regulations.
 2. 33 - 58 (the affordable units other than the inclusionary units) are segregated in a separate building because the applicant has secured local or state public funding that requires them to be segregated. This would satisfy HCD's regulation, but would still violate City code as well as other State and Federal anti-segregation laws.
 3. Neither of these scenarios are contained within the current application and supporting materials.
4. Cultural Equity - The Villa de Branciforte parcel at 831 Water Street has confidential archaeological resources for both Native Americans and Alta California Mexican descendants. Deep excavation of the

historic Cornelio Perez property/Bolcoff Hill, threatens the contextual resource right at the town center for this very small strip of importance within an influential transitional era. This poses serious equity implications for transparency of the true history within colonial interaction with the Native American population - who historically had a different relationship with the Villa than the colonial Mission system. To what degree it was different and in what ways, may only be unearthed through true archaeological excavation, with great care to context around any and all artifacts under the blacktop at the Villa's center.

5. Health and Safety Impacts - The proximity to the slope requires a variance that should not be granted due to earthquake safety and cyclist/pedestrian safety. The mass and scale of the proposed development also poses serious health threats due to the combination of shading and hydrological impacts to the surrounding neighborhoods.

SB 35 ministerial streamlining is being challenged for its constitutionality. Elected officials in each jurisdiction faced with an SB 35 application must decide whether they are representing their oaths to protect and serve the citizens they represent and uphold their responsibilities within our democratic society - a society in which citizens have due process rights under the California Constitution.

We expect our elected Santa Cruz City Council members to do the right thing for their residents. We hope you will uphold your Health in All Policies. We ask you to vote to deny this application and open the door for a new affordable housing application to be submitted that is complete and doesn't threaten physical or social public health and safety.

Thank you for your thoughtful consideration on this difficult decision before you,
Santa Cruz Tomorrow Community Group

Rosemary Balsley

From: I. Bloom <ibukunbloom@gmail.com>
Sent: Monday, December 13, 2021 12:02 PM
To: City Council
Cc: Martine Watkins; Donna Meyers; Sandy Brown; Justin Cummings; Sonja Brunner; Shebreh Kalantari-Johnson; Renee Golder
Subject: re. 831 Water Street development

Dear City Council,

I've previously written against the proposed development for 831 Water St, as proposed by Novin Development. I am writing to continue to affirm that opposition, and to state that the council should not allow the strong-arm tactics of a threat of lawsuit to be considered as a reason for approving the project. This is blackmail that the developer is engaged in, to get its way.

I would like to note that I support the letter sent by 831 Responsible Development (https://831responsibledevelopment.org/wp-content/uploads/2021/12/council-letter_12-10-2021.pdf), and am among those who signed it via the website.

For me, the primary concerns remain the following:

- The developer's intent does not match the housing needed for Santa Cruz (more low income options, more family options, not dense "temporary workforce population" housing)
- The proposed location has significant impacts to pedestrian safety, bicycling safety, and vehicle safety, as one of the heavily-used travel routes and intersections within the city for commuting East & West.
- The intent of the development to maximize the number units tailored to non-families feels more like a money-grab rather than the intent to meet SB 35 purposes. Responsible development would allow for families in a less-dense set of units.

I want to add that I am also upset with the tactics of the developer to minimize the detailed review of this project and to force the council's hand. I can't believe that SB35 allows developers to build what they want, where they want, without concern for the needs and structure of the community the developments serve.

Thank you for your time.

Ibukun Bloom

Branciforte Avenue, Santa Cruz

Rosemary Balsley

From: Lynn Welter <lynnwelter2014@gmail.com>
Sent: Monday, December 13, 2021 11:02 AM
To: City Council
Subject: Fwd: 831 Water Street development
Attachments: council-letter_10-10-2021.pdf; council-letter_12-10-2021.pdf

To the members of the Santa Cruz City Council:

I would like to repeat my concerns about the development at 831 Water Street; as far as I can tell, very little forward progress has been made on the application, and it does not meet standards for the fast-track application process. Please do NOT approve the current fast-track application; thank you for your consideration.

Sincerely,
Lynn Welter

----- Forwarded message -----

From: Lynn Welter <lynnwelter2014@gmail.com>
Date: Mon, Oct 11, 2021, 9:38 AM
Subject: 831 Water Street developement
To: <citycouncil@cityofsantacruz.com>

To the members of the Santa Cruz City Council:

The proposed development at 831 Water Street impacts me personally, as I use the laundromat at that location. However, I am very much in favor of affordable housing, and would support development at 831 Water if it were an appropriate size for the site, no more than three stories. The attached letter brings up a number of concerns about the proposed development that are unresolved; please do NOT approve the current fast-track application. Thank you for your consideration.

Sincerely,
Lynn Welter

October 10, 2021

Dear Mayor Meyers and Santa Cruz City Council Members,

The proposed development at 831 Water Street has reached a critical juncture: Should an ill-conceived project, haphazardly submitted multiple times with errors and omissions, be allowed to be fast-tracked with inadequate planning and public input?

For reasons delineated below, we think the answer is a resounding "no."

As elected stewards of Santa Cruz and its environment, you have the responsibility to ensure that developments in our city not only meet local and state requirements but are responsibly sited and designed, thus ensuring that such developments are protective of public health and safety.

We are asking you to exercise that authority, as it's painfully clear that the Novin Development project – as currently proposed – would seriously imperil the health and safety of many in our community.

On its own, this failure should disqualify this ever-changing and inadequate application from fast tracking under SB35 (no matter how threatening Novin's lawyers may sound). But, as we describe below, there are other reasons to also send this application back to the drawing board.

In short, this is clearly the wrong project to be the first in Santa Cruz to be approved for fast tracking. Just viewed in isolation, the project is wrong because even the latest version of the application continues to raise more questions about the proposed development than it answers. And, just as disturbing, it is wrong because it lowers the standard to an unacceptable level for other significant development projects that are likely to come before this city in the next few years.

Before detailing our concerns, please be reminded of the fact that our citizens group has always been for affordable housing – and for building it on this very piece of property. In truth, many residents of Villa de Branciforte only joined together to form our group after recognizing the serious health and safety concerns that would result from the 5-story, 151-unit project Novin initially proposed.

In the months that have ensued, members of our group have reluctantly come to the conclusion that this particular developer was always going to put his personal gain from such a project overreach ahead of citizens' many legitimate concerns.

As the size of the accompanying petition makes clear, our concerns have spread significantly beyond Villa de Branciforte, as our group is now comprised of residents from every corner of our city.

In this letter, we want to acknowledge that the state legislature's actions have unleashed a few developers to become *de facto* city planners to the detriment of us all. And we have sympathized with the city's difficult position and applaud the exemplary work that city planning and public works staff have done to review the many versions of this flawed proposal. However, given the application's continuing deficiencies, we disagree with the latest recommendation regarding this application.

In exercising your legal right to support or oppose that recommendation, we respectfully ask that you carefully consider the following issues:

1. Novin Development's approach to the process, with frequent errors and omissions, and no sincere public engagement, has put staff and the city under undue time pressure and caused substantial re-work at taxpayers' expense. As satisfying as it might be to list the various ways in which the applicant's conduct has burdened staff, the community, and local taxpayers, we will refrain.
2. The project's mass, scale, and density externalize health and safety impacts, including shading dozens of homes much of the year, reducing effectiveness of existing rooftop solar, raising groundwater levels, and creating dangerous mold issues.

- This area has a famously high and persistent water table; even during the current historic drought, the applicant's geotechnical report indicates groundwater at 8 feet below the surface. Under "normal" circumstances, neighbors often hit water at 3-4 feet. That water naturally flows southwest to the Water Street cut. Damming that flow can only result in higher water levels in adjacent properties that will also be shaded throughout the rainy season by this 60' tall building.
 - There is already one home in the neighborhood that is uninhabitable due to mold issues that resulted from the current high water table. Shall we make more homes uninhabitable by approving this application?
 - Finally, there are several homes in the neighborhood that sport PV solar systems on their roofs. Those homes will now be shaded much of the year. How will the applicant compensate those homeowners for their now-worthless PV systems? Further, the State of California now mandates that all new residential construction incorporate rooftop solar. This project will impair the solar potential of many of the parcels on Belvedere, mocking that State mandate. In the spirit of State law, even with an approved application, the applicant should be required to develop sufficient PV solar to offset that impairment as a condition of approval (COA).
3. Its proposed density, scale, and design at this location creates serious public safety impacts on heavily trafficked city streets, creating substantial risks for pedestrians, cyclists, and drivers, raising noise and air pollution levels in the area, and inhibiting safe passage of emergency vehicles.
- Staff has indicated that, as a COA, the City would sponsor a "traffic study to analyze site access and traffic hazards" (page 18.93). That study must assess the local impacts of siting a high-density mixed-use building at this location, at an already impaired and collision-prone intersection (the City has identified it as one of the most collision-prone intersections in the city). That is, the study must not simply measure vehicle miles travelled (VMT), but must also assess the impacts of the scale and location of this project on local traffic patterns.
 - Further, that study must measure the typical speeds on that section of westbound Water St adjacent to and below the proposed project. The posted speed limit for that segment is 30 mph, which, according to the City is "reasonable and appropriate" for this street segment based on the City's most-recent traffic study. In specifying the line-of-sight requirement for the underground parking entry/exit portal, staff is using 25 mph as the benchmark (page 18.206ff). This is clearly below the known critical speed, the posted speed limit, and most likely below the current 85th percentile speed for that stretch of roadway; the line-of-sight requirement must be based on the posted speed limit in order to meet the City's clear objective standards here, and to protect public safety. This must be determined before the SB35 application can be approved, since line-of-sight at 30 mph (270 feet) or 35 mph (325 feet) would not be achievable on that parcel with the proposed design.
 - Finally, the "fire lane" on the north side of the building, which will also serve as access for delivery vehicles, sanitation and recycling services, etc., must be signed and controlled in such a way that any non-standard vehicle must back into the alley, rather than drive in (which would necessitate backing out into traffic on North Branciforte). At present, Staff only notes that "Garbage trucks will back in to pick up refuse...". This requirement must extend to all non-standard vehicles.
4. The project proposes to segregate low-income tenants from high-income tenants, contrary to public policy and the law.
- The applicant asserts that the low-income tenants must be warehoused in a separate building/parcel from the market-rate tenants in order to secure State financing. However, the State tax credit allocation that requires this has not yet been approved or reserved through the State by the applicant. In lieu of this CTCAC tax credit allocation, the segregation of affordable units from market rate units actually makes the project ineligible for SB 35. HCD's SB 35 regulations specify that affordable units must be distributed throughout the development unless a local or state funding program requires their separation. It follows that a COA for SB 35 streamlining and separation of the affordable units from market rate should be that the applicant is approved for reservation of the CTCAC funding that they have applied for. If this funding/tax credit is not approved, the project does not fulfill HCD's regulations.
 - The City and State do require that the affordable units be deed-restricted, which the applicant can accomplish without segregating tenants by class, as acknowledged in Staff's report. The

cost of condominiumizing the project is *de minimis* in the context of the overall project budget, and cannot be sufficient grounds to permit this callous and self-serving disregard of good public policy. In point of fact, Staff is still evaluating whether the proposed lot-line adjustments will even work, given the various elements shared between the two buildings as proposed, and condominiumizing remains a possible outcome in order to resolve the lot-line issue (again, contradicting applicant's claim that segregation is necessary for financing purposes).

5. Looming over a neighborhood of smaller homes, the project will sacrifice the privacy of young families and retirees living there.
 - City Code (6.02.020ff) clearly states the commitment of the City to Health in All Policies (HiAP). We acknowledge and appreciate that staff has cited HiAP in their report to the Council. However, that report is incomplete, and cites only the health benefits of the project, without acknowledging the clear and objective negative impacts the project would have on some citizens.
 - Shading dozens of parcels for much of the year deprives existing residents of access to healthful sunshine, and opportunities to garden or recreate. As noted above, the high local water table means that these yards will be unusable much of the year, deprived of the drying benefits of sunshine. This project will also result in mold issues and seasonal affective disorder at adjacent parcels.
 - These 60-foot-tall buildings will loom over dozens of homes, with windows and balconies and "rooftop amenities" situated to look directly into the yards and windows of adjacent homes, sacrificing the privacy of the families that live there.
 - When one thinks of health, one starts with Hippocrates and the Hippocratic oath: "First, do no harm." Or, if you prefer, "right wrongs no one." This project must not be approved until it's modified to eliminate these unhealthful impacts on our town's citizens.
6. The stacked tandem parking presents a clear and present threat to public safety, and is in clear violation of the City's objective standards.
 - Per City code, "No parking space may be in tandem with a parking space for a separate dwelling unit except as allowed for accessory dwelling units" (Page 18.73).
 - By definition, the proposed stacked tandem parking does not comply with that clear, objective standard.
 - Relying on the ability of the stacked parking to "shuffle" vehicles does not mitigate this non-compliance, since those stackers will not function during a power outage (including our now-frequent PSPS events), and likely cannot be operated by tenants (requiring a full-time, qualified attendant to operate them, as at local hotels that use such systems).
7. We are grateful to staff for establishing a condition of approval relating to the archaeologically highly sensitive location of the proposed development, and for requiring that that work be done "prior to the preparation of the construction documents." We would argue that, since SB35 requires that developments not harm historic artifacts or structures, this SB35 application cannot be approved until those Extended Phase 1 study findings are known.
 - We additionally note the "Archeology Report - A Confidential Document" states "The legal authority to restrict cultural resources information is found at California Government Code Section 6254(r) and Section 6254.10, Title 14 of the California Code of Regulations Section 15120(d), Section 304 of the National Historic Preservation Act of 1966, as amended, and Section 9 of the Archaeological Resources Protection Act."
 - Most of those listed codes pertain specifically to Native American cultural resources. Combined with the fact that the confidential report is concerning the adjacent parcel that was originally legally part of the subject site's parcel in the relevant historical/archeological period, it is evidence of recorded historical resources on the subject site. SB 35 streamlining code states "(4) A project shall not be eligible for the streamlined, ministerial process described in subdivision (c) if any of the following apply: (A) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project." The Villa de Branciforte is on the State Historic Registrar, and the subject site was part of the same Cornelio Perez site on which the confidential archeological report was recorded. This confirms local recording of this Native

American cultural resource from a period in which the subject site was part of the same parcel/site in which the resources have been recorded.

8. The density bonus being applied for under the State Density Bonus Law assumes a need for a density bonus based on a density limit. However, the applicant claims the City land use element LU3.8 means there is no density limit based on the small studios and 1-bedroom units included in the development. The result is that the applicant is asking for the majority of the units to not count as units toward the density limit per MXHD land use, but then does claim those same units as units for qualifying for a density bonus. This is clear twisting of the laws on both the State and local level that violate the purpose of those laws. The State Density Bonus Law specifies, in subdivision (f), that a - ““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.” If the applicant is claiming “no maximum allowable gross residential density” for the project, the project then has no grounds for a density bonus.

In closing, we are asking you, our City Council representatives, to deny Novin Development’s application for SB35 status. The developer has not met the threshold for approval and must be held to a higher standard. We believe you have the grounds for denial, including deception in the application process concerning financing and requests for concessions and fee waivers. At a minimum, this application must be denied at this time, until the many unanswered, critical questions listed above are resolved, since each of them may have a material impact on the design of the proposed project.

We want more affordable housing. Safe housing. Family-oriented housing. Reasonably sized housing. But an application for such housing — which would be located on a steep hill at an already dangerous intersection, on property smaller than one acre, with few options for safe access and egress — deserves (way) more scrutiny than this particular developer believes is warranted.

We want responsible development that reflects the desires of the community. We want a process that is upfront and honest. We believe we can work together in an open, public process to create safe and responsible developments for Santa Cruz and its citizens.

Thank you for considering our strongly held views — and for your service to the residents of Santa Cruz.

Sincerely,

"831 for Responsible Development" Citizens Group

Our Online Petition

The pandemic has made it worrisome for people to sign or collect signatures on a petition — in person. So, out of respect for our fellow city residents, we launched an e-petition on our [831 Responsible Development](#) web site that speaks to our concerns about the project as proposed for 831 Water Street. While people who sign our petition are asked for their full name, full address, and email address, we have — for privacy reasons because it’s online — chosen to have our petition display only their first name, the first letter of their last name, and their city of residence. As of September 26, 2021, our online petition had been signed by close to 600 people, almost all of whom are residents of the City of Santa Cruz.

“We the undersigned are in favor of the City of Santa Cruz working with developers to add affordable and attainable housing to our neighborhoods. But

we strongly believe that such housing should be responsible, reasonable, and respectful of existing neighborhoods. It is also our belief that the development currently proposed for 831 Water Street satisfies only one of these objectives: It adds housing units. Unfortunately, this proposal would add housing at a scale that is not respectful of the Eastside neighborhoods that would be significantly impacted by its approval. It is also our opinion that the project, as currently proposed, would add housing in a way that is unsafe and environmentally irresponsible. We the undersigned strongly encourage our city representatives – elected officials, appointed officials, and staff – to do everything possible to ensure that this and other similar developments in Santa Cruz add housing AND do so in a way that is respectful of the neighborhoods such proposals impact. Thank you!”

580	Christopher	B	Santa Cruz
579	Thomas	M	Santa Cruz
578	Franklin	D	Santa Cruz
577	Wendy	R	Santa Cruz
576	Candace	D	Santa Cruz
575	Cheri	L	Santa Cruz
574	Carrie	P	Santa Cruz
573	Chad	F	Watsonville
572	Dale	M	Santa Cruz
571	Eddy	O	Santa Cruz
570	Cheryl	L	Santa Cruz
569	Martin	W	Santa Cruz
568	Barbara	F	Santa Cruz
567	Ellen	F	Santa Cruz
566	Hannah	N	Santa Cruz
565	Donald	S	Santa Cruz
564	Lora	M	Santa Cruz
563	Jack	N	Santa Cruz
562	Jonathan	W	Santa Cruz
561	Mary	W	Santa Cruz
560	Alyssa	B	Capitola
559	Patricia	W	Santa Cruz
558	Robert	W	Santa Cruz

557	Katharina	S	Santa Cruz
556	Alicia	B	Santa Cruz
555	Joshua	C	Santa Cruz
554	Jamie	B	Santa Cruz
553	Connie	B	Santa Cruz
552	Aaron	L	Santa Cruz
551	James	S	Santa Cruz
550	Marguerite	B	Santa Cruz
549	Tim	L	Santa Cruz
548	Bhavani	P	Santa Cruz
547	Neil	B	Santa Cruz
546	Gilad	A	Santa Cruz
545	Alison	C	Santa Cruz
544	Jane	H	Santa Cruz
543	Kathy	R	Santa Cruz
542	Donna	M	Santa Cruz
541	Debra	G	Santa Cruz
540	Donald	W	Santa Cruz
539	Michael	S	Santa Cruz
538	Jamie	A	Santa Cruz
537	Kathy	C	Santa Cruz
536	Douglas	G	Santa Cruz
535	Kimberly	W	Santa Cruz
534	Rob	S	Santa Cruz
533	Sally	J	Santa Cruz
532	Denise	B	Santa Cruz
531	Travis	U	Santa Cruz
530	Joel	M	Santa Cruz
529	Barbara	G	Santa Cruz
528	Mark	G	Santa Cruz
527	Erik	V	Santa Cruz
526	Jane	B	Santa Cruz
525	Sara	H	Santa Cruz
524	Melissa	M	Santa Cruz
523	Savean	B	Santa Cruz

522	Clark	M	Santa Cruz
521	Gail	J	Santa Cruz
520	Kathy	H	Santa Cruz
519	Jasmin	G	Santa Cruz
518	Karen	G	Santa Cruz
517	Dennis	W	Santa Cruz
516	Phyllis	W	Santa Cruz
515	Jack	S	Santa Cruz
514	Jeff	S	Santa Cruz
513	Lily Ana	S	Santa Cruz
512	Andrea	R	Santa Cruz
511	Saundra Lee	T	Santa Cruz
510	Greg	M	Santa Cruz
509	Peter	W	Santa Cruz
508	Sheila	C	Santa Cruz
507	Mary	M	Santa Cruz
506	Jono	S	Santa Cruz
505	Cade	V	Santa Cruz
504	Debbie	G	Santa Cruz
503	Sandra	S	Aptos
502	Bob	G	Santa Cruz
501	Charles	H	Santa Cruz
500	Mike	R	Santa Cruz
499	Sun	H	Santa Cruz
498	Wayne	B	Santa Cruz
497	Mary	D	Santa Cruz
496	Desiree	D	Santa Cruz
495	Mary	A	Santa Cruz
494	Virginia	V	Santa Cruz
493	Connie	S	Santa Cruz
492	James	S	Santa Cruz
491	Jeff	B	Santa Cruz
490	Nikaela	M	Santa Cruz
489	Bill	K	Santa Cruz
488	Sunnie	K	Santa Cruz

487	Donna	M	Santa Cruz
486	Jackie	Y	Santa Cruz
485	Ed	T	Santa Cruz
484	Richard	B	Aptos
483	Fred	E	Santa Cruz
482	Anne	M	Santa Cruz
481	Andre	T	Santa Cruz
480	Karen	S	Santa Cruz
479	Georgina	A	Santa Cruz
478	Craig	R	Santa Cruz
477	Theresa	P	Santa Cruz
476	Kathleen	M	Santa Cruz
475	Lauri	H	Santa Cruz
474	Rhyannan	L	Santa Cruz
473	Kelly	C	Santa Cruz
472	Breta	H	Santa Cruz
471	Peter	J	Santa Cruz
470	Linnaea	H	Santa Cruz
469	Shelley	C	Santa Cruz
468	Dan	B	Santa Cruz
467	Jerilyn	M	Santa Cruz
466	Erik	D	Santa Cruz
465	Adele	K	Santa Cruz
464	Thomas	K	Santa Cruz
463	John	B	Santa Cruz
462	Bruce	B	Santa Cruz
461	Matthew	D	Aptos
460	Laura	F	Santa Cruz
459	Nathan	S	Santa Cruz
458	Rick	G	Santa Cruz
457	Greg	B	Santa Cruz
456	Shirley	H	Santa Cruz
455	Leslie	M	Santa Cruz
454	Bruce	K	Santa Cruz
453	Mary	M	Scotts Valley

452	David	H	Santa Cruz
451	Peggy	H	Santa Cruz
450	Charles	S	Santa Cruz
449	Flo	Q	Santa Cruz
448	Kenneth	K	Santa Cruz
447	Patricia	B	Santa Cruz
446	Caroline	G	Santa Cruz
445	Selina	W	Santa Cruz
444	Gina	C	Watsonville
443	Vern	S	Santa Cruz
442	David	W	Santa Cruz
441	Fiona	S	Santa Cruz
440	Kendall	F	Santa Cruz
439	Don	C	Santa Cruz
438	Katherine	B	Scotts Valley
437	Constance	G	Santa Cruz
436	Hank	M	Santa Cruz
435	Renee	C	Santa Cruz
434	Anthony	H	Santa Cruz
433	Trician	C	Santa Cruz
432	Marian Kitty	D	Santa Cruz
431	Maria	S	Santa Cruz
430	Larry	M	Santa Cruz
429	Connie	M	Santa Cruz
428	Myra	R	Santa Cruz
427	Chris	W	Santa Cruz
426	Grrrant	W	Santa Cruz
425	Shelly	D	Santa Cruz
424	Jim	R	Santa Cruz
423	Julia	P	Santa Cruz
422	Nicholas	D	Santa Cruz
421	Morgan	D	Santa Cruz
420	Emma	A	Santa Cruz
419	Benjamin	D	Santa Cruz
418	Erin	H	Santa Cruz

417	Mary	C	Santa Cruz
416	Randall	J	Santa Cruz
415	Elly	K	Santa Cruz
414	Lisa	M	Santa Cruz
413	Margaret	W	Santa Cruz
412	Kevin	S	Santa Cruz
411	Kate	A	Santa Cruz
410	Danny	J	Santa Cruz
409	Deborah	M	Santa Cruz
408	Lynn	W	Santa Cruz
407	Mary	H	Santa Cruz
406	Katherine	T	Santa Cruz
405	James	TI	Santa Cruz
404	Megan	H	Santa Cruz
403	Tracy	T	Santa Cruz
402	Zane	B	Santa Cruz
401	Linda	A	Santa Cruz
400	Eric	C	Santa Cruz
399	Bonnie	W	Santa Cruz
398	Kathryn	H	Santa Cruz
397	Brooke	E	Santa Cruz
396	Ibukun	B	Santa Cruz
395	Meryl	L	Santa Cruz
394	Leslie	G	Santa Cruz
393	Michael	B	Santa Cruz
392	Kelley	S	Santa Cruz
391	Jon	T	Santa Cruz
390	Lorraine	Z	Santa Cruz
389	Sally	A	Santa Cruz
388	Mark	J	Santa Cruz
387	Pamela	J	Santa Cruz
386	Pat	S	Santa Cruz
385	Maria	Z	Santa Cruz
384	Susan	B	Santa Cruz
383	Linda	H	Santa Cruz

382	Denise	P	Santa Cruz
381	Vita	H	Santa Cruz
380	Nevin	L	Santa Cruz
379	Marlene	F	Santa Cruz
378	Ted	F	Santa Cruz
377	Ethan	S	Santa Cruz
376	Maddie	S	Santa Cruz
375	Dalton	B	Santa Cruz
374	Ryan	M	Santa Cruz
373	Bruce	L	Santa Cruz
372	Aislyn	W	Santa Cruz
371	David	W	Santa Cruz
370	Lynn	H	Santa Cruz
369	Kathleen	C	Santa Cruz
368	Ken	S	Santa Cruz
367	Donna	G	Santa Cruz
366	Julia	P	Santa Cruz
365	Nadine	G	Santa Cruz
364	Shari	J	Santa Cruz
363	Kathleen	A	Santa Cruz
362	Karen	M	Santa Cruz
361	Carol	S	Santa Cruz
360	Tom	G	Santa Cruz
359	Jean	B	Santa Cruz
358	Eva	B	Santa Cruz
357	Ellen	M	Santa Cruz
356	Anne	M	Santa Cruz
355	Christopher	C	Santa Cruz
354	Sean	S	Scotts Valley
353	Daniel	L	Santa Cruz
352	Sally	L	Santa Cruz
351	Laina	R	Santa Cruz
350	Nick	A	Santa Cruz
349	Victoria	V	Santa Cruz,
348	Marc	D	Santa Cruz

347	Larry	E	Santa Cruz
346	Linda	C	Santa Cruz
345	Noreen	H	Santa Cruz
344	James	G	Santa Cruz
343	Marcus	A	Santa Cruz
342	Mark	M	Santa Cruz
341	Thomas	M	Santa Cruz
340	Victoria	B	Santa Cruz
339	Todd	K	Santa Cruz
338	Louanne	K	Santa Cruz
337	William	M	Santa Cruz
336	Dena	B	Santa Cruz
335	Theresa	M	Santa Cruz
334	Chris	M	Santa Cruz
333	Alex	C	Santa Cruz
332	Kate	C	Santa Cruz
331	Robert	C	Santa Cruz
330	Tera	M	Santa Cruz
329	Christy	M	Santa Cruz
328	Victoria	C	Santa Cruz
327	John	H	Santa Cruz
326	Barbara	H	Santa Cruz
325	Martha	K	Santa Cruz
324	Royce	F	Santa Cruz
323	Jennifer	D	Santa Cruz
322	Susan	K	Santa Cruz
321	Vicki	M	Santa Cruz
320	Valerie	B	Santa Cruz
319	Jackie	M	Santa Cruz
318	Dale	B	Santa Cruz
317	Bruce	T	Santa Cruz
316	Heather	B	Santa Cruz
315	Sean	D	Santa Cruz
314	edward	b	Santa Cruz
313	Geordie	H	Santa Cruz

312	Evan	W	Santa Cruz
311	Shelley	C	Santa Cruz
310	Jason	W	Santa Cruz
309	Ashley	C	Santa Cruz
308	Beverley	P	Santa Cruz
307	Trician	C	Santa Cruz
306	Ellen	A	Santa Cruz
305	Antoinette	C	Santa Cruz
304	Trevor	L	Santa Cruz
303	Susan	P	Santa Cruz
302	Marchina	B	Santa Cruz
301	Michael	S	Santa Cruz
300	Diana	S	Santa Cruz
299	Rose	C	Santa Cruz
298	Steve	R	Watsonville
297	Terilynn	D	Santa Cruz
296	Ed	J	Santa Cruz
295	Lauri	D	Santa Cruz
294	Catherine	M	Santa Cruz
293	Barney	L	Santa Cruz
292	Isabelle	S	Santa Cruz
291	Patricia	F	Santa Cruz
290	Joan	T	Santa Cruz
289	Steven	S	Santa Cruz
288	Olivia	S	Santa Cruz
287	Jason	B	Santa Cruz
286	Lisa	B	Santa Cruz
285	Diana	C	Santa Cruz
284	Michele	P	Santa Cruz
283	Elizabeth	L	Santa Cruz
282	Sarah	K	Santa Cruz
281	Jane	M	Santa Cruz
280	Jacqueline	W	Santa Cruz
279	Debbie	R	Santa Cruz
278	Tom	L	Santa Cruz

277	Carol	R	Santa Cruz
276	Ronald	W	Santa Cruz
275	Phil	K	Santa Cruz
274	Lori	C	Aptos
273	Alison	R	Santa Cruz
272	Mary	O	Santa Cruz
271	Marianne	F	Santa Cruz
270	Phil	R	Aptos
269	Darci	H	Santa Cruz
268	Sharon	P	Santa Cruz
267	Sue	W	Santa Cruz
266	Erica	S	Santa Cruz
265	Dennis	H	Santa Cruz
264	Martina	O	Santa Cruz
263	Esmer	K	Santa Cruz
262	Juanita	U	Santa Cruz
261	Michelle	B	Santa Cruz
260	Dennis	P	Santa Cruz
259	Margaret	M	Soquel
258	Margaret	L	Soquel
257	Susan	D	Santa Cruz
256	Kathryn	C	Santa Cruz
255	Jon	L	Santa Cruz
254	Ralph & Maggie	C	Santa Cruz
253	Philip	V	Santa Cruz
252	Tara	F	Santa Cruz
251	Sheri	M	Santa Cruz
250	Janie	D	Santa Cruz
249	Nlta	H	Santa Cruz
248	Ted	M	Santa Cruz
247	Maren	H	Santa Cruz
246	Julie	W	Santa Cruz
245	Jill	T	Santa Cruz
244	David	W	Santa Cruz
243	Lexi	B	Soquel

242	Caroline	G	Santa Cruz
241	Ken	G	Santa Cruz
240	Fiona	F	Aptos
239	Erin	W	Santa Cruz
238	April	R	Santa Cruz
237	Katharina	S	Santa Cruz
236	Aukjen	H	Santa Cruz
235	Erik	H	Santa Cruz
234	Woutje	S	Santa Cruz
233	Karen	P	Santa Cruz
232	Sarah	H	Santa Cruz
231	Sophie	S	Santa Cruz
230	Natasha	F	Santa Cruz
229	Jonathan	F	Santa Cruz
228	Margaret	W	Capitola
227	Jim	C	Santa Cruz
226	Doug	S	Santa Cruz
225	Storey	L	Santa Cruz
224	O	P	Santa Cruz
223	Alan	H	Santa Cruz
222	George	B	Santa Cruz
221	Bruce	D	Santa Cruz
220	Lorraine	B	Santa Cruz
219	Deborah	G	Santa Cruz
218	Ingrid	H	Santa Cruz
217	Debra	F	Santa Cruz
216	Whitney	F	Santa Cruz
215	Bob	R	Santa Cruz
214	Bernadette	R	Santa Cruz
213	Carolyn	F	Santa Cruz
212	Victoria T	W	Santa Cruz
211	Joanne	B	Santa Cruz
210	Aven	S	Santa Cruz
209	Jeremy	D	Santa Cruz
208	Kathleen	W	Santa Cruz

207	Jill	E	Santa Cruz
206	Laura	G	Santa Cruz
205	Danielle	L	Santa Cruz
204	Chris	M	Santa Cruz
203	Michael	S	Santa Cruz
202	Heather	M	Santa Cruz
201	Amy	L	Santa Cruz
200	Candace	M	Santa Cruz
199	Ken	B	Santa Cruz
198	Glenn	S	Santa Cruz
197	Thomas	V	Aptos
196	Evelyn	B	Soquel
195	Jack	B	Santa Cruz
194	Nancy	D	Santa Cruz
193	Tani	P	Santa Cruz
192	Bruce	L	Santa Cruz
191	Nichols	R	Santa Cruz
190	Catalina	R	Santa Cruz
189	Ronald	G	Santa Cruz
188	Shane	D	Santa Cruz
187	Tony	G	Santa Cruz
186	Stacey	G	Santa Cruz
185	Heather	G	Folsom
184	Charlie	K	Santa Cruz
183	Jason	C	Santa Cruz
182	Varvara	P	Santa Cruz
181	Nancy	E	Santa Cruz
180	David	S	Scotts Valley
179	Chi	C	Santa Cruz
178	Angie	C	Santa Cruz
177	Beth	O	Santa Cruz
176	Lezlie	W	Santa Cruz
175	Britnee	E	Santa Cruz
174	Martha	B	Santa Cruz
173	Laurie	L	Santa Cruz

172	Cindy	M	Santa Cruz
171	Jenny	E	Santa Cruz
170	Brian	M	Davenport
169	Mary	M	Santa Cruz
168	Jennifer	M	Davenport
167	Cecil	C	Santa Cruz,
166	Marilyn	K	Santa Cruz
165	Robert and Kathleen	M	Santa Cruz
164	Susie	T	San Francisco
163	Francine	T	Santa Cruz
162	Leonard	A	Santa Cruz
161	Clare	C	Santa Cruz
160	Rossana	B	Soquel
159	Steve	L	Santa Cruz
158	DOUG	L	Ben Lomond
157	Shari	W	Santa Cruz
156	Robin	A	Santa Cruz
155	Gary	H	Santa Cruz
154	Howard	K	Santa Cruz
153	Nancy	K	Santa Cruz
152	Deanna	N	Santa Cruz
151	Lynda	W	Santa Cruz
150	Bonnie	C	Santa Cruz
149	Scott	B	Santa Cruz
148	Eloise	N	Santa Cruz
147	Abbey	W	Santa Cruz
146	Dean	Y	Santa Cruz
145	Leela	K	Santa Cruz
144	Marlene	P	Santa Cruz
143	Linda	M	Santa Cruz
142	Connie	W	Santa Cruz
141	Helen	N	Santa Cruz
140	Mayra	C	Santa Cruz
139	Mary Lou	H	Santa Cruz
138	Joyce	B	Scotts Valley

137	Dolores	S	Santa Cruz
136	Michael	F	Santa Cruz
135	Gabrielle	L	Santa Cruz
134	Mark	A	Santa Cruz
133	Bob	S	Santa Cruz
132	Colleen	H	Santa Cruz
131	Eric	H	Santa Cruz
130	Jill	J	Santa Cruz
129	Kendra	K	Felton
128	Tracy	A	Capitola
127	Gordon	L	Santa Cruz
126	Linda	L	Santa Cruz
125	Kate	H	Santa Cruz
124	Nereida	R	Santa Cruz
123	Jack	H	Santa Cruz
122	Gary	R	Santa Cruz
121	LeighAnn	W	Santa Cruz
120	Amy	T	Santa Cruz
119	David	W	Santa Cruz
118	Iris	W	Santa Cruz
117	John	H	Santa Cruz
116	Anna	A	Santa Cruz
115	John	H	Santa Cruz
114	Rosa	R	Santa Cruz
113	Bliss	R	Santa Cruz
112	Gerda	E	Santa Cruz
111	Amanda	P	Santa Cruz
110	Susan	M	Santa Cruz
109	Anika	T	Santa Cruz
108	Rebecca	H	Santa Cruz
107	Ned	C	Santa Cruz
106	Gary	P	Santa Cruz
105	Arthur	K	Santa Cruz
104	Ann	M	Santa Cruz
103	Rachel	K	Santa Cruz

102	Suzanne	N	Santa Cruz
101	Brad	B	Santa Cruz
100	B	W	Santa Cruz
99	Robert	A	Santa Cruz
98	Leslie	M	Santa Cruz
97	Stanley D	S	Santa Cruz
96	Susan	V	Santa Cruz
95	Caitlin	D	Santa Cruz
94	Kim	M	Santa Cruz
93	Linda	F	Aptos
92	Terrie	K	Santa Cruz
91	M	M	Santa Cruz
90	Colette	H	Santa Cruz
89	Veronica	U	Santa Cruz
88	David	C	Aptos
87	Andree	L	Santa Cruz
86	Kristin	S	Santa Cruz
85	Katrin	T	Santa Cruz
84	Richard	P	Santa Cruz
83	Bob	J	Santa Cruz
82	Ann	H	Santa Cruz
81	Susan	N	Santa Cruz
80	Ken	M	Santa Cruz
79	Chris	D	Santa Cruz
78	Cory	C	Santa Cruz
77	Jeannine	G	Santa Cruz
76	Lysa	T	Santa Cruz
75	Roe	S	Santa Cruz
74	Susan	M	Santa Cruz
73	Richard	B	Santa Cruz
72	Marilyn	P	Santa Cruz
71	Grant	C	Santa Cruz
70	S Catherine	C	Santa Cruz
69	Stephen	F	Santa Cruz
68	Lisa	P	Santa Cruz

67	Robert	O	Santa Cruz
66	Jude	T	Santa Cruz
65	Ellen	F	Santa Cruz
64	Lorraine	E	Santa Cruz
63	Rebecca	J	Santa Cruz
62	Susan	D	Santa Cruz
61	Jesse	S	Soquel
60	Josh	R	Santa Cruz
59	Rachel	M	Santa Cruz
58	Karen	C	Santa Cruz
57	Ellen	M	Santa Cruz
56	Lira	F	Santa Cruz
55	Kim	S	Santa Cruz
54	Tamara	A	Santa Cruz
53	Ayata	A	Santa Cruz
52	Isabel	G	Santa Cruz
51	Susan	S	Santa Cruz
50	Tara	M	Santa Cruz
49	Kirby	h	Watsonville
48	S H	B	Santa Cruz
47	Ellen	S	Santa Cruz
46	Marianne	M	Santa Cruz
45	Nanc;y	N	Santa Cruz
44	Rex	S	Santa Cruz
43	Desiree	D	Santa Cruz
42	peter	B	Corralitos
41	Charles	P	Santa Cruz
40	Patricia	M	Santa Cruz
39	Virginia	M	Santa Cruz
38	John	A	Santa Cruz
37	Gina	H	Santa Cruz
36	Rebecca	G	Santa Cruz
35	Angela	L	Santa Cruz
34	Nancy	D	Santa Cruz
33	Alexander	G	Santa Cruz

32	Marcus	S	Santa Cruz
31	Robert	I	Santa Cruz
30	Ned	S	Santa Cruz
29	Simon	G	Santa Cruz
28	Alison	B	Santa Cruz
27	Tom	L	Santa Cruz
26	Curt	C	Santa Cruz
25	Mark	B	Santa Cruz
24	Dennis	A	Santa Cruz
23	Erica	T	Santa Cruz
22	Malcolm	T	Santa Cruz
21	Sue	T	Santa Cruz
20	Nate	J	Santa Cruz
19	Andrew	J	Santa Cruz
18	Jim	B	Santa Cruz
17	Phil	E	Santa Cruz
16	Amber	E	Santa Cruz
15	Joan	M	Santa Cruz
14	Loke	L	Santa Cruz
13	Janice	L	Santa Cruz
12	Guy	L	Santa Cruz
11	Robin	E	Santa Cruz
10	Doug	E	Santa Cruz
9	Cathy	P	Santa Cruz
8	Brooke	M	Santa Cruz
7	Rosa	M	Santa Cruz
6	Sarah	S	Santa Cruz
5	Nancy	B	Santa Cruz
4	Carol	L	Santa Cruz
3	Michael	Y	Santa Cruz
2	David	L	Santa Cruz
1	Emily	M	Santa Cruz

December 10, 2021

Dear Mayor Meyers and Santa Cruz City Council Members,

Thank you again for your attention and commitment as stewards of our town and your continued willingness to listen to your constituents' many serious concerns about the ill-conceived project Novin Development ("Novin") has proposed for 831 Water Street. As we've noted, it's vitally important to get this right and establish an expectation for reasonable, responsible housing development in Santa Cruz.

Our citizens' group, 831 Responsible Development, and the nearly 600 supporters who have signed our petition (see below) believe Santa Cruz absolutely can say yes to responsible developments that will provide affordable housing for our neighbors.

However, many serious problems remain with the 831 Water St. proposal, even as it has evolved. We continue to support our previously submitted comments and are also including the following, as it pertains to the current phase of this process.

State of the application

How can the City Council be asked to approve an application when it's not even clear what's really in that application? Novin has continuously and repeatedly produced partial, conflicting, and error-rich submissions — and made it the City's chore to make sense of them. Many inconsistencies of terminology, pagination, and content remain in the basic plan set, setting aside the applicant's other letters and threats. For example, Novin's latest Density Bonus Statement (dated Nov. 12, 2021) indicates that it plans to build 55 affordable units, while Novin's latest plans (dated Oct 13, 2021) show 71 affordable units. Which is it? What is Novin actually planning to build? What are they asking the City Council to approve?

It should be a simple and non-controversial matter for the applicant to provide a single, coherent, comprehensive, consolidated, and final proposal for the City

and the community to review. We believe the City is well within its rights to expect as much and should reject the current hodge-podge as internally inconsistent.

Density bonus deficiencies

One element of the Council's Oct. 12 denial motion concerned the Density Bonus information required per City code. It was not included anywhere in the proposal. This is still an issue. Santa Cruz has application requirements about location of density bonus units; this application should be denied a density bonus for continuing to omit that information.

The current form of the SB35 application before the City still does not conform to the requirements for a density bonus as set forth by the City. The State Density Bonus Law confirms that the City is the entity to set the "application" requirements.

From the State Density Bonus Law about what local governments (Santa Cruz) need to provide for density bonus applications - 65915(a)(2)(B)

“Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete.”

SCMC 24.16.265(3)

”The affordable housing plan shall include at least the following information: a. Site plan showing total number of units, number and location of affordable units, and **number and location of proposed density bonus units**. [and] 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**.” [emphasis added]

As a consequence of the state of Novin’s application, it’s not apparent where all of the density bonus units are located (these would be all of the units above the

109 units in the base development plan — presumably 31 units [140-109], though that is uncertain). It's also not clear how many units Novin plans to build, since the application only accounts for 55 affordable units, not 71 as depicted in the plan drawings.

Slope variance

As noted in the City's Oct. 14, 2021 letter to the applicant:

“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.” In that same letter, the City stipulates that “The underground garage constitutes a ‘building’ per SCMC 24.22.154 and must comply with slope setbacks.”

We do not believe that it's incumbent upon the City to allow this variance. Rather, the City should refuse to allow a variance, given the profound impacts on public health and safety introduced by having the primary ingress to / egress from the building on a steep street, through a greater than 30% slope, across a protected bike lane, and close to a busy intersection. Instead, the underground parking should be accessed from N. Branciforte Avenue, where these grade conditions don't apply.

The slope regulation has additional public safety implications for such a significant development and earthquake safety. This is due to SB 35 limiting earthquake assessment to a specific State Geologist's map that indicates that Santa Cruz has not yet been assessed for earthquake safety. The slope regulation and general building code remain the only enforceable protections in this regard so we hope to see this regulation upheld.

Segregation of low-income units

Have the low-income units originally segregated in the four-story tower been adequately dispersed throughout the project? It's not clear. The new table seems to show that 11 of the units would be in the market rate building; however, there is no information about the dispersal of the majority of the affordable units — a

requirement set by the City's code and Density Bonus Ordinance. SB 35 specifically states that City ordinances are applicable objective standards.

Many other problems remain

- While clearly Novin's application is anything but complete or even final, it is notable that now that they have (finally) identified the location of at least some of the affordable units, and their targeted affordability levels, NONE of the proposed affordable units currently target very-low income members of our community. As a reminder, the very-low income level is the ONLY RHNA goal that the City of Santa Cruz has yet to meet - that shortfall is the very reason that Novin can even pursue SB35 streamlining. By failing to provide any units at that level Novin (craftily?) leaves the SB35 door wide open in Santa Cruz, allowing Novin and others to continue to aspire to inflict inappropriate projects on our town. Novin should be required to provide at least the 22 inclusionary units at very-low income levels (affordable below 50% of AMI).
- The project's mass, scale, and density externalize health and safety impacts, including shading dozens of homes much of the year, reducing effectiveness of existing rooftop solar, raising groundwater levels, and creating dangerous mold issues.
- The "fire lane" on the building's north side must also serve as access for delivery vehicles, sanitation, and recycling services, etc. We see no changes to the plan that would prevent such delivery vehicles from backing out into North Branciforte Avenue with dangerous consequences to pedestrians, cyclists, and motorists. Staff only notes that "Garbage trucks will back in to pick up refuse...". This requirement must extend to all non-standard vehicles, per City code (24.12.280: "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.").
- Looming over a neighborhood of smaller homes, the project will sacrifice the privacy of young families and retirees living there.

- The probable destruction of Villa de Branciforte and Native American archaeological resources is untenable. The archaeological sensitivity overlay, combined with Staff's submitted document on the project's web page that list laws that protect Tribal/cultural resources, confirm this site has such resources. SB 35 clearly states that sites with known Tribal resources or that damage or destroy historical structures do not qualify for SB 35 streamlining.

Finally, this is still the wrong project to be the first in Santa Cruz to be approved for SB35 fast tracking. It is wrong because even the latest version of the application continues to raise more questions than it answers. It is wrong because it lowers the standard to an unacceptable level for other significant development projects that are likely to come before this city in the next few years.

We sympathize with the City's difficult position in the face of legal threats and applaud the exemplary work of city planning and public works staff. In particular, we appreciate the comprehensive list of Conditions of Approval (COAs) that Staff has included as Exhibit A. If the City Council feels it must overlook the significant shortcomings that continue to exist in this application, we have some additional COAs to suggest — and have included them as an attachment to this letter.

However, given the application's ongoing deficiencies, we believe this proposal is not ready for COAs — and that members of the City Council should once again reject the application as incomplete, internally inconsistent, and for not conforming to all of the objective standards that apply to this proposal.

Sincerely,

831 Responsible Development

Conditions of Approval [COAs] (Suggested by 831 Responsible Development)

Page numbers refer to the City Council packet for the December 14, 2021 meeting.

Subject	Discussion
Participation Agreement	<ul style="list-style-type: none"> • This is a modification to existing COA #13(d), page 25.261. • This requirement should clearly state that this access must remain in effect for as long as the units are affordable (in perpetuity for 22 units; for 55 years or more for the other 33 units).
Archaeological sub-surface survey	<ul style="list-style-type: none"> • This is a modification to existing COA #23, page 25.263. • Per Staff recommendation (page 25-73), require an Extended Phase 1 study, including subsurface survey, prior to the preparation of construction documents.
Parking permits	<ul style="list-style-type: none"> • This is a modification to existing COA #41, page 25.266. • This requirement should clearly state that the Applicant shall pay for these permit-parking programs and that it should be an option for residents of any impacted street.
Noise study	<ul style="list-style-type: none"> • This is a modification to existing COA #42, page 25.266. • Noise study must account for vehicle noise from Highway 1 that will be reflected off of the building into the adjoining residential neighborhood. • Noise study must account for impacts of vehicles' back-up beepers within the development.
Electronic/ Actuated Warning Device / Exit Gate	<ul style="list-style-type: none"> • This is a modification to existing COA #50, page 25.267. • Warning device(s) must also alert drivers exiting the building regarding oncoming traffic (bicycles and/ or motor vehicles). Ideally, the exit gate will not open unless Water Street is clear of oncoming traffic.
Providing units affordable at very-low-income levels (below 50% AMI)	<ul style="list-style-type: none"> • Require that the 22 inclusionary units be provided to families at the very-low-income level (50% AMI).

Subject	Discussion
Exiting north-side parking access driveway	<ul style="list-style-type: none"> • (See SCMC 24.12.280.3.b) – “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.” • Require that vehicles must drive forward out of north-side access driveway.
Groundwater monitoring	<ul style="list-style-type: none"> • Applicant shall install and monitor groundwater wells around the property, in order to gauge the impact of the development on existing groundwater levels. • In the event that groundwater levels are found to be higher than prior to development, applicant shall be responsible for mitigations. • Wells shall be installed immediately, in order to establish baseline data prior to construction. • Data shall be published to the City and residents on a regular and continuous basis (monthly?).
Traffic Study	<ul style="list-style-type: none"> • Traffic study for the site must address both vehicle miles travelled (VMT) and local traffic impacts (level of service). VMT is required by law, but while necessary it’s not sufficient to properly understand the local impacts, and the impacts on “through traffic” (commute, public safety, etc.) and local air quality.
Solar compensation	<ul style="list-style-type: none"> • Developer should both (1) compensate those Belvedere residents who currently have PV solar installed, offsetting the shading impacts that its building will cause, and (2) compensate other affected Belvedere residents for their loss of potential solar generating capacity.

Our Online Petition

The pandemic has made it worrisome for people to sign or collect signatures on a petition — in person. So, out of respect for our fellow city residents, we launched an e-petition on our [831 Responsible Development](#) web site that speaks to our concerns about the project as proposed for 831 Water Street. While people who sign our petition are asked for their full name, full address, and email address, we have — for privacy reasons because it's online — chosen to have our petition display only their first name, the first letter of their last name, and their city of residence. As of December 8, 2021, our online petition had been signed by close to 600 people, almost all of whom are residents of the City of Santa Cruz.

“We the undersigned are in favor of the City of Santa Cruz working with developers to add affordable and attainable housing to our neighborhoods. But we strongly believe that such housing should be responsible, reasonable, and respectful of existing neighborhoods. It is also our belief that the development currently proposed for 831 Water Street satisfies only one of these objectives: It adds housing units. Unfortunately, this proposal would add housing at a scale that is not respectful of the Eastside neighborhoods that would be significantly impacted by its approval. It is also our opinion that the project, as currently proposed, would add housing in a way that is unsafe and environmentally irresponsible. We the undersigned strongly encourage our city representatives — elected officials, appointed officials, and staff — to do everything possible to ensure that this and other similar developments in Santa Cruz add housing AND do so in a way that is respectful of the neighborhoods such proposals impact. Thank you!”

584	Catherine	W	Santa Cruz
583	Dean	H	Santa Cruz
582	Victoria	E	Santa Cruz
581	Barbara	P	Capitola
580	Christopher	B	Santa Cruz
579	Thomas	M	Santa Cruz
578	Franklin	D	Santa Cruz
577	Wendy	R	Santa Cruz
576	Candace	D	Santa Cruz
575	Cheri	L	Santa Cruz
574	Carrie	P	Santa Cruz
573	Chad	F	Watsonville

572	Dale	M	Santa Cruz
571	Eddy	O	Santa Cruz
570	Cheryl	L	Santa Cruz
569	Martin	W	Santa Cruz
568	Barbara	F	Santa Cruz
567	Ellen	F	Santa Cruz
566	Hannah	N	Santa Cruz
565	Donald	S	Santa Cruz
564	Lora	M	Santa Cruz
563	Jack	N	Santa Cruz
562	Jonathan	W	Santa Cruz
561	Mary	W	Santa Cruz
560	Alyssa	B	Capitola
559	Patricia	W	Santa Cruz
558	Robert	W	Santa Cruz
557	Katharina	S	Santa Cruz
556	Alicia	B	Santa Cruz
555	Joshua	C	Santa Cruz
554	Jamie	B	Santa Cruz
553	Connie	B	Santa Cruz
552	Aaron	L	Santa Cruz
551	James	S	Santa Cruz
550	Marguerite	B	Santa Cruz
549	Tim	L	Santa Cruz
548	Bhavani	P	Santa Cruz
547	Neil	B	Santa Cruz
546	Gilad	A	Santa Cruz
545	Alison	C	Santa Cruz
544	Jane	H	Santa Cruz
543	Kathy	R	Santa Cruz
542	Donna	M	Santa Cruz
541	Debra	G	Santa Cruz
540	Donald	W	Santa Cruz
539	Michael	S	Santa Cruz
538	Jamie	A	Santa Cruz

537	Kathy	C	Santa Cruz
536	Douglas	G	Santa Cruz
535	Kimberly	W	Santa Cruz
534	Rob	S	Santa Cruz
533	Sally	J	Santa Cruz
532	Denise	B	Santa Cruz
531	Travis	U	Santa Cruz
530	Joel	M	Santa Cruz
529	Barbara	G	Santa Cruz
528	Mark	G	Santa Cruz
527	Erik	V	Santa Cruz
526	Jane	B	Santa Cruz
525	Sara	H	Santa Cruz
524	Melissa	M	Santa Cruz
523	Savean	B	Santa Cruz
522	Clark	M	Santa Cruz
521	Gail	J	Santa Cruz
520	Kathy	H	Santa Cruz
519	Jasmin	G	Santa Cruz
518	Karen	G	Santa Cruz
517	Dennis	W	Santa Cruz
516	Phyllis	W	Santa Cruz
515	Jack	S	Santa Cruz
514	Jeff	S	Santa Cruz
513	Lily Ana	S	Santa Cruz
512	Andrea	R	Santa Cruz
511	Sandra Lee	T	Santa Cruz
510	Greg	M	Santa Cruz
509	Peter	W	Santa Cruz
508	Sheila	C	Santa Cruz
507	Mary	M	Santa Cruz
506	Jono	S	Santa Cruz
505	Cade	V	Santa Cruz
504	Debbie	G	Santa Cruz
503	Sandra	S	Aptos

502	Bob	G	Santa Cruz
501	Charles	H	Santa Cruz
500	Mike	R	Santa Cruz
499	Sun	H	Santa Cruz
498	Wayne	B	Santa Cruz
497	Mary	D	Santa Cruz
496	Desiree	D	Santa Cruz
495	Mary	A	Santa Cruz
494	Virginia	V	Santa Cruz
493	Connie	S	Santa Cruz
492	James	S	Santa Cruz
491	Jeff	B	Santa Cruz
490	Nikaela	M	Santa Cruz
489	Bill	K	Santa Cruz
488	Sunnie	K	Santa Cruz
487	Donna	M	Santa Cruz
486	Jackie	Y	Santa Cruz
485	Ed	T	Santa Cruz
484	Richard	B	Aptos
483	Fred	E	Santa Cruz
482	Anne	M	Santa Cruz
481	Andre	T	Santa Cruz
480	Karen	S	Santa Cruz
479	Georgina	A	Santa Cruz
478	Craig	R	Santa Cruz
477	Theresa	P	Santa Cruz
476	Kathleen	M	Santa Cruz
475	Lauri	H	Santa Cruz
474	Rhyannan	L	Santa Cruz
473	Kelly	C	Santa Cruz
472	Breta	H	Santa Cruz
471	Peter	J	Santa Cruz
470	Linnaea	H	Santa Cruz
469	Shelley	C	Santa Cruz
468	Dan	B	Santa Cruz

467	Jerilyn	M	Santa Cruz
466	Erik	D	Santa Cruz
465	Adele	K	Santa Cruz
464	Thomas	K	Santa Cruz
463	John	B	Santa Cruz
462	Bruce	B	Santa Cruz
461	Matthew	D	Aptos
460	Laura	F	Santa Cruz
459	Nathan	S	Santa Cruz
458	Rick	G	Santa Cruz
457	Greg	B	Santa Cruz
456	Shirley	H	Santa Cruz
455	Leslie	M	Santa Cruz
454	Bruce	K	Santa Cruz
453	Mary	M	Scotts Valley
452	David	H	Santa Cruz
451	Peggy	H	Santa Cruz
450	Charles	S	Santa Cruz
449	Flo	Q	Santa Cruz
448	Kenneth	K	Santa Cruz
447	Patricia	B	Santa Cruz
446	Caroline	G	Santa Cruz
445	Selina	W	Santa Cruz
444	Gina	C	Watsonville
443	Vern	S	Santa Cruz
442	David	W	Santa Cruz
441	Fiona	S	Santa Cruz
440	Kendall	F	Santa Cruz
439	Don	C	Santa Cruz
438	Katherine	B	Scotts Valley
437	Constance	G	Santa Cruz
436	Hank	M	Santa Cruz
435	Renee	C	Santa Cruz
434	Anthony	H	Santa Cruz
433	Trician	C	Santa Cruz

432	Marian Kitty	D	Santa Cruz
431	Maria	S	Santa Cruz
430	Larry	M	Santa Cruz
429	Connie	M	Santa Cruz
428	Myra	R	Santa Cruz
427	Chris	W	Santa Cruz
426	Grrrant	W	Santa Cruz
425	Shelly	D	Santa Cruz
424	Jim	R	Santa Cruz
423	Julia	P	Santa Cruz
422	Nicholas	D	Santa Cruz
421	Morgan	D	Santa Cruz
420	Emma	A	Santa Cruz
419	Benjamin	D	Santa Cruz
418	Erin	H	Santa Cruz
417	Mary	C	Santa Cruz
416	Randall	J	Santa Cruz
415	Elly	K	Santa Cruz
414	Lisa	M	Santa Cruz
413	Margaret	W	Santa Cruz
412	Kevin	S	Santa Cruz
411	Kate	A	Santa Cruz
410	Danny	J	Santa Cruz
409	Deborah	M	Santa Cruz
408	Lynn	W	Santa Cruz
407	Mary	H	Santa Cruz
406	Katherine	T	Santa Cruz
405	James	TI	Santa Cruz
404	Megan	H	Santa Cruz
403	Tracy	T	Santa Cruz
402	Zane	B	Santa Cruz
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400	Eric	C	Santa Cruz
399	Bonnie	W	Santa Cruz
398	Kathryn	H	Santa Cruz

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396	Ibukun	B	Santa Cruz
395	Meryl	L	Santa Cruz
394	Leslie	G	Santa Cruz
393	Michael	B	Santa Cruz
392	Kelley	S	Santa Cruz
391	Jon	T	Santa Cruz
390	Lorraine	Z	Santa Cruz
389	Sally	A	Santa Cruz
388	Mark	J	Santa Cruz
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386	Pat	S	Santa Cruz
385	Maria	Z	Santa Cruz
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379	Marlene	F	Santa Cruz
378	Ted	F	Santa Cruz
377	Ethan	S	Santa Cruz
376	Maddie	S	Santa Cruz
375	Dalton	B	Santa Cruz
374	Ryan	M	Santa Cruz
373	Bruce	L	Santa Cruz
372	Aislyn	W	Santa Cruz
371	David	W	Santa Cruz
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369	Kathleen	C	Santa Cruz
368	Ken	S	Santa Cruz
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366	Julia	P	Santa Cruz
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364	Shari	J	Santa Cruz
363	Kathleen	A	Santa Cruz

362	Karen	M	Santa Cruz
361	Carol	S	Santa Cruz
360	Tom	G	Santa Cruz
359	Jean	B	Santa Cruz
358	Eva	B	Santa Cruz
357	Ellen	M	Santa Cruz
356	Anne	M	Santa Cruz
355	Christopher	C	Santa Cruz
354	Sean	S	Scotts Valley
353	Daniel	L	Santa Cruz
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349	Victoria	V	Santa Cruz,
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346	Linda	C	Santa Cruz
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343	Marcus	A	Santa Cruz
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341	Thomas	M	Santa Cruz
340	Victoria	B	Santa Cruz
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338	Louanne	K	Santa Cruz
337	William	M	Santa Cruz
336	Dena	B	Santa Cruz
335	Theresa	M	Santa Cruz
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332	Kate	C	Santa Cruz
331	Robert	C	Santa Cruz
330	Tera	M	Santa Cruz
329	Christy	M	Santa Cruz
328	Victoria	C	Santa Cruz

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325	Martha	K	Santa Cruz
324	Royce	F	Santa Cruz
323	Jennifer	D	Santa Cruz
322	Susan	K	Santa Cruz
321	Vicki	M	Santa Cruz
320	Valerie	B	Santa Cruz
319	Jackie	M	Santa Cruz
318	Dale	B	Santa Cruz
317	Bruce	T	Santa Cruz
316	Heather	B	Santa Cruz
315	Sean	D	Santa Cruz
314	edward	b	Santa Cruz
313	Geordie	H	Santa Cruz
312	Evan	W	Santa Cruz
311	Shelley	C	Santa Cruz
310	Jason	W	Santa Cruz
309	Ashley	C	Santa Cruz
308	Beverley	P	Santa Cruz
307	Trician	C	Santa Cruz
306	Ellen	A	Santa Cruz
305	Antoinette	C	Santa Cruz
304	Trevor	L	Santa Cruz
303	Susan	P	Santa Cruz
302	Marchina	B	Santa Cruz
301	Michael	S	Santa Cruz
300	Diana	S	Santa Cruz
299	Rose	C	Santa Cruz
298	Steve	R	Watsonville
297	Terilynn	D	Santa Cruz
296	Ed	J	Santa Cruz
295	Lauri	D	Santa Cruz
294	Catherine	M	Santa Cruz
293	Barney	L	Santa Cruz

292	Isabelle	S	Santa Cruz
291	Patricia	F	Santa Cruz
290	Joan	T	Santa Cruz
289	Steven	S	Santa Cruz
288	Olivia	S	Santa Cruz
287	Jason	B	Santa Cruz
286	Lisa	B	Santa Cruz
285	Diana	C	Santa Cruz
284	Michele	P	Santa Cruz
283	Elizabeth	L	Santa Cruz
282	Sarah	K	Santa Cruz
281	Jane	M	Santa Cruz
280	Jacqueline	W	Santa Cruz
279	Debbie	R	Santa Cruz
278	Tom	L	Santa Cruz
277	Carol	R	Santa Cruz
276	Ronald	W	Santa Cruz
275	Phil	K	Santa Cruz
274	Lori	C	Aptos
273	Alison	R	Santa Cruz
272	Mary	O	Santa Cruz
271	Marianne	F	Santa Cruz
270	Phil	R	Aptos
269	Darci	H	Santa Cruz
268	Sharon	P	Santa Cruz
267	Sue	W	Santa Cruz
266	Erica	S	Santa Cruz
265	Dennis	H	Santa Cruz
264	Martina	O	Santa Cruz
263	Esmer	K	Santa Cruz
262	Juanita	U	Santa Cruz
261	Michelle	B	Santa Cruz
260	Dennis	P	Santa Cruz
259	Margaret	M	Soquel
258	Margaret	L	Soquel

257	Susan	D	Santa Cruz
256	Kathryn	C	Santa Cruz
255	Jon	L	Santa Cruz
254	Ralph & Maggie	C	Santa Cruz
253	Philip	V	Santa Cruz
252	Tara	F	Santa Cruz
251	Sheri	M	Santa Cruz
250	Janie	D	Santa Cruz
249	NIta	H	Santa Cruz
248	Ted	M	Santa Cruz
247	Maren	H	Santa Cruz
246	Julie	W	Santa Cruz
245	Jill	T	Santa Cruz
244	David	W	Santa Cruz
243	Lexi	B	Soquel
242	Caroline	G	Santa Cruz
241	Ken	G	Santa Cruz
240	Fiona	F	Aptos
239	Erin	W	Santa Cruz
238	April	R	Santa Cruz
237	Katharina	S	Santa Cruz
236	Aukjen	H	Santa Cruz
235	Erik	H	Santa Cruz
234	Woutje	S	Santa Cruz
233	Karen	P	Santa Cruz
232	Sarah	H	Santa Cruz
231	Sophie	S	Santa Cruz
230	Natasha	F	Santa Cruz
229	Jonathan	F	Santa Cruz
228	Margaret	W	Capitola
227	Jim	C	Santa Cruz
226	Doug	S	Santa Cruz
225	Storey	L	Santa Cruz
224	O	P	Santa Cruz
223	Alan	H	Santa Cruz

222	George	B	Santa Cruz
221	Bruce	D	Santa Cruz
220	Lorraine	B	Santa Cruz
219	Deborah	G	Santa Cruz
218	Ingrid	H	Santa Cruz
217	Debra	F	Santa Cruz
216	Whitney	F	Santa Cruz
215	Bob	R	Santa Cruz
214	Bernadette	R	Santa Cruz
213	Carolyn	F	Santa Cruz
212	Victoria T	W	Santa Cruz
211	Joanne	B	Santa Cruz
210	Aven	S	Santa Cruz
209	Jeremy	D	Santa Cruz
208	Kathleen	W	Santa Cruz
207	Jill	E	Santa Cruz
206	Laura	G	Santa Cruz
205	Danielle	L	Santa Cruz
204	Chris	M	Santa Cruz
203	Michael	S	Santa Cruz
202	Heather	M	Santa Cruz
201	Amy	L	Santa Cruz
200	Candace	M	Santa Cruz
199	Ken	B	Santa Cruz
198	Glenn	S	Santa Cruz
197	Thomas	V	Aptos
196	Evelyn	B	Soquel
195	Jack	B	Santa Cruz
194	Nancy	D	Santa Cruz
193	Tani	P	Santa Cruz
192	Bruce	L	Santa Cruz
191	Nichols	R	Santa Cruz
190	Catalina	R	Santa Cruz
189	Ronald	G	Santa Cruz
188	Shane	D	Santa Cruz

187	Tony	G	Santa Cruz
186	Stacey	G	Santa Cruz
185	Heather	G	Folsom
184	Charlie	K	Santa Cruz
183	Jason	C	Santa Cruz
182	Varvara	P	Santa Cruz
181	Nancy	E	Santa Cruz
180	David	S	Scotts Valley
179	Chi	C	Santa Cruz
178	Angie	C	Santa Cruz
177	Beth	O	Santa Cruz
176	Lezlie	W	Santa Cruz
175	Britnee	E	Santa Cruz
174	Martha	B	Santa Cruz
173	Laurie	L	Santa Cruz
172	Cindy	M	Santa Cruz
171	Jenny	E	Santa Cruz
170	Brian	M	Davenport
169	Mary	M	Santa Cruz
168	Jennifer	M	Davenport
167	Cecil	C	Santa Cruz,
166	Marilyn	K	Santa Cruz
165	Robert and Kathleen	M	Santa Cruz
164	Susie	T	San Francisco
163	Francine	T	Santa Cruz
162	Leonard	A	Santa Cruz
161	Clare	C	Santa Cruz
160	Rossana	B	Soquel
159	Steve	L	Santa Cruz
158	DOUG	L	Ben Lomond
157	Shari	W	Santa Cruz
156	Robin	A	Santa Cruz
155	Gary	H	Santa Cruz
154	Howard	K	Santa Cruz
153	Nancy	K	Santa Cruz

152	Deanna	N	Santa Cruz
151	Lynda	W	Santa Cruz
150	Bonnie	C	Santa Cruz
149	Scott	B	Santa Cruz
148	Eloise	N	Santa Cruz
147	Abbey	W	Santa Cruz
146	Dean	Y	Santa Cruz
145	Leela	K	Santa Cruz
144	Marlene	P	Santa Cruz
143	Linda	M	Santa Cruz
142	Connie	W	Santa Cruz
141	Helen	N	Santa Cruz
140	Mayra	C	Santa Cruz
139	Mary Lou	H	Santa Cruz
138	Joyce	B	Scotts Valley
137	Dolores	S	Santa Cruz
136	Michael	F	Santa Cruz
135	Gabrielle	L	Santa Cruz
134	Mark	A	Santa Cruz
133	Bob	S	Santa Cruz
132	Colleen	H	Santa Cruz
131	Eric	H	Santa Cruz
130	Jill	J	Santa Cruz
129	Kendra	K	Felton
128	Tracy	A	Capitola
127	Gordon	L	Santa Cruz
126	Linda	L	Santa Cruz
125	Kate	H	Santa Cruz
124	Nereida	R	Santa Cruz
123	Jack	H	Santa Cruz
122	Gary	R	Santa Cruz
121	LeighAnn	W	Santa Cruz
120	Amy	T	Santa Cruz
119	David	W	Santa Cruz
118	Iris	W	Santa Cruz

117	John	H	Santa Cruz
116	Anna	A	Santa Cruz
115	John	H	Santa Cruz
114	Rosa	R	Santa Cruz
113	Bliss	R	Santa Cruz
112	Gerda	E	Santa Cruz
111	Amanda	P	Santa Cruz
110	Susan	M	Santa Cruz
109	Anika	T	Santa Cruz
108	Rebecca	H	Santa Cruz
107	Ned	C	Santa Cruz
106	Gary	P	Santa Cruz
105	Arthur	K	Santa Cruz
104	Ann	M	Santa Cruz
103	Rachel	K	Santa Cruz
102	Suzanne	N	Santa Cruz
101	Brad	B	Santa Cruz
100	B	W	Santa Cruz
99	Robert	A	Santa Cruz
98	Leslie	M	Santa Cruz
97	Stanley D	S	Santa Cruz
96	Susan	V	Santa Cruz
95	Caitlin	D	Santa Cruz
94	Kim	M	Santa Cruz
93	Linda	F	Aptos
92	Terrie	K	Santa Cruz
91	M	M	Santa Cruz
90	Colette	H	Santa Cruz
89	Veronica	U	Santa Cruz
88	David	C	Aptos
87	Andree	L	Santa Cruz
86	Kristin	S	Santa Cruz
85	Katrin	T	Santa Cruz
84	Richard	P	Santa Cruz
83	Bob	J	Santa Cruz

82	Ann	H	Santa Cruz
81	Susan	N	Santa Cruz
80	Ken	M	Santa Cruz
79	Chris	D	Santa Cruz
78	Cory	C	Santa Cruz
77	Jeannine	G	Santa Cruz
76	Lysa	T	Santa Cruz
75	Roe	S	Santa Cruz
74	Susan	M	Santa Cruz
73	Richard	B	Santa Cruz
72	Marilyn	P	Santa Cruz
71	Grant	C	Santa Cruz
70	S Catherine	C	Santa Cruz
69	Stephen	F	Santa Cruz
68	Lisa	P	Santa Cruz
67	Robert	O	Santa Cruz
66	Jude	T	Santa Cruz
65	Ellen	F	Santa Cruz
64	Lorraine	E	Santa Cruz
63	Rebecca	J	Santa Cruz
62	Susan	D	Santa Cruz
61	Jesse	S	Soquel
60	Josh	R	Santa Cruz
59	Rachel	M	Santa Cruz
58	Karen	C	Santa Cruz
57	Ellen	M	Santa Cruz
56	Lira	F	Santa Cruz
55	Kim	S	Santa Cruz
54	Tamara	A	Santa Cruz
53	Ayata	A	Santa Cruz
52	Isabel	G	Santa Cruz
51	Susan	S	Santa Cruz
50	Tara	M	Santa Cruz
49	Kirby	h	Watsonville
48	S H	B	Santa Cruz

47	Ellen	S	Santa Cruz
46	Marianne	M	Santa Cruz
45	Nancy	N	Santa Cruz
44	Rex	S	Santa Cruz
43	Desiree	D	Santa Cruz
42	peter	B	Corralitos
41	Charles	P	Santa Cruz
40	Patricia	M	Santa Cruz
39	Virginia	M	Santa Cruz
38	John	A	Santa Cruz
37	Gina	H	Santa Cruz
36	Rebecca	G	Santa Cruz
35	Angela	L	Santa Cruz
34	Nancy	D	Santa Cruz
33	Alexander	G	Santa Cruz
32	Marcus	S	Santa Cruz
31	Robert	I	Santa Cruz
30	Ned	S	Santa Cruz
29	Simon	G	Santa Cruz
28	Alison	B	Santa Cruz
27	Tom	L	Santa Cruz
26	Curt	C	Santa Cruz
25	Mark	B	Santa Cruz
24	Dennis	A	Santa Cruz
23	Erica	T	Santa Cruz
22	Malcolm	T	Santa Cruz
21	Sue	T	Santa Cruz
20	Nate	J	Santa Cruz
19	Andrew	J	Santa Cruz
18	Jim	B	Santa Cruz
17	Phil	E	Santa Cruz
16	Amber	E	Santa Cruz
15	Joan	M	Santa Cruz
14	Loke	L	Santa Cruz
13	Janice	L	Santa Cruz

12	Guy	L	Santa Cruz
11	Robin	E	Santa Cruz
10	Doug	E	Santa Cruz
9	Cathy	P	Santa Cruz
8	Brooke	M	Santa Cruz
7	Rosa	M	Santa Cruz
6	Sarah	S	Santa Cruz
5	Nancy	B	Santa Cruz
4	Carol	L	Santa Cruz
3	Michael	Y	Santa Cruz
2	David	L	Santa Cruz
1	Emily	M	Santa Cruz

Rosemary Balsley

From: Carol & Mike <mycl@sonic.net>
Sent: Monday, December 13, 2021 11:20 AM
To: City Council
Subject: 831 Water Street Proposal

December 12, 2021

Dear Mayor Meyers and Council Members,

We are concerned and confused about the submitted materials for the 831 Water Street proposed project. There are so many revisions presented that it is so difficult to follow. We are wondering why the developer is not required to submit a current and concise plan set that is more easily discernable.

We also have a concern about the storm water report being completed in a drought year, yet we know there is definitely at least one spring coming from the Water Street hillside in wetter years. The report seems to ignore this fact.

The noise study does not appear to take into consideration the trash and recycling pick-up, as well as Amazon, USPS, etc. deliveries and pick-ups for the 140 residences and retail businesses with these vehicles having to back out with their beepers all day long in this concentrated development. The study just reports on the current level of noise. How are we going to know that the noise level will remain at the calculated levels for this project also considering the Highway 1 traffic noise echoing off of the proposed structures?

Additionally, the slope variance requested seems to lend itself to disasters waiting to happen. Since the project's proposed garage is on the downhill side at a greater than 30% slope at the ingress and egress location that would require crossing the existing bike lane it could be a substantial safety hazard. It is also our understanding that the State Geologist's earthquake mapping has not been done for Santa Cruz, therefore the potential hazard for altering that hillside could be more detrimental than anticipated.

Lastly we would like to question where we are going with the future of Santa Cruz. While we all agree we have a shortage of housing. We should be building the kind of housing the majority of citizens want/ need. Santa Cruz is a very desirable place to live. We cannot build our way out of this dilemma indefinitely. Santa Cruz is unlikely to be affordable for many people no matter how much we build. More people want to live here than there is room for and that will continue for the foreseeable future. Look down the road 10 years when projects like 831 Water Street are throughout the city and we are now out of room once again because of the demand for housing. What then, go higher, start building on the green space surrounding the city or start building up the coast on farmland? If building more or higher was a solution then New York City should be affordable but it is anything but that. Final thought is, do we want to completely alter the character of Santa Cruz. Most of us living here don't want to live in San Jose or New York style cities so when we build let's build to a scale and appearance that reflects why we all live here in the first place. The tone for the future rests with the current City Council. We hope you don't pander to big development with illusion of make Santa Cruz affordable.

Sincerely,

Michael Young and Carol Libby

Rosemary Balsley

From: Rachel McKay <rachelm17@gmail.com>
Sent: Monday, December 13, 2021 11:49 AM
To: City Council
Subject: 831 Water Street

Dear Mayor Meyers and the Santa Cruz City Council,#

#

Thank you for your attention to this letter concerning the 831 Water Street project proposal. We are still at it and still concerned about the overreach of the developer, Novin, who is based in Walnut Creek. I appreciate your diligence, thoughtfulness, and continued attention.#

#

I share the concerns expressed by my neighbors as expressed by 831 Responsible Development. Like them I look forward to a reasonably sized and situated mixed-use development at 831 Water Street. Here are a few concerns that stand out for me.#

#

Affordable Housing: Novin is asking for many exemptions based on SB 35. He intends to include 55 or 71 (?) affordable housing units. I just read in the Sentinel that the city only needs units for very-low and very-very-low income folks and this project won't provide those. Can the city stipulate that the project must include very and very-very-low income units in order for the project to qualify for SB35? I think that it should. There should also be more affordable units that are one and two bedrooms, not only primarily studios. All the units are small by national standards, i.e. one bedrooms with just enough room for a bed and closet.#

#

Impact on Neighbors and Traffic: I continue to be concerned that the building on the west side of the project has a very small setback. This will greatly impact my neighbors in the Belvedere Cottages who have gardens and rooftop solar (which 831 lacks). The revised plans acknowledge the existing fire lane, yet it makes service vehicles back out onto N. Branciforte at a point where there are already issues with backed up traffic. Wouldn't it be better to have a driveway that skirts the perimeter of the buildings, allowing for a setback on the west end and easy turn around for deliveries and garbage pick-up?#

#

Geology and Slope: The geology of the site also concerns me. Our hillside is made up of diatomite and siltstone from the Purisima Formation with a confluence of three soil types. It is soft and crumbly but interspersed with impermeable rock. During our seasonal rains, water collects between these layers. This high-water table results in me and my neighbors using sump pumps during the rainy season. There is a seep visible from water street even during the summer months. Plus, the site is on a steep slope with underground parking planned. It is hard to tell whether Novin Development has fully addressed the complexities of the site. It is imperative that the slope variance is denied!#

Dangers/Costs of Haphazard Plans: I could go on, but I will end with the fact that the revised plans are piecemeal and haphazard and difficult to read. Is there a new and accurate depiction of the proposal? Should city staff time be used to make sense of various versions of the plans? I find this concerning due the complexity of the site. Recent news shows that poorly planned and constructed buildings are dangerous and that the City will be liable in the long run.#

#

Please do the right thing, deny this application and require Novin Development to resubmit a complete and accurate plan that pays attention to reasonable requests from the neighbors and the city.#

#

Sincerely yours,#
Rachel McKay#
158 Belvedere Terrace#
707-347-6157#

Rosemary Balsley

From: bob scowcroft <loneoaktoo@gmail.com>
Sent: Monday, December 13, 2021 12:04 PM
To: City Council
Subject: 831 Water Street Development

Dear Council Members,

I have read the most recent, highly detailed letter the 831 Responsible Development citizens group has submitted to you in advance of tomorrow's 831 Water Street Development application oversight agenda item. The group has done a remarkable job identifying the multiple problems with their application. I say application because it's unclear to me which application I am to believe, which data points are correct and which rules they propose to even follow.

I am in support of responsible housing development, particularly very low-income units which as identified in the local news media, Santa Cruz has fallen far behind in its state mandated production goals. It seems that there might not be any of these so-identified units in this complex. I write "seems" as here to, previous applications from the developer have changed numbers and unit amounts again and again.

Lastly, I have previously written to you all about the unacceptable traffic hazards associated with this plan as it is currently "drafted". [Will it change yet again??] There must be an entrance and exit located on Branciforte Drive. The Water street entrance and exit must be constructed in a manner such that buses, bike riders, walkers have notice of vehicle exit and entrances and not be blocked.

Novin has yet again submitted an incomplete application for development approval. Their application should be denied and not resubmitted until ALL of the Conditions for Approval suggested by the 831 Responsible Development citizen's group are met.

Please VOTE No!

Sincerely,

Bob Scowcroft
142 Hammond Ave
Santa Cruz, Ca 95062

Rosemary Balsley

From: molamola@cruzio.com
Sent: Monday, December 13, 2021 12:16 PM
To: City Council
Subject: 831 Water Street Project Comments for Upcoming Oversight Meeting

December 13, 2021

Dear Mayor Donna Meyers and Santa Cruz City Council Members:

Thank you for all that you and the City Council do for the city of Santa Cruz, and if you had anything to do with the recent change in the weather, we appreciate that, too!

Decisions need to be made concerning the proposed 831 Water Street development project. We thank you and the council for focusing on the city's objective standards and city ordinances when writing your response to Novin Development on October 14. However, it must be as confusing for you as it is for us when attempting to sort through the various versions of Novin's application(s) and subsidiary inclusions in order to understand and evaluate exactly what Novin Development is attempting to do at 831 Water Street.

Would it not be better, at this point, to insist that Mr. Novin create one complete, organized and updated application for all to peruse before any subsequent decisions about the project are made? This would tie things neatly together, and neutralize Novin's intention of submitting numerous last minute documents hoping that some of his changes (or his inactions) will slip unnoticed past the City Council.

Furthermore, it is my understanding that Mr. Novin's Development Fee Waiver for the project has not been granted, in spite of his insistence publicly that it has. Please make this situation part of the public record. This is another indication that he wants to pressure the City, and intends to push his agenda through quickly and with little regard for the community if he has the chance.

None of Novin's proposed affordable units targets very-low income individuals. These are the very housing units that the City of Santa Cruz needs more of. It is the shortage of these units that makes it possible for Novin to apply for SB35 streamlining of his application in the first place! Not only that, but by dispersing inclusionary units and not density bonus units, he may actually be ineligible for SB35 streamlining at all.

Traffic problems already a part of the area would worsen with the proposed 831 development. A busy intersection with a low performance score would be further burdened by increased traffic, more u-turns,

delivery and fire trucks that must back out onto North Branciforte at times, and a project entrance that bisects both a sidewalk and a newly created bike lane, and opens up on a busy street located on a steep hill. This situation would only intensify as more development takes place in the future on Ocean Street and along Water Street east of 831 Water Street.

Most people in the area surrounding 831 Water Street want some form of affordable housing on the site. We just do not want to be overwhelmed with four or five story buildings that are more compatible with neighborhoods "over the hill" than they are in Santa Cruz. There are very few four or five story buildings in Santa Cruz away from the downtown, whether residential or commercial. Three story buildings, with low income units evenly spaced throughout both buildings, are a more realistic option for 831 Water Street.

Dave Lavorando

Santa Cruz

Rosemary Balsley

From: Phil Kaplan <kaplan_phil@icloud.com>
Sent: Monday, December 13, 2021 1:55 PM
To: City Council
Subject: Opposed to 831 Development

Dear City Council Members,

We feel that the proposal for the 831 Development is too massive and unfair to all who live nearby. There too many problems as put forth.

Please vote against the current proposal.

Thank you,

Phil and Susie Kaplan
726 Trevethan Ave
Santa Cruz, Ca. 95065

Rosemary Balsley

From: Connie Bertuca <bertuca@cruzio.com>
Sent: Monday, December 13, 2021 2:13 PM
To: City Council
Subject: SB 35 via 831 Water St

Dear Council,

We applauded your decision to deny the project at 831 Water St, but our big applause was for the challenge to SB 35 implied in your decision. We all know there is such a thing as a bad law. We feel SB 35 is just that.

Without taking anything away from the city needing more below-market rate housing, and the site being a place for a sensible building project, we feel the bigger issue is the state putting city councils, planning departments, zoning administrators, and planning commissions in a "ministerial" position. And the perfect example of why SB 35 is a bad law is the council's primary reason in denying the project: that of the forced segregation of market and below-market residents. In an SB 35 world, this apparently isn't a consideration.

Whatever happens if council decides to deny this project in whatever hastily thrown together iteration it's presented, you will have a lot of support and a whole lot of super smart people standing with you.

Good luck!

Sincerely,
Connie & Sam Bertuca
residents since 1972.

Rosemary Balsley

From: Wendy Russell <wendylou53@yahoo.com>
Sent: Monday, December 13, 2021 2:35 PM
To: City Council
Subject: 831 Water Street Project

Dear Council Members,

I will keep it short. I urge you to oppose this project for all of the reasons that have been previously stated, huge traffic congestion issues, density too much for that corner, the neighborhood sunlight significantly blocked for many. As a person who has worked in the social justice arena for my entire professional career, and supports affordable housing, I do not understand how it can be for families in a studio or one bedroom. Please vote no for this project to proceed.

Thank you Wendy Russell - 7 Berkeley Ct 831.440.6175

Rosemary Balsley

From: RICK GLISSMAN <rhg3@pacbell.net>
Sent: Monday, December 13, 2021 3:03 PM
To: City Council
Subject: Proposed Affordable Housing Project on Water Street CP20-0121

Hello City Council Members;

I live in the neighborhood of the proposed Affordable Housing Project CP20-0121 on Water Street. I think the Project is too tall for the neighborhood at four and five stories. I have read about the Project. The Project does not compliment the Branciforte style. The traffic on the corner is congested now, and I think with the commercial and residential increase of traffic from the project, driving and walking would be difficult.

Please reevaluate this project.

[Sent from AT&T Yahoo Mail on Android](#)

Rosemary Balsley

From: Donna Murphy <donna@dm5.biz>
Sent: Monday, December 13, 2021 4:02 PM
To: City Council
Subject: Support for 831 Water Street Housing

Dear Council Members:

After watching this project for months, participating in information sessions early in the process, and reviewing the countless documents and updates, I ask you to support the 831 Water Street project for the 140 new units of housing it will provide. A positive aspect of this project is the fact it incorporates both market rate and affordable units within one project, helping to alleviate the difficulty low-income individuals and families often encounter trying to live in the same neighborhoods as those who are more affluent. It also is located near downtown, on a transit corridor.

It is commendable that the developer has made numerous concessions and compromises to address concerns of the neighbors and community at large.

Recognizing that the state has policies that now facilitate such development, I hope the Council supports the staff analysis that the project fully complies with the objective standards and where appropriate has placed conditions to assure compliance. This project should move forward.

Donna Murphy
Santa Cruz resident

Rosemary Balsley

From: Emily Ham <emily@sccbbusinesscouncil.com>
Sent: Monday, December 13, 2021 4:11 PM
To: Donna Meyers; Justin Cummings; Martine Watkins; Renee Golder; Sandy Brown; Sonja Brunner; Shebreh Kalantari-Johnson; Bonnie Bush; City Council
Subject: Agenda Item #25: 831 Water Street
Attachments: SCCBC Letter of Support_831 Water Street_121321.pdf

Good afternoon,

Please find the attached letter of support for 831 Water Street. Thank you all again for your leadership.

Best,
Emily

--

EMILY HAM
Executive Director
Santa Cruz County Business Council
(831) 204-1387



[Sign up for our newsletter!](#)



Date: Dec 13, 2021

Subject: Agenda Item #25: 831 Water Street

Dear Mayor Meyers and members of the Santa Cruz City Council:

On behalf of the Santa Cruz County Business Council, we write to express our support for 831 Water Street and respectfully request your ultimate “aye” vote for approval of the project.

The Santa Cruz County Business Council (SCCBC) was founded in 1996 to provide a collective voice for countywide business owners, executives, and members of our local workforce. As Santa Cruz County undergoes a profound period of recovery and growth, we continue to support projects, policies, and practices that make our home a better place to live, work, and do business. 831 Water Street is one of those projects.

While we recognize the immense difficulty of deciding Council action for the City’s first SB 35 application, we implore you to contextualize your decision within our ever worsening local housing crisis. Without hesitation, our Board of Directors endorsed the project on the basis that it complies with state and city standards and supports our mutual goal to create a “sustainable and compact community within defined urban boundaries” as outlined in the City of Santa Cruz 2030 General Plan. It also aligns with the goal of promoting “transit-oriented housing...redeveloping underutilized sites with the Downtown and along major corridors, increasing density, and facilitating housing at key opportunity sites” as stated in the City’s 5th Cycle Housing Element.

The project meets the mark on each of these objectives, exceeds affordable unit requirements, maximizes density, and will provide housing that is critical to building a sustainable local workforce. We are grateful for your records of strong and enlightened leadership in addressing our local housing crisis. Approval of 831 Water Street will set enormous precedent for smart development, affordable and walkable cities, and a thriving Santa Cruz. We urge you to support this once in a lifetime project.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Ham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Emily Ham
Executive Director
Santa Cruz County Business Council

Rosemary Balsley

From: Jonathan Francisco <jonathantfrancisco@gmail.com>
Sent: Monday, December 13, 2021 4:44 PM
To: City Council
Subject: 831 Project - Concerned Santa Cruz Citizen

Dear City Council

I would like to publicly oppose the 831 Water Street development in its current form for the following reasons.

Mass / Scale: Having a 5 story building with 150 'ish' segregated units on a parcel of land that is less than 1 acre seems irresponsible and would only cause a whole host of problems in this part of town. According to public tax records the developer Mr. Novin lives on .91 acres in Walnut Creek (same size as the 831 lot), do we honestly think he would propose the same project in his neighborhood? Something more reasonable like 3 stories would seem more responsible, and is what the neighbors are asking for. Plus I understand that this site is only zoned for 40 feet, and 'waivers' would have to be granted for the height and parking.

Constantly changing plans: As we have tracked the developer's plans, it seems that they have continuously changed ideas and concepts both on their website and what they have submitted to the City. Does anyone really know what the developer wants other than to maximize their profits?

Clear opposition from the community: It is clear that the community does not support this project in the form that has been proposed. I have talked with many residents in both the immediate and surrounding areas, and I have yet to meet someone who likes this proposal. Which begs the question who does the City Council Represent?

In conclusion, I ask that you take a stand for the citizens of this community. Take a stand and represent us and not the developer. I understand that SB35 puts a limit on some of this conversation, but who cares? Santa Cruz has always been rebellious to the 'status quo' and maybe it is time to conjure up some of that spirit and take a stand against Novin Development. If we don't do it now, this will be the first of many similar projects to take advantage of these loopholes to maximize their profits at the cost of our quality of life. Thanks for your time and I appreciate all that you do for us.

Jonathan Francisco
530 902 7440

Rosemary Balsley

From: Doug Engfer <doug@engfer.org>
Sent: Monday, December 13, 2021 4:11 PM
To: Donna Meyers; Sonja Brunner; Martine Watkins; Shebreh Kalantari-Johnson; Justin Cummings; Sandy Brown; Renee Golder
Cc: Bonnie Bush; City Council
Subject: Item 25: 831 Water St

Mayor Meyers and Members of Council,

We write today in opposition to Novin Development's (Novin's) SB35 application relating to their proposed project at 831 Water Street. We urge the Council to (again) deny this application at this time.

We would like to start by, again, saluting this Council, City Staff and the local community for their perseverance dealing with this developer and its myriad submissions and revisions. Staff has gone above and beyond to try to make sense of the application's components; Council has stood strong in the face of threats and bullying from the developer and astro-turf development advocates; the local community has shown that it stands for affordable housing, responsibly and respectfully sited and designed. Kudos!

So, here we are again. Despite the City rescinding its previous denial, providing Novin the opportunity to deliver an updated, coherent and complete application for review by City Staff, the so-called final application remains a hodge-podge of conflicting information, delivered piecemeal, including untracked sheet-number and sheet-name changes and confused/confusing density-bonus statements, without any guidance to clarify the resulting ambiguities and contradictions. At this late date, it's still not possible to know what Novin plans to build: how many units, how many of those will be affordable, where those affordable and density bonus units will be situated in the development, etc. Novin has treated this Council, City Staff, and our community shamefully throughout this entire process, embarrassing itself and anyone who supports the project. Putting together an application should be the easy part; if Novin can't get this right, how can anyone expect them to be able to design, finance, build, and manage the project safely and well?

By way of contrast, Item 24 on Council's agenda -- consideration of the Final EIR for the City's Water Rights Project -- reflects a Job Well Done, and the high standards we hold ourselves to in Santa Cruz. As a member of the City Water Commission, Doug was honored and proud to support the Commission's recommendation that Council certify the EIR and approve the project. The transition from Item 24 to Item 25 indeed moves Council from the sublime to the ridiculous. Novin's supporters might take note of what quality work looks like.

In our opinion, Council has ample grounds to deny this application in its current state and allow Novin to submit a new application:

- **The application itself is unintelligible.** Novin should be required to submit a single, coherent, complete, and unambiguous application. That's simple table stakes and should be non-controversial.
- **The density bonus statement is incomplete.** Novin still does not identify where the various density bonus units will be situated (presumably 31 such units, assuming Novin still plans to build a 140-unit development).
- **The requested slope variance should be denied.** Novin requests the variance in order to construct underground parking with ingress/egress on the Water St hill. This plan creates geologic hazards and threats to public health and safety that cannot be mitigated.

- **Unknown archaeological and tribal cultural risks must be understood first.** The proposed project cannot be built without irreparable harm to tribal and historic archaeological and cultural assets. It only makes sense to fully understand and catalogue any such assets before considering SB35 streamlining, since presence of either would make the project ineligible for SB35 consideration.

Our hope is that, by its words and its actions, Council can bring together Novin and the community in an open, honest, intellectually humble, interest-based discussion. We truly believe that such a discussion, sincerely pursued, can and will yield a project that reflects not what Novin views as its right, but what is right for our community. The result should be a project that honors and serves the interests of all concerned, at a scale that the community can embrace and Novin can actually finance and build, without neighbors absorbing collateral damage.

We are hopeful that, with your actions today, you will send a clear message to Novin and to the community: work together to devise and realize a project that we can all celebrate.

Thank you for your tireless service on behalf of our entire community.

Best regards,

Robin and Doug Engfer

Rosemary Balsley

From: Lira Filippini <lirafilippini@gmail.com>
Sent: Monday, December 13, 2021 4:45 PM
To: City Council; Donna Meyers; Justin Cummings; Shebreh Kalantari-Johnson; Martine Watkins; Sandy Brown; Sonja Brunner; Renee Golder; Bonnie Bush
Subject: 831 Water St. - Agenda Item 25 (12/14/21)
Attachments: 831 Water Public Oversight.pdf

Dear Meyer Meyers and City City Council.

Please find my letter attached pertaining to the 831 Water St Public Oversight Meeting. I apologize for its length.

Thank you!
Lira Filippini
130 Belvedere Terrace
Santa Cruz, CA 95062

December 13, 2021

Mayor Donna Meyers and Council Members Santa Cruz City Council
Santa Cruz City Hall
809 Center Street
Santa Cruz, CA 95060
[Sent By Email]

Regarding: Agenda Item 25 on Dec 14, 2021: 831 Water Street Public Oversight Meeting

Dear Mayor and Members of City Council,

Please deny the 831 Water Street application for SB 35 ministerial streamlining and density bonus - on the grounds that:

1. The application materials provide internal significant inconsistencies, making it impossible to approve a single clear application. The application is also omitting information required to include for assessment and approval.
 - The current application does not make clear how many affordable units there will be 55? 71?
 - The current application does not give a breakdown of the affordability levels, only saying 80% AMI - low income.
 - The current application does not show where the majority of the affordable units will be in the development. Will they be segregated or dispersed?
 - The current application does not show where the density bonus units will be.
 - The application does not include how a lot line adjustment or subdivision of the 3rd parcel into the other two, will be done legally.
2. Segregated housing - the application materials imply 71 affordable units in one place, and 55 in another. Only 11 of those units are shown in the table to be distributed into the market-rate building. This fulfills the Inclusionary Ordinance (distribution of 22 inclusionary units). Omitting the location of the other 33-49 affordable units continues to violate the Density Bonus Ordinance, HiAP, HCD's regulations (without proof of necessity to consolidate based on public funding), and many other state and federal anti-segregation laws.
3. State Density Bonus Law asks the local governments to set the requirements for what information needs to be provided for a complete application. The applicant has not provided the information delineated in the Santa Cruz Municipal Code for a density bonus application.
4. The site is most likely ineligible for SB 35 streamlining due to recorded cultural resources. The details of the archaeology report provided by Staff are classified as confidential. All the confidentiality laws listed in that report indicate that there are registered Native American cultural resources at or around the site. As it is in the dead center of the small and important Villa de Branciforte, that had influential and unique relationship with the local Tribes, this

makes it an important cultural resource for that period. Contextual evidence should be preserved or properly excavated through an archaeological dig.

5. The identified health and public safety impacts of this project due to its mass, scale, and proximity to a slope should warrant a denial of objective standard waivers and concessions.
 - A. The height and underground garage pose serious threat to northerly houses due to unique hydrological issues of the site. Standing water and mold are substantiated concerns and could render those homes hazardous.
 - B. The proximity to the slope requires a variance and concession that is well within Council's right to deny. The slope regulation is in place for safety issues that can range from earthquake safety to transportation safety. The slope variance could endanger the residents living in the development due to structural failure in an earthquake next to such a steep slope. Cyclists traveling fast down the newly protected bike lane would be endangered by the ingress/egress from the parking garage.

I would love to see an affordable housing development at 831 Water that would be safe for those living in and around it, and that would reflect our City's dedication to Health in All Policies and an equitable and sustainable future for our community. Unfortunately, the current proposal for 831 Water Street fulfills none of these goals. It threatens the health and safety of both the current and future residents of the area and promotes segregated building practices that are not in alignment with our City's goals toward an equitable future that includes dispersal of affordable unit requirements in two separate Ordinances.

The following pages give a more detailed look at applicable code on the application's shortcomings for SB 35, the State Density Bonus Law, and Historical/Archaeological/Cultural Resources. Also discussed are health and safety implications.

A Journey Into the Associated Laws Why Current 831 Water Application Should Be Denied

(Emphasis added in quoted code/regulations)

SB 35 & Segregation

The City of Santa Cruz is eligible for SB 35 developments because - [65913.4](#) (a)(4)(B)(ii) "The locality's latest production report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income."

For objective standards to be waived in an SB 35 application, the application must qualify for a density bonus. The same units that satisfy the SB 35 regulations, may also be used toward the

density bonus, as long as the development proponent complies with the applicable requirements in the state or local law.

State's SB 35 Code - [65913.4](#)

“(a)(4)(C) (i) "A development proponent that uses a unit of affordable housing to satisfy the requirements of subparagraph (B) may also satisfy any other local or state requirement for affordable housing, including local ordinances or the Density Bonus Law in Section 65915, **provided that the development proponent complies with the applicable requirements in the state or local law.**”

[HCD's Updated Streamlined Ministerial Approval Process](#) Government Code Section [65913.4](#) Guidelines Section 402(f)

"Affordable units shall be distributed throughout the development, unless otherwise necessary for state or local funding programs..."

[Santa Cruz Municipal Code:](#)

SCMC 24.16.260(2)

"Affordable units qualifying a housing development for a density bonus shall be reasonably dispersed throughout the housing development..."

SCMC 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."**

- This one is potentially fulfilled by the Inclusionary Unit table showing dispersal of the 22 units.

California Tax Credit Allocation Committee - The applicant claimed that the consolidation of affordable units onto a singular parcel was necessary for a tax credit per [4 CCR 10337\(a\)](#). But 4 CCR 10337(a) does not require this consolidation. It requires a regulatory agreement to be recorded against the property containing the housing for which the tax credits are allocated.

4 CCR 10337(a) "Regulatory Agreement. All recipients of Tax Credits, whether Federal only, or both Federal and State, are required to execute a regulatory agreement, as a condition to the Committee's making an allocation, which will be recorded against the property for which the Tax Credits are allocated..."

The tax credit regulations clearly do not indicate that affordable units in a qualifying development must be segregated from market rate units. It asks only that the property that contains the tax credit units have a recorded agreement against the property.

Add to that the applicant's application for the California Tax Credit Allocation Committee, application 21-120, lists the project as **"831 Water Street", on "0.91 Acres", with site address "823-833 Water Street", and assessor's parcel number(s) "009-212-38, 009-212-31, 009-212-30"**.

This shows that the recorded agreement against the “property” should be against the .91 acres, with APNs 009-212-38, 009-212-31, 009-212-30.

Density Bonus Application Legally Incomplete

Here’s what the State Density Bonus Law states about what Santa Cruz needs to provide for density bonus applications -

65915(a)(2)(B) “Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete.”

Here’s what the City of Santa Cruz requires -

SCMC 24.16.265(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.”

SCMC 24.16.265(2) “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.”

SCMC 24.16.265(3) ”The affordable housing plan shall include at least the following information: a. **Site plan showing** total number of units, number and location of affordable units, **and number and location of proposed density bonus units.** [and] 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.”

Density Bonus - Further Breakdown

The State Density Bonus Law ([65915](#)) defines a density bonus as:

"(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)."

Santa Cruz City Municipal Code shares the definition of a density bonus and also includes:

“24.16.205 DEFINITIONS. 10. “Density bonus units” are residential units granted pursuant to this Part 3 of this chapter which exceed the otherwise allowable maximum residential density for a housing development.

22. “Maximum residential density” is the maximum number of residential units allowed in a housing development by the city’s zoning ordinance and by the land use element of the General Plan on the date that the application for the housing development is deemed complete. If the maximum density allowed by the zoning ordinance is inconsistent with the density allowed by the land use element of the General Plan, the land use element density shall prevail. This definition is used to calculate a density bonus pursuant to this Part 3 of this chapter.”

The Zoning for this application is Community Commercial with a Land Use of Mixed-Use High Density (MxHD).

2030 General Plan

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.

2030 General Plan Continued

“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)”

The CC/CM zoning does not give the residential capacity land use information needed to determine max density. The table given by the applicant is based on the applicant's specific proposal of number of units and the proposal for the size of those units, and is project specific, not relying on objective and knowable benchmarks. **Without accompanying City code delineating the allowable size of residential units, that are then counted as residential dwelling units in a density calculation, a maximum density cannot be calculated using only FAR, and other development standards for the building envelope that do not include dwelling unit parameters.**

However, the MxHD land use element of the General Plan does specify 10-30 du/acre as of right. The applicant and Staff Report propose that LU3.8 results in none of the small studios or one-bedroom units being counted as dwelling units for du/acre calculations. This may be the desired interpretation of the code, however, what was officially adopted specifically says to "Allow the following residential uses to exceed the maximum densities..." It does not specify that the following residential uses, or unit types, shall not be counted as units in a dwelling unit per acre calculation for max allowable density. I object to the current interpretation of the zoning and land use standards being presented by the applicant and staff.

If, however, the applicant and City attempt to justify that LU3.8 is interpreted to deem small studios and 1-bedroom units are not counted as dwelling units for calculating max allowable density, they therefore should not be counted as units qualifying the applicant for a density bonus, nor sizes of units that may be granted for allowable density bonus units. Only 2-bedroom and larger units should be granted as density bonus units if only 2-bedroom and larger units are being counted as the base units for max allowable density. Dwelling units should either be counted as dwelling units for "the project" or they are not. One mode of measurement should be used across the board for unit calculations and that mode should be knowable and definable in the current City General Plan and Zoning Ordinance and not be based on applicant proposals.

Currently, the proposed 140 units on a .91 acre that is zoned for MxHD with a max "as of right" du/acre of 30, is unacceptable.

Historical/Archaeological

From the submitted materials by the City and the historical data for the subject site, the project should not be considered eligible for SB 35 ministerial streamlining. Links to materials and laws in blue.

After the initiation of the West Berkeley Shellmound Case - SB 35 ([65913.4](#)) was amended by [AB 831](#) to include protections for archaeological/cultural resources for the Native Americans (most likely descendants of tribes associated with the area in which an SB 35 development is being proposed).

Most developers, lawyers, and cities looking at SB 35 case history are aware of the West Berkeley Shellmound Case (Ruegg & Ellsworth v. City of Berkeley). However, most don't know that the AB 831 amendment to SB 35 doesn't apply to that case because the amendment was made after the development's application. However, the AB 831 amendment to SB 35 does apply to 831 Water St.

The ministerial streamlining State code implementing SB 35 is [65913.4](#) ; which states:

"(b)(4) A project shall not be eligible for the streamlined, ministerial process described in subdivision (c) if any of the following apply:

(A) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project."

(B) There is a potential tribal cultural resource that could be affected by the proposed development and the parties to a scoping consultation conducted pursuant to this subdivision do not document an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in subparagraph (C) of paragraph (2).

(C) The parties to a scoping consultation conducted pursuant to this subdivision do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.

The City posted the "[Archeology Report - A Confidential Document](#)", which states:

"The legal authority to restrict cultural resources information is found at California Government Code Section 6254(r) and Section 6254.10, Title 14 of the California Code of Regulations Section 15120(d), Section 304 of the National Historic Preservation Act of 1966, as amended, and Section 9 of the Archaeological Resources Protection Act."

The levels of confidentiality listed in that report indicate proximity of known Native American cultural resources to the subject site. The foundations discovered on the adjacent property are from the Villa de Branciforte historical period, the town center of which is directly across N Branciforte from the subject site. The State has dedicated the parcel kitty-corner across the intersection (Branciforte Small Schools) as the town center and it is on the [State's Historic Resource register](#) (#469). However, the town square, a publicly owned parcel in the historic record, was where the Argus used car lot is currently (across Branciforte St from 831 Water). At least some known archeologically significant cultural resources confidential in the report are on the other side of the subject site from this town square. Additionally, **those archaeological resources are on a parcel that was part of the same parcel of the subject site of 831 Water, during the historical Villa de Branciforte period. It was all Lot 36, the Cornelio Perez parcel - and later subdivided creating the 831 Water site.**

The site is specifically marked as high sensitivity archaeological location, recorded on the City's Cultural Resources Background Report and Archaeological Sensitivity Map from the 2006 General Plan update. The report also includes background discussion of historical importance.

(1)

Multiple local historians and archeologists have written the City Council with objections to the current proposal due to the threat of historically and archaeologically significant resources. The Villa de Branciforte is not only significant to the history of our City, our County, and CA State history - it is also highly significant in understanding the transitional period during a time this small strip of Villa de Branciforte land changed from Spanish Occupied, to Mexican Alta California, and then to part of the United States of America (1,2,3).

During the Alta California Mexican period, the Villa de Branciforte established democracy and allowed both Mestizos and Native Peoples to vote and run for office. However, all voting rights were promptly stripped from Mestizos and Native Americans as soon as California was transitioned to the United States of America. Native peoples were hunted, and bounties were given for their scalps (2,3).

This part of the history of the unique culture, in the Villa de Branciforte, and how it involved the Native Americans of this area, is very important to investigate to the full extent. This is specifically very different historically from the cultural and political climate of the colonial Mission de Santa Cruz across the San Lorenzo River. The cultural significance and magnitude of contextual evidence that would be lost by excavating and removing a large section of historic Bolcoff Hill is unacceptable. Any deep excavation of this historical parcel that was part of the Cornelio Perez property should only be done with a true archaeological dig before any development plans can be executed (1,2,3).

The recorded archeological findings on the Cornelio Perez property, on which the current subject site was subdivided from the historical parcel and archaeologically recorded site, in combination with the recorded "high" archaeologically sensitive overlay of the site, the recorded historical significance of the Villa de Branciforte and it's town center mis-recorded by the State on its Historic Registrar - all evidence that there are known Native American resources on this subject site.

Let's take a look at the legal content contained in each of the codes listed by the City for the reason for confidentiality of their report for this site and the development proposal.

City's Archeology Report For 831 Water

["Archeology Report - A Confidential Document"](#) states: "The legal authority to restrict cultural resources information is found at California Government Code Section 6254(r) and Section 6254.10, Title 14 of the California Code of Regulations Section 15120(d), Section 304 of the

National Historic Preservation Act of 1966, as amended, and Section 9 of the Archaeological Resources Protection Act.”

Breakdown with quotes of the codes listed in City Staff’s confidentiality report for 831 Water (emphasis added in the following)

California Government Code Section 6254(r) :

“(r) **Records of Native American graves, cemeteries, and sacred places** and records of **Native American places, features, and objects** described in Sections 5097.9 and 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency.”

Section 6254.10:

“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.**”

Title 14 of the California Code of Regulations Section 15120(d):

“(d) No document prepared pursuant to this article that is available for public examination shall include a “trade secret” as defined in Section 6254.7 of the Government Code, **information about the location of archaeological sites and sacred lands, or any other information that is subject to the disclosure restrictions of** Section 6254 of the Government Code.”

Section 304 of the National Historic Preservation Act of 1966, as amended:

“Section 304 (16 U.S.C. 470w3)

(a) Authority to withhold from disclosure. The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, **shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if** the Secretary and the agency determine that **disclosure may**

- (1) cause a significant invasion of privacy;
- (2) **risk harm to the historic resource;** or
- (3) **impede the use of a traditional religious site by practitioners.**

(b) Access determination. When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to subsection

(a), the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this Act.

(c) Consultation with Council. When the information in question has been developed in the course of an agency's compliance with Section 106 or 110(f), the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).”

Section 9 of the Archaeological Resources Protection Act:

“CONFIDENTIALITY

SEC. 9. [16 U.S.C. 470hh] (a) **Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or under any other provision of Federal law may not be made available to the public** under subchapter II of chapter 5 of title 5 of the United States Code or under any other provision of law unless the Federal land manager concerned **determines that such disclosure would—**

(1) further the purposes of this Act or the Act of June 27, 1960 (16 U.S.C. 469–469c) 2, and

(2) **not create a risk of harm to such resources or to the site at which such resources are located.**

(b) Notwithstanding the provisions of subsection (a), upon the written request of the Governor of any State, which request shall state—

(1) the specific site or area for which information is sought,

(2) the purpose for which such information is sought, 3

(3) a commitment by the Governor to adequately protect the confidentiality of such information to protect the resource from commercial exploitation, the Federal land manager concerned shall provide to the Governor information concerning the nature and location of archaeological resources within the State of the requesting Governor.”

To ensure that 831 Water St is eligible for SB 35 streamlining, it is important for the oversight body, the City Council:

1. To know what is in the confidential archaeology report so that you may determine whether the site is a recorded cultural resource, but recorded on a confidential basis and register.
2. Did the the City’s invitation to consultation with each Tribe/Most Likely Descendant, make it explicitly clear that a recorded resource at the site, made the site ineligible for streamlining?
3. Did they include in the consultation invitation that the site is at the intersection of the town center of Villa de Branciforte? Across from the Villa’s Town Square and kitty-corner the the State’s recorded town center?

Health & Safety

Besides the public health issue of proposing segregated buildings, this proposal for development puts the health and safety of the community at risk in a number of ways.

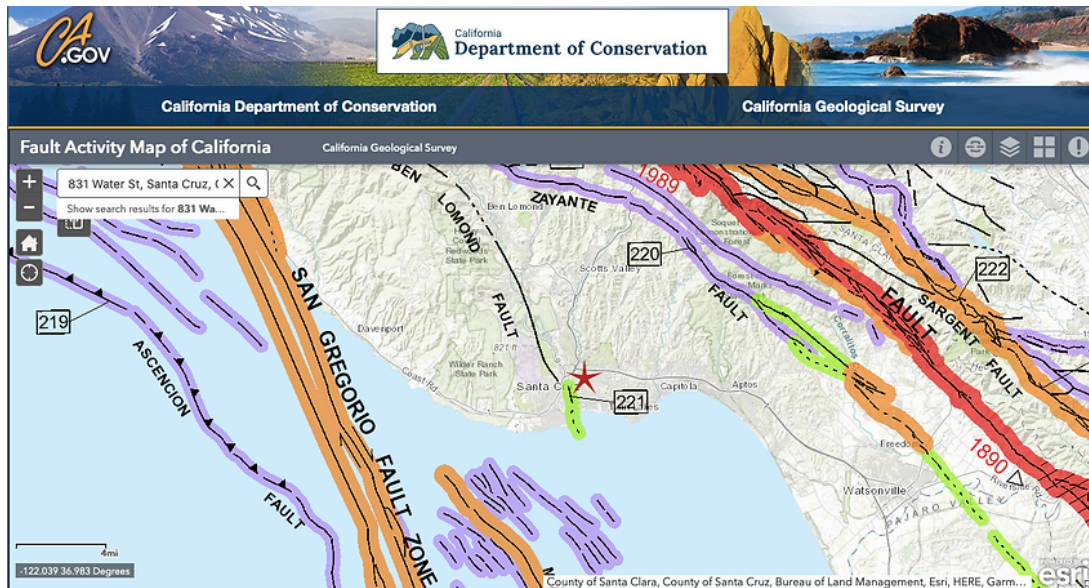
1. The proposed driveway entrance/exit poses serious safety risks for pedestrians, cyclists and drivers. The line of sight down a steep hill from the driveway is not adequate for the speeds traveled on Water Street. The protected bike lane will most certainly not be "protected" if the driveway is allowed to be in this location.
2. Additionally, the mechanized racks have not been fully explained nor evaluated for a residential development that will include the housing of people designated as special needs. The safety of children in the parking garage with mechanized racks have also not been addressed.
 - Additionally, how much power is needed for the racks to function? In the incidence of an emergency, and evacuation, will the mechanized racks be able to function with a power outage? Is there backup generator that is large enough to operate the racks?
 - How long does it take, on average, to evacuate the vehicles from a garage with mechanized racks?
3. Earthquake Hazard - The hydrogeology of the site and surrounding area shows numerous geology reports indicating loose, unconsolidated, sandy soil, on top of crumbly mudstone. The water table of this site is shown to be unusually high in these reports. The combination of water-saturated loose and unconsolidated soil is the definition of liquefaction prone geology.
 - From a hydrogeology report for a neighboring parcel:

”Earth materials underlying the subject property consist of older marine terrace deposits (relatively unconsolidated units) overlying siltstone bedrock of the Purisima Formation (relatively consolidated units). This geologic contact between relatively permeable (unconsolidated) and impermeable (consolidated) units causes seasonal groundwater to perch along this geologic contact and has allowed seasonal groundwater to infiltrate through the sub-surface and into the crawl space underlying the existing residence.” [-Allterra Environmental](#)
 - The City has not properly delineated the liquefaction zones in this area, with liquefaction maps showing the proximity of above ground water as the method for attributing liquefaction zones. The hydrogeological reports of the site and surrounding neighborhoods include the necessary information to show whether the site is likely prone to liquefaction in an earthquake.
 - According to the [United States Geological Survey](#), "[I] liquefaction takes place when loosely packed, water-logged sediments at or near the ground surface lose their strength in

response to strong ground shaking. Liquefaction occurring beneath buildings and other structures can cause major damage during earthquakes."

- Additionally, the site abuts a slope that is more than 30 degrees. This seems like a very dangerous site for a development of the size, weight, and mass currently proposed.
- The official state geologist report shows that there is no current assessment for earthquake danger for Santa Cruz. However, the state geologist fault line maps show that we are in the middle of a number of fault lines and our own history is evidence that we are in an earthquake prone zone.

Earthquake Fault Lines (star marks development application site)



- Our local government has the power and sworn responsibility to protect the health and safety of its citizens. In this case, that means requesting an official earthquake and liquefaction study by a qualified professional to ascertain the level of danger at this site for a significant development project.
4. Standing Water (mold & structural integrity) - The hydrology of the site is also dangerous when assessing the large concrete underground parking garage that will function like a dam for the neighborhood to the north of the project. The houses that experience standing water and drainage problems already are being threatened by further drainage issues by this depth and width of underground concrete being proposed. Additionally, the excavation needed to build the garage will destabilize the properties adjacent to the site, due to the reported and recorded loose and unconsolidated type of geology at and around the site.
- The drainage issues that are evidenced to be worsened by the proposed development will be coupled with total shade for the homes just north of the site for much of the winter months of the year. This standing water and shade combination will jeopardize the housing

structures to the north of the site and jeopardize the health of those living in those structures.

- According to the [California Department of Public Health](#): "...mounting scientific evidence on dampness and mold, much of it published since 2005, supports an.. evidence-based approach to the assessment of health risks from indoor dampness and mold. Human health studies have led to a consensus among scientists and medical experts that the presence in buildings of (a) visible water damage, (b) damp materials, (c) visible mold, or (d) mold odor indicates an increased risk of respiratory disease for occupants."

Overall, there are too many issues with the proposal to adequately list, describe, and include legal context for. The issues include threats to public health and safety, to socio-economic equity, to cultural equity surrounding the Villa de Branciforte for descendants of the Awaswas and Alta California Mexicans, to sustainable building practices, as well as a clearly non-conforming and incomplete application for both SB 35 ministerial streamlining and a density bonus.

I urge the City Council to deny the project as currently proposed so that a coherent application may be submitted that mitigates all of the issues described herein.

Thank you for your thoughtful consideration and your upholding of your oath to represent the citizens of the City of Santa Cruz and their health and safety in all decisions put before you for vote.

Sincerely,

Lira Filippini

130 Belvedere Terrace

Santa Cruz, CA 95062

A member of 831 Responsible Development and Santa Cruz Tomorrow

1. LSA; Cultural Resources Background Report and Archaeological Sensitivity Map for the City of Santa Cruz General Plan Update; 2006.
2. Museum of Art & History of Santa Cruz County; Santa Cruz County History Journal: Issue Number 3; 1997.
3. Rizzo, Martin A; University of California Santa Cruz; No Somos Animales: Indigenous Survival and Perseverance in 19th Century Santa Cruz, California; 2016.

Rosemary Balsley

From: Bonnie Bush
Sent: Monday, December 13, 2021 4:48 PM
To: City Council
Subject: Fwd: Letters for Agenda Item 25 & 26
Attachments: Item 25_831 Water St_MBEP.pdf; Item 26_Library Mixed-Use Project_MBEP.pdf

Bonnie Bush, CMC
City Clerk
831-420-5035

Begin forwarded message:

From: Ashley Gauer <agauer@mbep.biz>
Date: December 13, 2021 at 4:40:59 PM PST
To: Bonnie Bush <bbush@cityofsantacruz.com>
Cc: Matt Huerta <mhuerta@mbep.biz>, Rafael Hernandez <rhernandez@mbep.biz>, Elizabeth Madrigal <emadrigal@mbep.biz>, Kate Roberts <kroberts@mbep.biz>
Subject: Letters for Agenda Item 25 & 26

Hi Bonnie,

Hope this finds you well. Please find attached MBEP's comment letters for the following agenda items at tomorrow's City Council meeting:

Item 25: 831 Water Street
Item 26: Library Mixed-Use Project

Please let me know if you have any questions / concerns, thank you!

--

Ashley Gauer
808.927.1535
Program Manager, Special Projects
Monterey Bay Economic Partnership



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December 13, 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 and **the recommendation for staff to complete a formal response letter to the SB 35 application**, including an objective standards consistency determination and determination of the granting of a Density Bonus.

As mentioned in prior letters, this mixed-use project answers a critical need for affordable and workforce housing in one of Santa Cruz’ high quality transportation corridors qualifying the site as a “Sustainable Communities Opportunity Area” for transit-oriented development per AMBAG’s Metropolitan Transportation Plan. **This will enable local residents to live closer to where they work thus reducing greenhouse gas emissions by being within walking or biking distance to jobs, services and amenities and public transportation.**

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. **We thank you for rescinding your denial of the project at your November 23rd meeting, and for directing staff to re-examine the project's conformance with the City's objective standards in light of the additional materials provided by the applicant**, including materials to address whether the integration of affordable units with the market-rate units is required given the conflict between state laws.

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, which aligns with our Workforce Development goals as well.

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.

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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

Rosemary Balsley

From: Tina Oberlin <toberlin@ucsc.edu>
Sent: Monday, December 13, 2021 4:51 PM
To: City Council
Subject: RE: 831 Water Street

Dear council members,

I commend you on your review and consideration in examining the copious amount of submissions and revisions to this project. The job you do is important to all the people that call Santa Cruz home.

I can't see this site as the behemoth project that is being proposed. Some time ago this area was designated as high density and so does that mean that we allow over sized housing in this community. Yes, we need more housing but I cannot overlook the scale of this project and the impact to our roadways in an already overcrowded and traffic congested area. I have written to you before reminding you that people get off on Morrissey to avoid Ocean and travel down Water. Some how I believe that the misconception that people will take the bus is ill conceived. I can't imagine that even all these studies that Novin has submitted can really account for that traffic and the noise and their revised building seems really close to the street. I also question that in one of our first meetings in September or October the city said that water was not an issue. There is a lot of building going on in our town and if current customers may ration water as we have in the past are we not saving up water for future big developments like this proposed site.

I still think this building is too big for our neighborhood and there is sure to be more developments coming as we demolish more places on Water street. Do we want everyone to move out of their homes so we can build big apartment complexes ? Where are they to go ? We are not San Francisco or LA or San Jose.

Thank you for your time and your attention to this project. I do certainly appreciate it.

Sincerely,

Martina Oberlin

Rosemary Balsley

From: Melvee Filippini <frankandmelvee@gmail.com>
Sent: Monday, December 13, 2021 4:54 PM
To: Donna Meyers; Sonja Brunner; Justin Cummings; Sandy Brown; Martine Watkins; Shebreh Kalantari-Johnson; Renee Golder; City Council; Lee Butler
Subject: Agenda # 25, 831 Water Street Public Oversight Meeting

December 13, 2021

Frank and Melvee Filippini
130 Belvedere Terrace
Santa Cruz, CA 95062
Email: frankandmelvee@gmail.com

Mayor Donna Meyers and Council Members [sent by email]
Santa Cruz City Council
Santa Cruz City Hall
809 Center Street
Santa Cruz, CA 95060

RE: Agenda Item # 25, 831 Water Street Public Oversight Meeting

Dear Mayor Meyers and Council Members,

Thank you for the opportunity to address you about our concerns surrounding the ministerial approval of the 831 Water Street Project application under SB 35. We appreciate all the hard work and diligence you have put forth to research and understand the complexities involved in evaluating this project application.

The project, from the outset, has posed multiple health and safety concerns for the people living in the surrounding neighborhood and community including, but not limited to: uv blockage for extended hours - multiple months of the year to the immediate neighbors, destabilization of a steep slope, drainage and standing water exacerbation, increased ground instability, increased risk for earthquake, the threat of moisture and mold hazards, the project parking entrance is on a steep hill with limited (and non-conforming) sight lines, across a cross-town bike lane, delivery and service trucks to the project need to BACK up onto Branciforte blindly, there is poor emergency vehicle access, and the extremely dense project on a less than acre corner site will cause severe traffic congestion near an already heavily congested traffic intersection.

Additional concerns have become apparent to the community as we have considered this project. As a neighborhood we are very supportive of more housing, including low income housing on the proposed site; however, segregation of the low income units within the project is concerning, and although a proposed change has been made by Mr Novin to address this problem, at this late date it is still not clear what exactly that proposal is. Additionally, the current proposal has no inclusion of very low income units, even though the deficit of just this one category of housing is what made the City of Santa Cruz vulnerable to SB 35 streamlining in the first place.

We live on Belvedere Terrace, in the neighborhood immediately adjacent to this project in an archeologically sensitive area. We were required to obtain an archeological report prior to any excavation on our property. The area is known to have buried archeological remnants including from the Native American Indian and Villa de Banciforte cultures. Artifacts buried under this site must be carefully and respectfully excavated and evaluated. The deep excavation for the parking garage in this project must be carried out with the utmost attention to archeological consideration and protected Native American rights.

Due to the multiple persistent public health and safety concerns raised by this proposal, the lack of a final proposal clearly identifying the number of affordable units and their distribution within the project (and hence not available for public oversight at this late date), and the archeological history on the site and immediately adjacent to the site, we urge you to deny ministerial approval of the application under SB 35.

Thank you for your consideration.
Sincerely,
Frank and Melvee Filippini

Rosemary Balsley

From: Elizabeth Conlan <elizabethconlan@protonmail.com>
Sent: Monday, December 13, 2021 4:56 PM
To: City Council
Subject: Agenda Item #25 - Approve 831 Water St Housing Project

Dear Mayor, Vice Mayor, and Councilmembers:

In alignment with city staff analysis that the proposed housing project at 831 Water Street complies with the city's objective standards, I strongly urge you to approve this project.

My experiences as a renter in the city and as someone who has had friends move away due to lack of affordability have contributed to my support for streamlining projects with high levels of affordability. Laws like SB 35 mean that cities and counties that have built much less affordable housing compared to Santa Cruz are held accountable for housing workers and low income families in their communities. Objective standards mean that multi-family housing projects cannot be rejected due to arbitrary concerns, but that objections must be rooted in violation of clearly defined guidance.

I encourage you to approach the potential downsides of neighborhood change with pragmatic problem-solving (like the solutions for improving pedestrian and cyclist safety near the project) and to focus on all of the benefits that this project will bring to our community, homes for over 140 people, a chance to reduce our vehicle miles traveled, and enlivening that corner.

Please follow objective standards, support Santa Cruzans struggling with housing affordability, and approve this project.

Thank you,
Elizabeth Conlan

Rosemary Balsley

From: randy jones <jrj1914@sbcglobal.net>
Sent: Monday, December 13, 2021 4:59 PM
To: City Council
Subject: 831 development

Dear Mayor and City Council Members,

This is to let you know that my wife and I, Randy and Robyn Jones at 328 Stanford Ave., completely support the letter to you from the 831 responsible development group. Building applications should be, at the very least, complete and coherent, and the current application is neither. Please do not give way to this developer, who seems to be relying on obfuscation and snow-balling city staff to get their way.

Regards,

Randy Jones

Rosemary Balsley

From: reed bob <surftrex@comcast.net>
Sent: Monday, December 13, 2021 4:59 PM
To: City Council
Subject: 831 Project

Hello,

I'm a neighbor of the 831 project.

I realize you're in a tough position with developers armed with legal threats to have you sign off on an ill-conceived project.

Yes I support low income housing. This project doesn't do much in the way of that from what I understand.

My BIG concerns are the slope of Water St being the entrance/exit. There is heavy traffic at the top of Water. Better would be to push entrance/exit to B40.

Also, the developer is pushing parking into our neighborhoods rather than supplying adequate parking (an expensive parking elevator doesn't fit this).

I'm hoping you will require the developer to address these and many other needs in your consideration.

regards,

Bob Reed




831 Water Street
City Council Oversight Meeting
December 14, 2021



Background

- ▶ October 12th Oversight Meeting
 - ▶ Motion passed to deny project
- ▶ November 23rd
 - ▶ Motion passed to rescind October 12th denial and directed staff to complete SB 35 objective standards consistency review and schedule follow-up public oversight hearing



October 12th Oversight Meeting

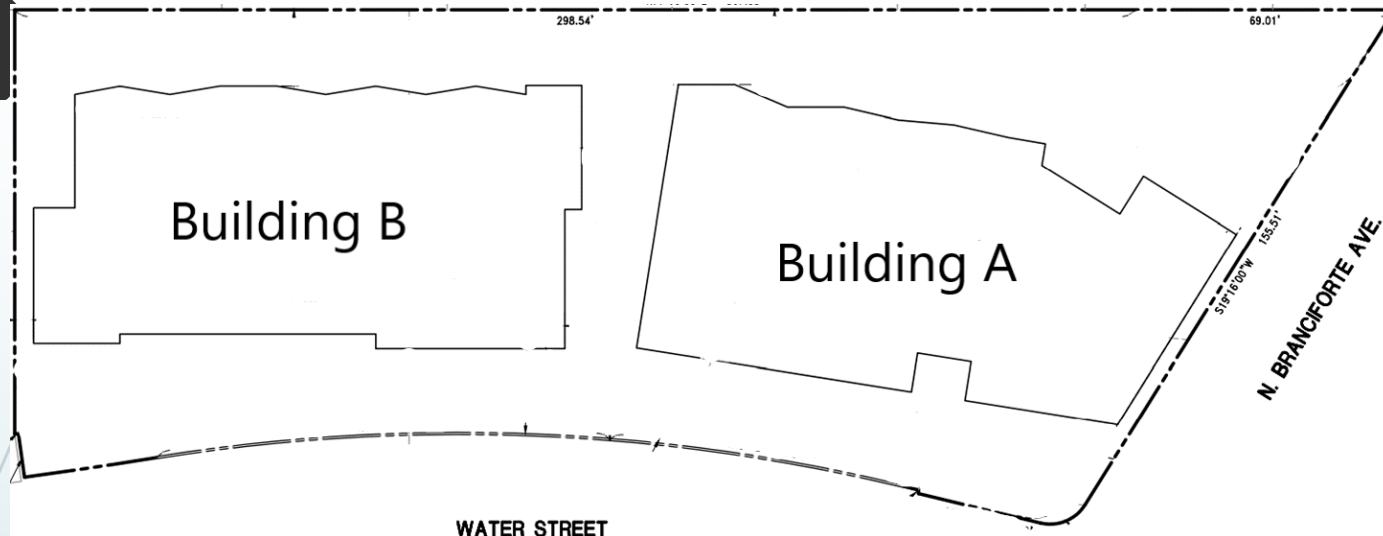
- ▶ Anti-segregation standard – dispersal of affordable units
- ▶ Slope setback
- ▶ Stormwater Management Plan
- ▶ Traffic Study
- ▶ Noise Study
- ▶ Breakdown of AMI levels and affordable unit locations



Dispersal of Affordable Units

- ▶ SCMC 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.”
- ▶ Section 402(e) of the HCD SB35 Guidelines allow the local jurisdiction to impose all objective requirements in its inclusionary ordinance to an SB35 development project.
- ▶ Section 402(f) of the guidelines also requires that the affordable units “...shall be distributed throughout the development, unless otherwise necessary for state or local funding programs, and have access to the same common areas and amenities as the market rate units.”

Dispersal of Affordable Units



	Scenarios	Building B	Building A	Total
1	Public Funding w no restrictions on location	Inclusion/DB 11 SB 35 17	Inclusion/DB 11 SB 35 16	55
2	Public Funding w restrictions on location	Inclusion/DB 11 SB 35 33	Inclusion/DB 11	55
3	Public Funding with 100% Affordable Req for a Building (27 units above requirement)	Inclusion/DB 11 SB 35 60 25.450	Inclusion/DB 11	82

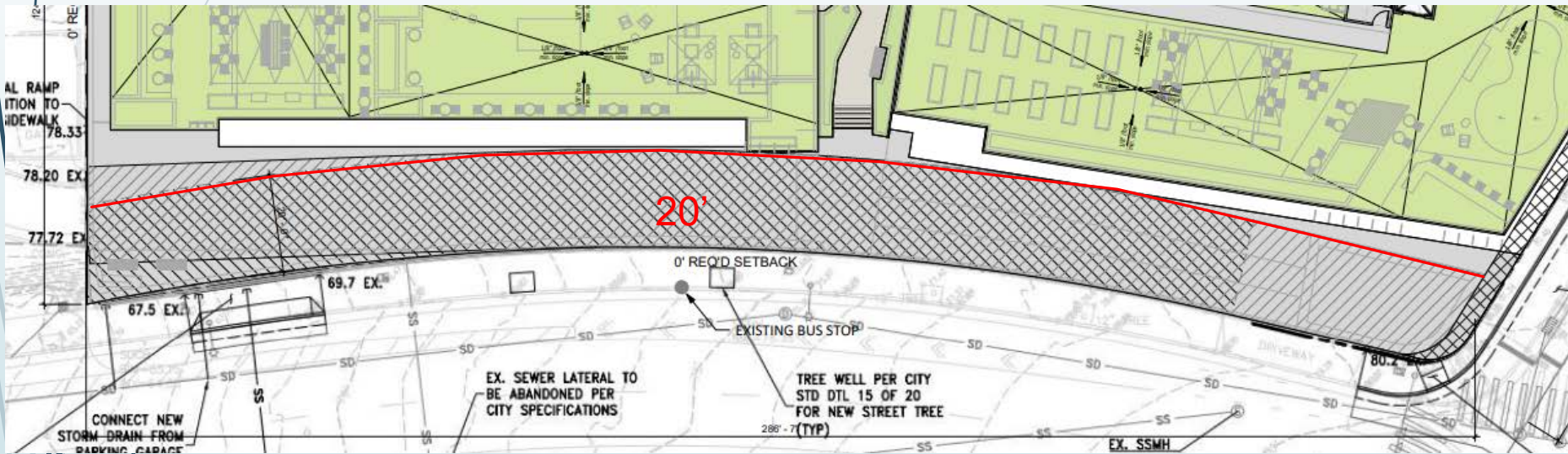


Slope Setback

► SCMC definition of “Slope”:

“An inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.”

Slope Setback





Stormwater Management Plan

- ▶ Submitted:
 - ▶ Stormwater Management Plan
 - ▶ Stormwater and Low Impact Development Best Management Practices Worksheet
 - ▶ Drainage Plan
- ▶ PW staff and City's contract stormwater reviewer have reviewed plans
- ▶ Plans meet state and local stormwater requirements
- ▶ COA that stormwater plans be implemented as part of construction plans



Traffic Study

- General Plan Roadway Buildout
- Right-of-Way Impacts
- Sight Distance Evaluation
- Fire Access



Traffic Study Findings

- Include exclusive right turn lane along Branciforte Ave
- Sight distance along Branciforte Ave meets AASHTO with removal of on-street parking
- Sight distance along Water St meets AASHTO
- Fire egress point on Water St is sufficient



Traffic Study Recommendations

- ▶ Southbound right turn lane along Branciforte Ave
- ▶ Neighborhood parking permit program
- ▶ Remove channelizers for protected bike lane along Water St.
- ▶ Warning signs along Water St.
- ▶ Electronically actuated warning device at Water St. driveway exit/Rapid open/close gate



Noise Study

- ▶ Preliminary Property Line Noise Analysis
 - ▶ Mechanical Equipment
- ▶ Preliminary Environmental Noise Study
 - ▶ Noise environment at site
 - ▶ Applicable standards
 - ▶ Indoor/outdoor decibel levels

Area Median Income (AMI) Levels

Base Project Total Units	109
Required Density Bonus Units at Low Income Level	22
Proposed bonus percentage	35%
# of density bonus units proposed	31
Total # of dwelling units proposed	140
Total # of units allowed with density bonus	148

	% of base units	Income Target	# of units	Max Household Income Level	Rent Level AMI
City Inclusionary Requirement	20%	Low-Income	22	80% AMI	80%
Density Bonus Requirement*	20%	Low-Income	22	80% AMI	60%
Affordable Units Required Per SB 35*	50%	Low-Income	55	80% AMI	60%
TOTAL PROPOSED AFFORDABLE UNITS:	50%	Low-Income	55	80% AMI	60%

* affordable rent is calculated pursuant to Health and Safety Code Section 50053, however if the actual household's income is between 60-80% AMI, the rent may be set at 30% of that particular household's gross income.



Concessions/Incentives

- Concession – Locate all affordable units together in a single building



Waivers

- Waiver 1 – Exceed maximum height
- Waiver 2 – Reduction of private open space
- Waiver 3 – Reduction of common open space
- Waiver 4 – Exceed the maximum FAR
- Waiver 5 – Reduction of setback from a 30-50% slope



Recommendation

That the City Council:

- ▶ Review the objective standards table and Density Bonus information prepared by staff and refer the project to staff to complete a formal response letter to the SB 35 application, including an objective standards consistency determination and determination of the granting of a Density Bonus.



End



City Council AGENDA REPORT

DATE: 12/02/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Economic Development

SUBJECT: Library Mixed-Use Project Updated Site Program and Design (ED)

RECOMMENDATION: Motion to approve the updated site program and design for the Library Mixed-Use Project to include the following changes: 1) an increase in affordable housing units from a minimum of 50 to a minimum range of between 100-125 units; 2) a decrease in the parking count from 400 to 310 parking stalls; 3) program expansion to include an onsite daycare facility; 4) Library design changes to include a two-story Library facing Cedar and Lincoln Streets with a green roof and adjacent roof deck and other design elements as presented by the Master Library Architect, and direct staff to return to Council with a preliminary Library cost model based on the updated Library design and site program changes.

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).

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 that time, staff has been working with Griffin on the development and selection of the full project team through an Request for Proposal (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 throughout 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>).

Work continued on the Project over the summer of 2021 including 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 PROCESS TO DATE

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 & Community Development 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.

On September 14th, 2021, Council approved the contract for Jayson as 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.

As the Master Library Architect for the Project, Jayson is responsible for design of the new Downtown Library, is leading 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 works with the staff to provide design options that incorporate community feedback and meet the requirements of the Library and the City.

In early October, 2021, Jayson facilitated a series of stakeholder discussion meeting to listen to community preferences for the new Downtown Library. Specific stakeholder groups included seniors, parents and children, community partners, downtown businesses and others. Community comments from each facilitated stakeholder group can be found on the project website under the updates section <https://www.cityofsantacruz.com/government/city-departments/economic-development/development-projects/mixed-use-library-project/mixed-use-project-updates>. A second round of community feedback on the conceptual design is scheduled through three workshops to be held on Friday December 10th. Feedback from the community workshops will be presented to Council on December 14th as part of the staff presentation on this item during the regularly scheduled council meeting.

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.

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 mixed-use 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 current balance of the Measure S funds for the downtown branch is approximately \$25.5 million following a decision last year to use \$1.5 million of Measure S funding earmarked for the downtown branch to complete the Branciforte and Garfield branches in the City library system. At a significant savings to the library portion of the Project, a portion of the cost of the shell and core for the Library will be absorbed in the larger project budget, allowing for a greater percentage of the Measure S funding to be reserved for the tenant improvements of the Library. Once the final design is approved for the Library, which includes specific finishes and allowances, a cost estimate for the Library will be prepared and presented to Council when available.

DISCUSSION: 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/early 2025. The design phase includes multiple phases with public outreach and integration of community feedback heavily integrated into early project design development.

During the December 14th Council meeting, Jayson will present an updated site design for the Library and the overall site plan with specific emphasis on the Library for Council consideration. The updated Project includes an overall site plan, finishes and façade for the Library, 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 community feedback, the Project Site limitations, and the City's budgetary constraints.

Council direction from June 2020 on the approved Library Mixed-Use Project included the following components:

- 1) Include a new Downtown Library on the ground floor of a mixed-use project on Lot 4;

- 2) Include an affordable housing project containing a minimum of 50 low-income dwelling units which should be targeted at the lowest levels of affordability;
- 3) Include a parking structure with no more than 400 spaces;
- 4) Restrict the total height of the building to not exceed the height of the University Town Center development (70'), or, if that is not possible to maximize affordable housing unit creation, restrict the height to the development of 1010 Pacific (77').

Updates to the Project and overall site plan from the June 2020 approval for Council consideration are as follows:

- 1) 35,000 sf Library designed as a two-story building with a green roof and an adjacent roof deck over the commercial portion of the Project that connects to the upper floor of the library;
 - a. Two-story library allows for more efficient lay out and maximization of affordable housing units
 - b. Two-story library with green roof allows for better height integration with surrounding buildings, provides a substantial public library presence within the overall mixed-use site plan and includes sustainable features unique to library
 - c. Roof deck adds an additional 5,000 sf feet of programmable open space for library users
- 2) 100-125 units of low-income dwelling units targeted at the lowest levels of affordability (very low-income and extremely low-income). Housing is designed as five levels of housing over 3 levels of parking.
- 3) Parking reduced from 400 stalls to approximately 310 parking stalls, a reduction which allowed for an additional level of affordable housing units to be included in the current program. The previous site plan included a five level stand alone parking structure adjacent to the other Project components.
- 4) Current height of housing portion of the Project, as designed, exceeds previous Council direction by 8 feet (to 85 feet) to top of roof and by 13 feet (to 90 feet) to top of parapet. Elimination of the top floor of housing would eliminate the additional height, but reduce the total housing unit count from 125 to 100. Existing Downtown buildings of comparable height include the Cooper House at 80 feet to top of roof and El Palomar at 90 feet.
- 5) Project currently includes a ground floor daycare with open space and a 2-3 level commercial space on the corner of Cathcart and Cedar Streets.

Following consideration and pending approval by Council of the updated site plan and Library design, the Master Library Architect will work with the Project developer team and City staff to further refine the existing Project site plan to meet the needs of the City and any regulatory agencies and to establish the overall requirements for the Project. These next steps will include aggregating space needs, developing site improvement criteria, reviewing environmental requirements, analyzing 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.

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 to the overall Project, 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. Staff will be working to keep the project website updated with new information and next steps.

FISCAL IMPACT: Sufficient appropriations for the existing architectural design contract are part of the approved FY 2022 Capital Improvement Program (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 2022 CIP Budget.

Prepared/Submitted By:

Bonnie Lipscomb
Director of Economic
Development

Approved By:

Rosemary Menard
Interim City Manager

ATTACHMENTS:

None.

Rosemary Balsley

From: Richard McGahey <rick.mcgahey@gmail.com>
Sent: Thursday, December 09, 2021 10:57 AM
To: housing; Economic Development; Rosemary Menard; City Plan; City Council
Subject: Unable to register for library update sessions, want to register my support

I'm unable to register for the information sessions on the library project, all three of them are oversubscribed and marked "sold out." I want to register my strong support for the project. I worry that the rapid filling up of the sessions will be dominated by vocal opponents of the project, but you must know there is a lot of support for this project, and for more housing generally in Santa Cruz.

I'm a progressive economist specializing in urban issues and am writing a book for Columbia University Press on cities and inequality. I hope you know that research shows that vocal opposition in public meeting often is not representative of the larger community. Please don't let loud opposition voices, which of course need to be heard, make you think that there's no support for this project, or for more housing in Santa Cruz.

Rick McGahey
2395 Delaware Avenue Space 90
Santa Cruz CA 95060

Rosemary Balsley

From: Garrett <garrettphilipp@aol.com>
Sent: Thursday, December 09, 2021 8:31 PM
To: City Council
Subject: 12/14/21 Item # 21 Mixed use library/Ghetto housing

12/14/21 Item # 21 Mixed use library/Ghetto housing

Yeah, sure. Lets make the very low, low ,low affordability housing project the largest or tallest ever built in Santa Cruz, AH, no. It was disappointing that a review event was sold out, and many of the public was prevented from actually reviewing the design plans.

Again, just nuke the city with poverty enabling. See how it is really done in NYC, St Louis etc



Garrett Philipp - Westside

Rosemary Balsley

From: Janine <j9discuss@gmail.com>
Sent: Saturday, December 11, 2021 10:43 AM
To: City Council
Subject: Library Mixed-Use Project - Vote Yes to Accept the Staff Recommendation

Hello

The new design for the Library Mixed-Use Project is so inspiring! I had a chance to participate in the Community Workshop on Friday. The workshop was well done, and Jayson Architects is very thoughtful about the project - it reflects a lot of the past community input. It's fantastic that the project features the library and the housing, two critical pieces.

Please vote yes to accept the staff recommendation to approve the updated site program and design and move on to the next step of a preliminary Library cost model.

Thanks,
Janine

Rosemary Balsley

From: Rena & Harlan <fam@furfamily.net>
Sent: Saturday, December 11, 2021 12:02 PM
To: City Council
Subject: Agenda Item #26: Support for library design

Hi everyone!

I went to the informational meeting for the downtown library and was very excited! The housing component is more than 100 units and I am thrilled with the overall design concept for the library. The architects are really listening and incorporating feedback from the community. This project will be the jewel of downtown!

Thanks-

Rena Dubin,

Vice Chair, Library Commissioner

Rosemary Balsley

From: Dennis <hagensipkin@gmail.com>
Sent: Saturday, December 11, 2021 12:41 PM
To: City Council
Subject: Agenda Item #26: Support for staff recommendation

I attended one of the workshops on Friday, given by the architectural firm, and was very pleased with what I saw.

This project is what the city needs! Please support it!

Dennis Hagen
Westside

Rosemary Balsley

From: Judi Grunstra <judiriva@hotmail.com>
Sent: Saturday, December 11, 2021 12:48 PM
To: City Council
Cc: Bonnie Lipscomb
Subject: Agenda Item #26 Dec 14 2021

Dear City Council Members:

I attended one of the three Dec. 10 Zoom meetings, the purpose of which was to engage the community regarding designing the Library Mixed-Use Project. Although I believe the Master Architect, Abe Jayson, wants to deliver a project the community will like (or even love), I continue to find serious shortcomings in how this public engagement process has unfolded.

Registration for these meetings was limited, and some people who would have liked to have participated were locked out. Mr. Jayson cited previous Zoom meeting attendance as 60 participants. That is a very small percentage of the local population.

The "conversation" at the Dec. 10 meetings consisted of 2 pre-set questions - "What do you like about the design presented today?" and "How did the design presented today differ from your expectations - good or bad?" Talk about leading questions, leaving room only for compliments! Is this the "extensive public outreach" we were promised way back in 2018? The "breakout room" sessions were not recorded, but more importantly did not provide any opportunity for dialogue, or even for questions to be answered by the facilitators (Mr. Jayson and Ms. Stuart). (They did take notes, and posted comments digitally.)

There are still so many questions about this complex project! In "Next Steps," Mr. Jayson said there would be two additional chances for public comment - the schematic design and the Development Phase - but no dates were given. Will this be another example of the public being given false hopes that anything they say will be considered?

When I read in the Sentinel that the Dec. 10 engagement would be followed by a Dec 14 presentation to Council, I wondered how the architects could possibly make any changes suggested by the public in that very short time frame.

Santa Cruz really should look at how other communities do community engagement that isn't a farce. Check out CatalyzeSV.org.

Judi Grunstra

Rosemary Balsley

From: Carolyn Livingston <seanandi@cruzio.com>
Sent: Saturday, December 11, 2021 1:27 PM
To: City Council
Subject: Agenda Item #26: Support for staff recommendation

Hi Councilmembers,

On Friday, December 10th, I attended one of the Master Architect's workshops on the preliminary design of the overall site program for the Library Mixed-Use Project.

I'm excited about the new design of the Library Mixed-Use Project. It's a great revitalization of the lot. I was impressed by the proposed addition of a garden roof and more affordable housing units. This will be a modern library with affordable housing, convertible parking, community outdoor space, children's play area, teen recreation space and commercial and day care space.

I support the staff recommendation to approve the updated site program.

Thank you, Carolyn

--

Carolyn Livingston

"You can tell a lot about a person by the way they handle three things: a rainy day, lost luggage and tangled Christmas tree lights."

<https://chatbooks.com/blog/holiday-quotes>

FPPC Reporting, Carolyn Livingston Campaign Services
Asst Treasurer, No Way Greenway Campaign
Treasurer, Friends of Parks and Recreation

Rosemary Balsley

From: Gerry Mandel <gmandel24@gmail.com>
Sent: Saturday, December 11, 2021 3:06 PM
To: City Council
Subject: Agenda Item #26: Support for staff recommendation

Hello,

I attended the 9 a.m. presentation for the Library Mixed-Use Project yesterday. The changes Jayson Architecture made to the project in response to public comment were spectacular. They transformed the entire project, bringing light, green space, and character to both the library and the housing portions. I was so impressed! The new design far exceeds my expectations. I can see the new library becoming a focal point of our downtown and a gathering place for children, teens, adults, and seniors. I'm happy to live close by. Kudos to Jayson Architecture.

I urge the City Council to support the staff recommendation to approve the updated design for the Library Mixed-Use Project.

Sincerely,

Gerry Mandel
512 Washington Street
Santa Cruz

Rosemary Balsley

From: Robin Holland <robincreates@gmail.com>
Sent: Saturday, December 11, 2021 6:45 PM
To: City Council
Cc: Robin Holland
Subject: Agenda Item #26: Support for staff recommendation

Dear City Council,

I'm writing to voice my support for the Library Mixed-Use Project Updated Site Program and Design Recommendation dated 12/02/2021, for the 12/14/2021 City Council meeting. I really appreciate the thoughtfulness and precision that has gone into the planning, as well as the solid practice of info intake from the community. I see that the design team has listened and incorporated community perspectives.

The downtown library is not only central to the whole system, but it is also my most local branch personally, and I'm very excited to see this new library come into being, I see it providing additional downtown culture and quality of life, along with much needed housing and parking.

In one meeting I attended on 12/10/21, two people voiced concerns about sight lines for Hula's restaurant. I can only imagine Hula's business, as well as many other downtown businesses, significantly improving from having the library and a significant number of new residents across the street/nearby. The sight lines, with the designs the architectural team has provided, will enhance the area significantly, especially versus what is now an unattractive old parking lot. I wish I'd thought to mention that in the meeting I attended.

Looking forward to seeing this project come into being!

Best regards,

Robin Holland

--

Robin Holland Brand Consulting

[RobinHollandInternational](#)

415-342-5546

robincreates@gmail.com

Rosemary Balsley

From: Joe Ferrara <joe@atlantisfantasyworld.com>
Sent: Saturday, December 11, 2021 9:36 PM
To: City Council
Subject: Agenda Item #26: Support for staff recommendation

Council- I strongly recommend approval of the staff recommendation for this project. It will be a beautiful and necessary addition to the future of our downtown.

Joe Ferrara

Rosemary Balsley

From: Donna Murphy <dmvm7m@gmail.com>
Sent: Sunday, December 12, 2021 1:26 PM
To: Donna Meyers; Sonja Brunner; Sandy Brown; Martine Watkins; Renee Golder; Justin Cummings; Shebreh Kalantari-Johnson
Cc: City Council
Subject: Support for Item 26: Library Mixed Use

After participating in one of the public input sessions on Friday, I strongly support the Library Mixed-Use project. The current design, programming and amenities of the Project are outstanding on multiple fronts. It will be a beautiful, usable, sustainable and livable addition to downtown.

Please advance this project as soon as possible. A few noteworthy call-outs:

— The two and a half times more **very low income affordable units** are invaluable to providing homes near jobs for service workers and others who otherwise are priced out of the area. Such units will help Santa Cruz regain more economic and demographic diversity, as well as help young families or seniors on fixed income be able to live here. *Because the need is so great and the units are for the lowest income levels, the **additional height** requested (for which precedence already exists) **is easily justified** to accommodate the 25 units that will occupy that space.*

— The focus on sustainability, including solar panels, daylighting, green roof and landscaping is vital to reaching our climate action goals and is the right thing to do for future generations.

— By maximizing the library size, with 35,000 sf interior and 5,000 sf of usable outdoor space, the library will meet most of its programming goals, including dedicated spaces for children, teens, genealogy, and community meetings and study.

— The integrated parking will include robust bicycle parking, as well as consolidate parking that supports library users, building residents, downtown businesses and other nearby affordable projects and health facilities. It is more adaptable and attractive and a higher use of scarce land than surface lots.

This design is both functional and attractive and will give us the modern, open, bright library that meets the needs of its many diverse users.

Please approve the design and keep the project moving forward.

Respectfully,

Donna Murphy
Santa Cruz resident

Rosemary Balsley

From: Cara <ratbert@cruzio.com>
Sent: Sunday, December 12, 2021 7:55 AM
To: City Council
Subject: The library plans

Hello,

I attended one of the virtual meetings on the design of the downtown library on Friday.

I was very impressed. I've been in favor of this mixed-use project ever since I listed to all the stakeholders at the meeting early this year. But the design presented surpassed all my hopes. Setting the housing and the garage at the back of the lot keeps the structure from looming over the street, and affords a really easy entrance to the library through the garage for folks with disabilities. I loved all the meeting spaces, large and small—the library is our commons, and affords some of the best space for meetings.

I also loved the roof garden. The library in Taos, where I once lived, had a garden, and it was lovely to sit there and read when I was in town. I'm looking forward to visiting this garden.

I attend the farmers market every week, and I love the farmers market. But it's very clear to me that the library, affordable housing, and parking that is not a street-level lot, is a much better use of this downtown space than the once-a-week market. I will be delighted to see this library enhancing our downtown.

I hope you will go forward with the project as soon as possible.

Thank you,
Caroline Lamb

Rosemary Balsley

From: Martha Dexter <mmdexter@gmail.com>
Sent: Sunday, December 12, 2021 4:00 PM
To: City Council
Subject: Agenda Item #26: Support for staff recommendation

Dear Santa Cruz City Council,

I write in support of the staff recommendation to approve the update site program design for the Library Mixed-Use Project. I am very familiar with the Downtown Library project having served on the Library JPA, the Downtown Library Advisory Committee, and currently on the Friends of the SC Public Libraries capital campaign for Garfield Park and Branciforte Libraries.

Jayson Architecture has extensive experience in public library design, especially with the SCPL as they are working now on Garfield Park and Branciforte Libraries, in addition to their previous work with La Selva Beach. I know from personal experience with them on our capital campaign that they understand the value of public libraries as a community gathering place. The design that they have brought forward for the Library Mixed-Use Project demonstrates how creative they are in adapting designs for communities. I can't wait to see this library! It will transform the library experience for patrons in Santa Cruz.

I urge you to support the staff recommendation for this program design and move the project forward so we can see a new library downtown in the near future.

Thanks very much,
Martha Dexter

Rosemary Balsley

From: Susan Cavaliere <susanwcavaliere@gmail.com>
Sent: Sunday, December 12, 2021 4:26 PM
To: DCA-Steering-Committee@groups.io
Cc: City Council; Bonnie Lipscomb
Subject: Re: [DCA Steering Committee] Agenda Item #26 Dec 14 2021

Thank you Judi, you captured my feelings about the questions that were asked during the sessions on 12/10. I couldn't answer the first question because there was nothing about the project I liked. I felt there were too many different materials used which didn't blend into a cohesive structure and the building was too massive and out of scale with the surrounding buildings. I was very disappointed with the comment that the green roof was somehow going to protect the area from the urban heat island effect after the destruction of 10 heritage trees covering much of the lot.

For the second question I added my expectation that the trees be saved and that parking not be included because of the climate emergency. Better to reduce parking and use the land to save the trees.

On Sat, Dec 11, 2021 at 12:47 PM Judi Grunstra <judiriva@hotmail.com> wrote:

Dear City Council Members:

I attended one of the three Dec. 10 Zoom meetings, the purpose of which was to engage the community regarding designing the Library Mixed-Use Project. Although I believe the Master Architect, Abe Jayson, wants to deliver a project the community will like (or even love), I continue to find serious shortcomings in how this public engagement process has unfolded.

Registration for these meetings was limited, and some people who would have liked to have participated were locked out. Mr. Jayson cited previous Zoom meeting attendance as 60 participants. That is a very small percentage of the local population.

The "conversation" at the Dec. 10 meetings consisted of 2 pre-set questions - "What do you like about the design presented today?" and "How did the design presented today differ from your expectations - good or bad?" Talk about leading questions, leaving room only for compliments! Is this the "extensive public outreach" we were promised way back in 2018? The "breakout room" sessions were not recorded, but more importantly did not provide any opportunity for dialogue, or even for questions to be answered by the facilitators (Mr. Jayson and Ms. Stuart). (They did take notes, and posted comments digitally.)

There are still so many questions about this complex project! In "Next Steps," Mr. Jayson said there would be two additional chances for public comment - the schematic design and the Development Phase - but no dates were given. Will this be another example of the public being given false hopes that anything they say will be considered?

When I read in the Sentinel that the Dec. 10 engagement would be followed by a Dec 14 presentation to Council, I wondered how the architects could possibly make any changes suggested by the public in that very short time frame.

Santa Cruz really should look at how other communities do community engagement that isn't a farce. Check out CatalyzeSV.org.

Judi Grunstra

Groups.io Links:

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Rosemary Balsley

From: Erica Aitken <erica@rodsandcones.com>
Sent: Monday, December 13, 2021 8:35 AM
To: City Council
Subject: Mixed Use project downtown

Hello Councilmembers,

I write as a representative of reImagine Santa Cruz. You may have noticed my letter in the Sentinel yesterday, pointing out that you have made changes, additions and retractions to this parking garage ever since it was a twinkle in the eye of Martin Bernal. The latest changes, the ones that just popped up on the agenda for tomorrow, are more of the same. They don't address the fundamental issues raised by your constituency from the very start: That, according to the study you commissioned, the City does not need additional parking, and it must encourage environmentally sound habits, should do everything to avoid the destruction of a dozen beautiful trees and, most of all, should use every available space for housing and community engagement.

You are spending a lot of money when there is a very solid chance that the mixed used project itself will be put to a vote in November 2022. Please table this until you know whether this is really what voters want.

Thank you
Erica Aitken
219 Stockton Av
Santa Cruz, Ca 95060

Rosemary Balsley

From: Jessie Bristow <jbristow@swenson.com>
Sent: Monday, December 13, 2021 9:02 AM
To: City Council
Subject: Agenda Item #26: Support for staff recommendation

Good morning Santa Cruz City Council,

I am writing in support of Agenda Item #26 and ask that the council move forward with staff's recommendation. We are excited to see this project move forward and the great benefit it will be to our entire community.

Thank you for your time and dedication,

Jessie B.

--

Jessie Bristow | Development Project Manager

SWENSON | 740 Front Street, Suite 315 | Santa Cruz, CA 95060

[831.706.8672](tel:831.706.8672) cell | [831.475.7100](tel:831.475.7100) office | [831.475.4544](tel:831.475.4544) fax | jbristow@swenson.com

Rosemary Balsley

From: Joe De Meo <joedblues1@gmail.com>
Sent: Monday, December 13, 2021 9:45 AM
To: City Council
Subject: Library and water st

Hello council,

I'm too soon old, too late smart. I would always vote no on new housing (the so called progressive stance). Now I realize we created the housing problems we have now. Over the last 20 years we should have allowed a moderate amount of building. Today those units would be more affordable than a new unit today. But that is the past. We need housing for all, low, moderate and market rate.

Please approve the Library and 831 water. We need the housing!!!

Regards Joe De Meo

Rosemary Balsley

From: Katie Fortney <katiefortney@gmail.com>
Sent: Monday, December 13, 2021 11:57 AM
To: City Council
Subject: Agenda Item #26: Support for staff recommendation

Hello City Council,

I'm writing to say how excited I am about the progress being made on the downtown library project! I'm watching the recording of the preliminary design workshop and things are looking great. I hope you will support the staff recommendation for the updated site program design.

Best regards,
Katie Fortney
127 Getchell St.
Santa Cruz, 95060
831.531.7569

Rosemary Balsley

From: Rick Longinotti <longinotti@baymoon.com>
Sent: Monday, December 13, 2021 11:41 AM
To: City Council; Sandy Brown; Justin Cummings; Donna Meyers; Renee Golder; Martine Watkins; skalantarijohnson@cityofsantacruz.com; Sonja Brunner
Cc: Bruce Van Allen; Our Downtown
Subject: Item 26, Library Garage Mixed Use Program

Dear City Council,

We applaud the Master Library Architect for reducing the number of parking spaces in the proposed project so as to allow more affordable housing. The current proposal for 310 parking stall is still far more than what is necessary for adequate available parking in that part of Downtown. Before any further decisions on the number of parking spaces, the Council should consider the Santa Cruz Parking Strategic Plan prepared by Nelson\Nygaard. Residents of cities in a democracy expect their elected officials to fully inform themselves before making decisions. The failure of the Council to invite Nelson\Nygaard to make a presentation (as paid for under their contract) and discuss their recommendations is a serious violation of the public trust.

Before taking any further action on this project, the Council should direct staff to set up a stakeholder committee to make recommendations to resolve the deep division in the community regarding this project. Historically, when the Council failed to address community divisions over desalination until late in the process, it cost City ratepayers millions of dollars in needless investment in desalination.

Thank you for considering,

Rick Longinotti, Bruce Van Allen, Co-chairs, Campaign for Sustainable Transportation

From: [Vivian Rogers](#)
To: [City Council](#)
Subject: Please approve the library design!
Date: Monday, December 13, 2021 12:33:33 PM

Dear city council members,

Jayson Architects presented an incredible mixed-use building last Friday! Each section of the building was wonderful in its design, lighting, and use. And the library will have something for everyone to enjoy year round. I can't wait to take advantage of the outdoor deck.

Please approve the plans with the architect's changes. This will be a wonderful library and building for Santa Cruz.

Vivian Rogers

Rosemary Balsley

From: Rachel McKay <rachelm17@gmail.com>
Sent: Monday, December 13, 2021 12:42 PM
To: City Council
Subject: Downtown Branch SCPL

Dear Mayor Donna the Santa Cruz City Council,

I am writing to express my excitement about the new Downtown Library/mixed use building plans! I read the Sentinel this morning and also the press release posted on the SCPL website. A garden for the patrons, all electric with aim of net-zero energy use, space for teens, much needed very-low and very-very-low affordable housing, a garage with fewer parking spaces designed so it can be repurposed, two stories facing west for a more friendly look, Wow!!!

I work for SCPL as an Library Assistant II (LA II) in Outreach: Jail library services (aka County Correctional Facilities) and at the Downtown Branch. I also moved to Santa Cruz in 1966, the year before the Downtown Branch opened. While I was initially sentimental about the Downtown branch, it was home away from home when I was a kid, I quickly lost that sentimentality when I became an LA II two years ago. The building looks okay but it is falling apart on a daily basis. To name a few issues; the HVAC system is failing; plumbing requires regular repairs; public bathrooms are inadequate for the amount of use they get, and electrical systems are inadequate for current technologies.

Please support the new library plan.
Thank you,

Rachel McKay
158 Belvedere Terrace
707-347-6157

Rosemary Balsley

From: Judy Pisano <judypisano@yahoo.com>
Sent: Monday, December 13, 2021 11:51 AM
To: City Council; Sandy Brown; Sonja Brunner; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Donna Meyers; Martine Watkins
Subject: Agenda Item 26 City Council Library Project

I urge you all to table this item and hold off on ANY more approvals for this project.

This project needs to come before the voters before any further money is spent.

The ability of the City to pay for this project has not been determined with any certainty. You are wasting a lot of money on architects before you have financing worked out.

The architects keep changing the contents of the project, without getting any input from the residents.

The recent online "community" input was grossly inadequate. Only 30 were permitted to attend online, even if people had signed up in advance. The questions were pre-set and only the architects, not staff or council members were able to respond. And the architects were glossing over any issues, to save their project at any cost.

Do not move ahead. Let the voters decide in November of 22.

Thank you,
Judith Pisano
190 Walnut Avenue #304
Santa Cruz 95060

Rosemary Balsley

From: Gillian Greensite <gilliangreensite@gmail.com>
Sent: Monday, December 13, 2021 12:14 PM
To: City Council; Bonnie Bush; Donna Meyers; Sonja Brunner; Justin Cummings; Shebreh Kalantari-Johnson; Martine Watkins; Sandy Brown; Renee Golder
Cc: DCA Steering Committee
Subject: Table Item 26 (Library Mixed-Use Project) until the Heritage Tree Ordinance & Resolution is addressed in the design
Attachments: DCA Heritage tree & Lot 4 letter, 07-06-2021.pdf

Dear Mayor Meyers and City Council members,

There is an oversight in Item #26 before you tomorrow. It is significant enough for you to vote to table the item until the oversight is corrected.

The oversight is the complete absence in the Mixed-Use design for the preservation of any of existing on-site heritage trees on Lot 4.

Such protection is spelled out in Resolution NS-23, 710 which requires inter alia, that a heritage tree can be cut down only if a design CANNOT be altered to preserve such tree. (emphasis added)

A letter (attached below) was sent to Director Lipscomb on 7/6/21 alerting her to this requirement. Director Lipscomb's response is copied below.

We trusted that the selected design team would be notified by Ms. Lipscomb of the Heritage Tree Ordinance and its Criteria & Standards: that the final design would preserve as many trees as possible.

We attended the design public hearings last Friday. It was clear that the design team had not considered this legal requirement for the protection of the city's heritage trees. They did not appear to even have knowledge of such requirements.

It would be in the best interests of the public, the trees and the city's responsible duty to uphold its Ordinances and Resolutions to table this item until this requirement is followed.

Thank you,

Gillian

Gillian Greensite
Save Our Big Trees

From: Bonnie Lipscomb <blipscomb@cityofsantacruz.com>
Sent: Wednesday, July 07, 2021 3:16 PM
To: 'John Hall' <downtowncommonsadvocates@gmail.com>
Cc: Gillian Greensite <gilliangreensite@gmail.com>; Pauline Seales <paulineseales120@gmail.com>; City Council <citycouncil@cityofsantacruz.com>; Leslie Keedy <lkeedy@cityofsantacruz.com>
Subject: RE: Heritage Trees and Mixed Use Project - Lot 4

Hi John, Gillian and Pauline,

Thank you for your letter. We are in the final stages of selecting the master architect for the library design this week and I will share your letter with them once they are on board as well as with Eden Housing and For the Future Housing. We are aware of the existing resolution and will work with Parks and Recreation and Leslie in assessing the current trees on site.

Leslie, I will invite you to one of our initial team meetings once we have everyone on board. Having mature trees on site is definitely a benefit to the overall project where they can be accommodated in the project design.

Best,
Bonnie



Downtown Commons Advocates

P.O. Box 7455

Santa Cruz, CA 95061

downtowncommonsadvocates@gmail.com

www.facebook.com/SantaCruzDCA

July 6, 2021

Bonnie Lipscomb
Director,
Economic Development Department
City of Santa Cruz
337 Locust Street
Santa Cruz, CA 95060

Re: Heritage trees and Lot 4 mixed-use development project

Dear Ms. Lipscomb:

We have been informed by Amanda Rotella that, due to her resignation, you are the person to contact concerning matters related to the proposed mixed-use project on city-owned Lot 4.

According to the City Arborist, there are 10 Heritage trees presently growing on Lot 4. These include 5 Magnolias, 2 Liquid Ambar, 2 Chinese Pistache, and 1 Ginko; in addition, there are 2 other non-Heritage Chinese Pistache. As anyone who has seen Lot 4 knows, some of these trees truly are magnificent. The City owes it to the community, visitors, and the climate to preserve as many of these trees as possible and is mandated to do so under its Heritage Tree Ordinance.

As you are no doubt aware, with respect to heritage trees' removal or alteration, Resolution NS-23,710 defines Criteria and Standards in relation to the City code, chapter 9.56. Specifically, one of the three Criteria and Standards *allows* tree removal *only* if:

(3) A construction project design cannot be altered to accommodate existing heritage trees or shrubs.

In relation to this criterion, because architectural design of the mixed-use project has not yet been undertaken by the project's master architect, it is entirely possible to save a number of these trees – those at the periphery of the lot along Cedar Street – by incorporating their preservation into the architectural plans for the mixed-use project.

Would you please confirm that the City (1) intends to follow its criteria concerning tree removal, and (2) has notified the Master Architect of the legal need to preserve certain Lot 4 peripheral trees in their present locations as part of the design for construction of the mixed-use project?

We are available to meet with you, as well as the City Arborist, other city staff, and the master architect as appropriate, to discuss an approach to preserving as many as possible of the Heritage trees on Lot 4.

Sincerely,

John R. Hall
jrhall103@mac.com
Convener, Downtown Commons Advocates

Gillian Greensite
gilliangreensite@gmail.com
Save Our Big Trees

Pauline Seales
paulineseales120@gmail.com
Organizer, Santa Cruz Climate Action Network

Cc: Santa Cruz City Council
Leslie Keedy, Santa Cruz City Arborist

Rosemary Balsley

From: Patrick Buddeberg <pbn134@gmail.com>
Sent: Monday, December 13, 2021 1:14 PM
To: City Council
Subject: Please Vote No on Agenda Item 26

Dear Mayor and City Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, we need to be able to make informed decisions.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you,
-Patrick Buddeberg

Rosemary Balsley

From: April Welsh <kdawelsh@gmail.com>
Sent: Monday, December 13, 2021 1:14 PM
To: City Council
Subject: Library mixed use project

Dear Mayor and City Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you.
April

PS I copied this because it covers all the vital points.

I want to add that I have been a resident of Santa Cruz since 1984. I came to attend UCSC and I chose to stay and raise my daughter here largely because of the environmental awareness and protection practices that were in place.

In the past years, I have seen more focus on building as opposed to protecting our beautiful environment.

Please protect our heritage trees. New is not always better.

I trust you as our appointed representatives to do the right thing.

Thank you for your time.

April Welsh
Energy Specialist

PG&E Energy Savings Assistant Program

Sent from my iPhone

Rosemary Balsley

From: fred geiger <fredjgeiger@yahoo.com>
Sent: Monday, December 13, 2021 1:14 PM
To: City Council
Subject: Library garage project.

Remodel the existing library like the Bond measure the people voted for indicated would happen.
And leave the farmers market and trees there alone and build the affordable housing on other City property!
Also why are u hiding the consultants costly report indicating we already have adequate parking.
Decisions should be based on facts and the special interests ignored!

Fred J. Geiger
Santa Cruz Ca

Rosemary Balsley

From: Randa Solick <rsolick@gmail.com>
Sent: Monday, December 13, 2021 1:15 PM
To: City Council
Subject: Lot 4

Dear city council members, please do not finalize the decision to go ahead with the plans on Lot 4. We need a vote, which I'm sure you can see; much of the city and county does not want this project. We want the lot to remain open, the old library to be refurbished, we can keep the farmers market there and we can keep our possibility for an actual Plaza. No one likes that new architecture, who is going to want to go to a library with cars on top of it, and even the planners themselves said they are making the parking spaces with flat concrete because in the future parking may not be required. Your own study showed that we do not need that parking. Please say no to finalizing this project .

Rosemary Balsley

From: Mike Pisano <mpisanoful@gmail.com>
Sent: Monday, December 13, 2021 1:16 PM
To: City Council
Subject: Vote YES on Agenda Item 26

Dear Mayor and City Council Members,

Please vote yes on the library mix-use project. As we need available parking to allow for other affordable housing to be built.

Affordable housing with parking is expensive, but without adding parking then affordable housing can be built inexpensively with access to this parking garage.

Thank You

Michael Pisano – Santa Cruz County

Rosemary Balsley

From: Gary Patton <gapatton@mac.com>
Sent: Monday, December 13, 2021 1:17 PM
To: City Council
Subject: December 14, 2021 Meeting / Agenda Item #26

Dear Council Members:

I do not think it is appropriate for the Council to approve the updated site program and design for the proposed Library Mixed-Use Project until there is a real budget, indicating costs and funding sources. I also think the Council should not be making decisions on projects of major public importance until after the Council sees fit to return the Council (and the public) to in-person meetings (with appropriate pandemic safeguards, of course).

It does not strike me as responsible for the Council to approve this proposed project and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see the numbers. You, too! For due diligence, you need to be able to make informed decisions on the basis of real cost estimates, and so do members of the public.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This has apparently not been addressed at all, and is another part of due diligence that has been neglected. Unfortunately, this treatment of heritage trees is all too consistent with the way the City treats heritage trees throughout the city. The eyes of the public are on Lot 4, though, and the Council should demand a redesign that maintains the heritage trees, or an analysis that shows why this is impossible. That IS what our current laws require.

Thanks for your consideration of my strongly-felt views on this matter.

Sincerely yours,

Gary A. Patton, Attorney at Law
P.O. Box 1038
Santa Cruz, CA 95061
Telephone: 831-332-8546
Email: gapatton@mac.com
Website / Blog: www.gapatton.net
Facebook: <https://www.facebook.com/gapatton>

Rosemary Balsley

From: margaret gorman <gormanpeg@gmail.com>
Sent: Monday, December 13, 2021 1:18 PM
To: City Council
Subject: Please, please do not approve current library plan in review today!.

Dear council, please do not use city money , and importantly library money for this specific development! So much about it is wrong!

Yes , the library needs updating..., keep it where it is with an upgrade please🙏.

Yes , low income need more housing : build on another lot that doesn't destroy fabulous irreplaceable trees , nor disrupt the market currently providing some intersection of community where and how it is currently organized.

Respectfully,
M. Gorman

Rosemary Balsley

From: Andy Couturier <andy@theopening.org>
Sent: Monday, December 13, 2021 1:19 PM
To: City Council
Subject: Totally opposed to new library plan, both on the 'merits' and the procedure

Dear City Council

The new “library” plan, which is really just a parking garage with the library being used as a human shield, is absurd. It’s way over budget, unnecessary, against a reduction in carbon emissions, and is being rammed through at the last minute without numbers, and without concern for the heritage tree ordinance. This is utterly irresponsible.

Andy Couturier

Rosemary Balsley

From: Pauline Seales <paulineseales120@gmail.com>
Sent: Monday, December 13, 2021 1:19 PM
To: City Council; SC CAN discussion; Lira Filippini; John Hall; Erica Aitken
Subject: Lot 4 Mixed Use Library Project

We represent the 1670 members of Santa Cruz Climate Action Network.

The Friday Dec 10 sessions for public review of the Library Mixed Use Project did not represent a broad cross section of the community and did not allow those in attendance to express their concerns about the development on lot 4.

Why were sessions limited to 50 participants? This is NOT an inherent zoom technology limitation and has the appearance of restricting community input.

The Architect, Abe Jayson, presented many excellent features which could be incorporated in a new library at it's current site. There was no mention of the option to renovate this original library and no discussion of the costs involved in the mixed use project.

Questions about cutting down the 10 beautiful Heritage trees were sidelined to the breakout sessions and there was no follow up discussion regarding these old growth trees and the City ordinance protecting them from destruction.

ORDINANCE NO. 2013-18 AN ORDINANCE OF THE CITY OF SANTA CRUZ REPEALING CHAPTER 9.56 AND ADDING A NEW CHAPTER 9.56 TO THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO THE PRESERVATION OF HERITAGE TREES

Questions about whether there had been any attempt to design the Cedar/Cathcart lot around the existing trees were ignored.

The recent disastrous tornadoes in Kentucky and nearby states highlight the fact that Climate Change is an ever growing problem. We also suggest that you check "Postcards From a World on Fire" in the NY Times online edition today [.https://www.nytimes.com/2021/12/13/opinion/nyt-climate-change.html](https://www.nytimes.com/2021/12/13/opinion/nyt-climate-change.html)

We all need to change how we live and this message is important to convey.

To reduce our current local contributions to the problem we must drastically reduce auto traffic. Building new garages constitutes Business As Usual (BAU) which will have disastrous consequences. We also need to increase plantings which remove carbon. Newly planted trees take many years to mature and remove significant amounts of CO2.

In conclusion, cutting down the heritage trees to build a structure including a garage is a violation of urgent Climate Change needs and should be canceled. The library can be rebuilt at the Church st site and affordable housing that could be built on LOT 7 would exceed the units planned in this project.

Pauline Seales and Susan Cavalieri
for Santa Cruz Climate Action Network

Rosemary Balsley

From: Lester Pedrazzini <lpp@cruzio.com>
Sent: Monday, December 13, 2021 1:21 PM
To: City Council
Subject: Vote No on Agenda Item 26

Sent from [Mail](#) for Windows

Subject: vote No on Agenda Item 26

Dear Mayor and City Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed "if a construction project design CANNOT be altered to accommodate existing heritage trees." This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you.

Lester Pedrazzini

From: [Chris Zegers](#)
To: [City Council](#)
Subject: "Mixed use Parking"
Date: Monday, December 13, 2021 1:22:16 PM

Dear Council members,

I voted for improvements to the county libraries, not a new mixed use parking garage. Our town and Earthly climate does not need to encourage car driving by building another antiquated relic to the automobile. Support the cities climate action plan by not encoring car traffic, traffic in town is a total gong show and it will only get worse by all the other development projects you are approving. Do any of you on council ride the bus, use alternate transportation or bike, or do mist of you jump behind the wheel of a car and drive everywhere. I encourage all of you to give up your car for six months and see what it is like to move through town without a car. For true transportation equity, we need to make it uncomfortable for people to use a car, unless of course you want a town that is just like San Francisco and L.A. SAY NO TO MIXED USE PARKING GARAGE DISGUISED AS A LIBRARY.

Respectfully,
Chris Zegers

Rosemary Balsley

From: Megan Dawson <meglRDD@gmail.com>
Sent: Monday, December 13, 2021 1:27 PM
To: City Council; Donna Meyers; Sonja Brunner; Sandy Brown; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Martine Watkins
Subject: HOLD YOUR HORSES! Vote No on Agenda Item #26

Dear Mayor and Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed "if a construction project design CANNOT be altered to accommodate existing heritage trees." This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you.

Megan Dawson, Westside Resident

Rosemary Balsley

From: Megan Dawson <meglRDD@gmail.com>
Sent: Monday, December 13, 2021 1:27 PM
To: City Council; Donna Meyers; Sonja Brunner; Sandy Brown; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Martine Watkins
Subject: HOLD YOUR HORSES! Vote No on Agenda Item #26

Dear Mayor and Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

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I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you.

Megan Dawson, Westside Resident

Rosemary Balsley

From: Peter Scott <drip@ucsc.edu>
Sent: Monday, December 13, 2021 1:32 PM
To: City Council
Cc: Celia Scott
Subject: Agenda item 26 for December 14 meeting

Importance: High

Dear City Council:

Please add our names to those urging a slow-down on the "Mixed Use" Project. We support the "Our Downtown, Our Future" ballot initiative, and therefore urge that you not rush into the proposed "Mixed Use" project for Lot #4.

Sincerely,

-- Peter and Celia Scott
1520 Escalona Drive
Santa Cruz, CA 95060

Rosemary Balsley

From: Susan Cook <susanwilliamscook@sbcglobal.net>
Sent: Monday, December 13, 2021 1:33 PM
To: City Council
Subject: library parking garage

Dear City Council,

Please reconsider approving this project. I don't belong to any group but I am sure that we residents will regret it forever if you go ahead with this plan. I could give you a list of reasons, but you should know it all by now. Please vote NO.

Thank you,
Susan Cook

Rosemary Balsley

From: Mark D. Lee <mdlee4125@gmail.com>
Sent: Monday, December 13, 2021 1:34 PM
To: City Council
Subject: Urgent Citizen Response to Agenda Item# 26 - Library Mixed Use Project Update Design

Monday, December 13th, 2021 9:00 a.m.

From: Mark D. Lee - Urban Planning Site, Facilities, Energy and Design Analysis consultant

To: City of Santa Cruz City Council

Subject: Urgent Citizen Response to Agenda Item# 26 - Library Mixed-Use Project Update Design - urgently requesting tabling this agenda item until after the November 2022 election

Dear Mayor and City Council of Santa Cruz;

I have been evaluating the proposed Mixed-Use project and its many interactions as a professional site planning, facilities, energy, and building design consultant since this project's inception after Ballot Measure S was passed originally to renovate the Main Library on Church Street (still the best design idea by Jayson Architects based on a much better location, lower costs and modern design concepts). I also attended and reviewed the discussion over the new direction of the latest attempt to moderate the design that City planning administration and economic development directed Jayson Architects to brainstorm, without sufficient detailed design with detailed costs, the purpose of the recommendation tomorrow on Agenda Item #26.

After all this time, the momentum to spend and waste even more money on this impractical; nebulous long-term negative impacts, materials, and long-term bonding liabilities resulting from approving such an ill-conceived project burdening all the City's taxpayers is short-sighted and a shameful example of city management. The purpose of Agenda #26 is to: "(1.) an increase in affordable housing units from a minimum of 50 to a minimum range of between 100-125 units; (2.) a decrease in the parking count from 400 to 310 parking stalls; (3.) program expansion to include an onsite daycare facility; (4) Library design changes to include a two-story Library facing Cedar and Lincoln Streets with a green roof and adjacent roof deck and other design elements" Yes these ideas are fine to be included in the renovation of the historic Main Library, but Lot#4 is the wrong place for this mammoth project, that would destroy a downtown home for the Farmer's Market and future city plaza as well as violating your own Heritage Trees ordinance, which is illegal and a bad idea.

Also, the latest design concept is fundamentally dangerous and financially irresponsible, would not pass the Uniform Building Code based on its latest design discussion being considered. The Mixed-Use library-parking tower with 'three convertible parking floors' and proposed condominiums on floors 5-8 could become a major engineering failure

liability waiting to happen. UBC would never allow a stripped-down 3 story parking shell to be constructed with 5-8 stories above it with much heavier loads, which could lead to a potential collapse from the weight of 125 units of housing above the shell dedicated to parking; adding tens of millions of dollars in hidden costs of further repairs or even conversion to later necessary and required infrastructure retrofit years later to the three convertible floors to be converted back to affordable housing units.

Think about living above a noisy skeletal parking structure, in an apartment or condominium, and breathing in noxious carbon dioxide; exacerbating asthma, headaches, and COPD, or not even being able to sleep because of the constant driving of vehicles in and out of the parking garage at night. Would you like this? I think not. This is a terrible idea and puts the City into an uncomfortable liable position once the structure is built and occupied.

The concept of "convertible parking floors", combining it next to a library and parking tower with apartments above it is patently ridiculous, environmentally damaging, and financially irresponsible in your role as representing the long-term interests of all the citizens of Santa Cruz.

No, this latest design concept is completely flawed and the City administration has a public safety and financial risk management duty and responsibility to its citizens and should definitely not be considering spending any more money at this time; should table agenda item #26 until after the 2022 November election to let the voters decide what they want to see for Lot #4 on Cedar Street.

Yes, I do agree, Jayson Architects is a fine firm but their latest recommendations for the Mixed-Use project can be applied to the Main Downtown Library on Church Street for 12% of the cost anticipated for the Mixed-Use Project at a much more financially responsible cost. The fact that City administration including the Tax Collector and Economic Development Department have discussed wide guestimation of total costs, indicates to me that the City has given poor direction to Jayson Architects, who know themselves the most cost-effective design was to renovate the Main Library on Church Street, but the City administrators are still swimming in a bubble with this obsession with building this super expensive ill-conceived mixed-use project on Lot#4 at Cedar.

The political climate has changed dramatically in Santa Cruz since the Mixed-Use project was conceived and what you as a Council used to believe as popular is no longer popular with the general public and in fact, this latest architectural concept for the Mixed-Use project is being formed in a bubble by the City administration surrounded by only a few of your former supporters; without even realizing the cultural, business and economic losses that are occurring already with so many downtown businesses closing, that does not even come close to rationalizing a new parking garage, especially by losing Lot #4, which should become the new center cultural plaza for downtown, like the City of Watsonville, had envisioned and obtained recent State of California funding to make even better for its residents.

The City is not focusing nor examining other parking and affordable housing suitable city-owned lots that could easily accommodate even more affordable housing, for example, Lot#7 at Front and Cathcart, would provide 48% more housing than Lot#4.

In summary, a new ballot initiative has been approved by the City and will be on the upcoming November 2022 election for all registered voters to vote allowing for a more democratic broader more inclusive decision-making process on the future use of Lot#4. Please allow this democratic process to take its course and table this motion and not spend a single penny more on the parking structure-library design on Lot#4, where a parking structure is no longer needed and affordable housing 5-to 8 story housing units can be constructed on another downtown city-owned vacant lots.

Please make the right decision to vote to table Agenda item #26 until after the November 2022 election because there will be political consequences in both the City and County elections if you don't. Instead, do the smart thing for the citizens of Santa Cruz, you represent, and hold off making any further decisions to waste even more money other than tabling agenda item #26, until after the 2022 November election. Let the voters decide on the future of Lot#4 in November.

Thank You

A handwritten signature in black ink that reads "Mark D. Lee". The signature is written in a cursive style with a small "D." after the first name.

Mark Lee

Rosemary Balsley

From: THOMAS W PARKER <parkertw@aol.com>
Sent: Monday, December 13, 2021 1:35 PM
To: City Council
Subject: Mixed use library

Horrible idea. Keep old library and renovate. Stop this ridiculous idea

Sent from my iPhone

Rosemary Balsley

From: Aven Switzer <avenswitzer1@icloud.com>
Sent: Monday, December 13, 2021 1:36 PM
To: City Council
Subject: New Library

Dear City Council Members,

I am writing to ask you to reconsider moving forward with your plans to develop Lot 4 downtown.

My objections: 1. SC voted to renovate the existing library, not relocate.

2. You should not approve a project without full knowledge of the cost involved. 3. The removal of the heritage trees in Lot 4 would be heartbreaking and against a city ordinance. 5. Yes we need more low income housing but why hasn't this issue been dealt with in other, recent, housing developments. It feels like you are going to sacrifice the beauty of our city with your Lot 4 project, because you caved to developers in the past.

How about a compromise, develop half of Lot 4 with parking and low income housing and make a city park of the half of the block where the heritage trees are. Renovate the library in it's current location.

If it's grant money that is motivating the Lot 4 plan it is NOT worth it.

Rosemary Balsley

From: Kevin Bell <11kevinbell@gmail.com>
Sent: Monday, December 13, 2021 1:40 PM
To: City Council
Subject: vote No on Agenda Item 26

Dear Mayor and City Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you.

Kevin Bell

Rosemary Balsley

From: Catherine O'Kelly <catherine_okelly@comcast.net>
Sent: Monday, December 13, 2021 1:41 PM
To: City Council
Subject: Re: "Library Mixed-Use Project," Agenda Item 26

Dear Mayor and City Council Members,

Please know that many of your constituents do not want the proposed downtown new library. I lived in Santa Cruz County for 45 years until recently, forced out by rent increases. But many friends live in your wonderful community, and everyone I know wants an upgrade/renovation to the *existing* downtown library, not the *new* building proposed.

They all feel that the farmer's market should stay intact right where it is. The heritage trees must be protected. Housing should be built out by the old Wiggley's and Lipton Tea buildings, next to the Light Rail tracks, and the camper "safe lot" which I'm sure by now has been built.

Please do not rush into anything at this point. Please listen to all your residents, and really, all of Santa Cruz north county should be allowed to vote on these issues which affect every resident from Boulder Creek to Aptos. Thanks for your consideration.

Catherine O'Kelly
catherine_okelly@comcast.net

Rosemary Balsley

From: Beverly <bevjenn@cruzio.com>
Sent: Monday, December 13, 2021 1:41 PM
To: City Council
Subject: Library 🏢 mixed use project

Dear City council of Santa Cruz,

I am a long time citizen and licensed small bs. Owner in Santa Cruz. I want to urge you to carefully budget \$\$\$ and renovate our existing library in its current location on Church Street.

The thought of seeing 3 story building/ parking garage in the middle of our downtown is just the most poorly planned suggestion. The destruction of 10 or 11 heritage trees is just not what Santa Cruz is about. We love ❤️ our farmers market downtown where it is right now. It is convenient, just as our library on Church street is as well.

After the destructive earthquake that happened in Santa Cruz, I personally love the fact that our current library does not have several levels of a parking garage on top of it now. Seeing heavily built up areas in our downtown is NOT a tourist attraction in a tourist town like Santa Cruz. When I see homeless people in freezing weather with no housing, can we please allocate our budget in a very humane and conscious manner! Most tourist towns in Europe do not have high rise, unsightly parking garages in their downtown plazas. As a tax paying, voting citizen, I urge you to please not follow an agenda 21 program in our town.

Sent from my iPhone

Rosemary Balsley

From: Susan Worth <susanworthone@gmail.com>
Sent: Monday, December 13, 2021 1:43 PM
To: City Council
Subject: Please do not allow this travesty to continue! Save our Beautiful Andrew Carnegie Library on Civic Center Church St. How can you even think of chopping down trees that are over 200 years old

We who love Libraries and Farmers Markets deserve the best . Put a parking garage in the Ross parking lot and electric transportation to Pacific Ave. Decrease parking and cars downtown, so I can eat at Zocolies without gulping smog with my sandwich. The good people in our City and County are pissed that you money grabbing City council people would consider such a scheme.!!

Rosemary Balsley

From: Nancy Maynard <mtnmom3@gmail.com>
Sent: Monday, December 13, 2021 1:44 PM
To: City Council
Subject: Agenda item 26. Mixed-use. Hold off

* * *

Subject: vote No on Agenda Item 26

Dear Mayor and City Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

I have also noticed that most of the new mixed use buildings do not have shops that are not of interest to me or my friends...

Many are office space.... not retail or shopping related.

Thank you.

Nancy Maynard

Rosemary Balsley

From: Dana Bagshaw <cdbagshaw@att.net>
Sent: Monday, December 13, 2021 1:47 PM
To: City Council
Subject: Proposed Library Site, pros & cons

Many people are objecting to the potential removal of the heritage (magnolia) trees, and I concur. I would like to point out that the row of **deciduous trees along Cedar street** also need to remain -- they would provide shade for the large glass windows in the summer, and let the light in during the winter.

I like that the parking is now on the lower levels, and on stacked flat levels that can be converted hopefully to more housing, when we realize that we don't need them. Let's have the same flexibility for retail space that might not be used, or is used at the expense of the current downtown locations.

Thank you,

Dana Bagshaw

Rosemary Balsley

From: Kathy Miller <kmiller8991@gmail.com>
Sent: Monday, December 13, 2021 1:51 PM
To: City Council
Subject: Mixed Use Project Lot 4

Council Members,

Please reconsider the Lot 4 Project, and remodel the library where it is. As a voter, that is what I expected when I voted for funds to do this. I do understand the need for housing, but not on Lot 4. Those beautiful old trees on Lot 4 need to be saved and a space made there for our community which includes the farmer's market. As a long time resident in this county, I feel this is an issue like saving Lighthouse Field, Wilder Ranch, and so many others, which have had a profound effect on the character of our community.

Thank you,
Kathy Miller

Rosemary Balsley

From: David Yule <davidy@cruzio.com>
Sent: Monday, December 13, 2021 1:51 PM
To: City Council
Subject: I urge you to vote no on item 26 on tomorrow's meeting agenda

Dear Mayor and City Council Members,

I don't understand how you can approve this project without the financial information included. As a downtown resident and small business supporter, I feel strongly that it is a mistake to destroy heritage trees unless absolutely necessary.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters, and I'm doing everything in my power to make certain that it can be decided by the voters of the City of Santa Cruz.

Please vote NO on item 26 on the City Council Meeting Agenda tomorrow.

I appreciate the work that you do. Thank you for your service to our community!

With gratitude,

David Yule
190 Walnut Avenue #203
Santa Cruz 95060-3969
davidy@cruzio.com

Rosemary Balsley

From: Mary Graydon-Fontana <marygraydonfontana@gmail.com>
Sent: Monday, December 13, 2021 1:52 PM
To: City Council
Subject: Library Mixed-Use project

Subject: vote No on Agenda Item 26

Dear Mayor and City Council Members,

I am very concerned that the current design for the Library Mixed-Use Project ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This has apparently not been addressed at all and is another part of due diligence that has been neglected. Please address this! And where are the numbers for the budget for this project? It is not OK that there is no mention of what any of it would cost. It is irresponsible to approve this project and then instruct the staff to return with a preliminary cost model. It should be the other way around. We in the community need to see the numbers to help all of us make informed decisions about what will happen in OUR downtown. I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to all of us local voters.

Thank you.

Mary Graydon-Fontana, citizen of Santa Cruz City

Rosemary Balsley

From: Ellen Farmer <ellen.farmer@yahoo.com>
Sent: Monday, December 13, 2021 1:55 PM
To: City Council
Subject: Library Mixed-Use Project on Tuesday's agenda

Dear Mayor and City Council Members,

I need to weigh in on the constantly changing library-parking garage-affordable housing project. Have you seen the parking lots downtown lately? They are never full. We do not need a parking garage. Have you been to the Watsonville city offices? Their parking garage is never full. Have you been to the downtown library lately? It's totally functional and it's not ugly. Maybe it needs an upgrade, but it can stay in its current location. You do not need to cut down heritage trees.

I am requesting that you make affordable housing your highest priority with temporary tiny home villages (in collaboration with the county) an immediate priority. It's unconscionable that people have to sleep outside in the cold winter. There is ample money in this state to provide rehab and mental health programs through the county.

In concurrence with other letter writers, I agree that it's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you

Rosemary Balsley

From: tfrench@cruzio.com
Sent: Monday, December 13, 2021 1:57 PM
To: City Council
Subject: Library -- very negative on plans to go forward

Dear Mayor and City Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed "if a construction project design CANNOT be altered to accommodate existing heritage trees." This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you. Tom French

Rosemary Balsley

From: totolove@cruzio.com
Sent: Monday, December 13, 2021 2:00 PM
To: City Council
Subject: Downtown Library Mixed-Use Project 12/14/21

Dear Mayor and City Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

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I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you.
Sharon L. McGraham
Blackburn St.
Santa Cruz, CA 95060

Rosemary Balsley

From: Don <pdonald407@yahoo.com>
Sent: Monday, December 13, 2021 2:01 PM
To: City Council

The Library project in a Democratic society should go before the voters, since they will ultimately pay for it as well as use it. In a progressive community like ours this is the sensible as well as educated process that should be made. Thank you. 35 year Beach Hill resident as well as tutor at both local colleges.

Rosemary Balsley

From: Cindy <cincin@elgatito.com>
Sent: Monday, December 13, 2021 2:02 PM
To: City Council
Subject: Vote No on Agenda Item 26

Dear Mayor and City Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

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I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you,
Cynthia Chace

Rosemary Balsley

From: paul gratz <pauljg45@pacbell.net>
Sent: Monday, December 13, 2021 2:08 PM
To: City Council
Subject: Subject: vote No on Agenda Item 26

Subject: vote No on Agenda Item 26

Dear Mayor and City Council Members,

It's inappropriate to approve the Library Mixed-Use Project site program and design without including a budget. The presentation given by Jayson Architecture last Friday was impressive and persuasive in certain respects. But nowhere was there mention the cost when questions on this topic were asked. It's irresponsible to approve Library Mixed-Use Project site program and design at this time, then direct staff to return with the preliminary costs. The Council and community needs to see cost numbers before you make further decisions on this matter.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you,

Paul Gratz
501Prospect Hts.
Santa Cruz, CA 95965

Rosemary Balsley

From: Irene Lennox <irenefraetron@gmail.com>
Sent: Monday, December 13, 2021 2:08 PM
To: City Council
Subject: Agenda Item 26, Mixed use project

Subject: vote No on Agenda Item 26

Dear Mayor and City Council Members,

The updated site program and design for the Library Mixed-Use Project should not be approved without any numbers or budget attached. I was unable to attend the presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees), and I understand that it was impressive, but nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around - the community needs to see numbers.

I also believe that the electors should have the opportunity to vote on the Our Downtown, Our Future ballot initiative proposed for next year - which will put these important issues to the local voters - before any final decision is reached.

Yours,

Irene Lennox

Rosemary Balsley

From: Pat McVeigh <pmcveigh@baymoon.com>
Sent: Monday, December 13, 2021 2:08 PM
To: City Council
Subject: Agenda item number 26

I am most interested in what is happening with this proposal for Lot 4 downtown which is the new library with parking and housing. It seems that this item is being pushed ahead without adequate public input and without fiscal responsibly information alternatively there is interest in putting this item on the ballot so the public can make a decision on such an important item. I am concerned about loss of a farmers market site. I am concerned about adding more parking downtown that's encouraging more automobile traffic. I am concerned about loss of the 10 heritage trees on that side without adequate input and reason for their distraction. there must be accountability for all this. please allow this item to go to ballot and disregard the push to passage before information is offered to the public. Thank you for your consideration.

Patricia Mc Veigh

Have a Happy Day,

Rosemary Balsley

From: A Webb <aw.info.sub@gmail.com>
Sent: Monday, December 13, 2021 2:15 PM
To: City Council
Subject: 12/14 Agenda #26 Mixed Use Library

Dear City Councilmembers,

The below City email was sent after 2 of the 3 design presentations scheduled on the same day (Friday, 10th) had already occurred. There were no design plans and renderings posted online in advance to review - I still can't find any. I was astonished to see this rushed approach (not known till below email) to squeeze into the Council Agenda (Item #26) for approval just a few days later on the 14th. Public community input was only taken for the Library portion during a zoom meeting.

The first rendering of garage and housing and commercial use was shown on this Friday (10th) presentation focused mainly on the Library - and didn't have any details about rent levels, bedrooms, etc. listed. They said the parking spaces in the garage were reduced, and housing units increased - that sounds okay, particularly when flat-level garage design was stated as being convertible to other uses in future, such as housing.

Like the majority of the public originally voted for with our tax dollars to renovate & update our libraries, many of these design features could have been incorporated into the current library. Obviously there has been a nonstop push for this new location as part of a parking garage most did not support nor want, and later the idea of housing added. *It still displaces our historic community meeting space of the last few decades with the weekly Farmers Market, the monthly Antique Fair, and of course, the many healthy, mature heritage trees to be cut down which are a critical part of our remaining Urban Forest and Climate Change management policy.*

Positives about the **Library design:**

1. Not buried under a garage, and includes an outdoor rooftop deck with seating and small meeting areas
2. Lots of tall windows for natural light - improves energy efficiency, along with solar panels
3. Based on the only workshop offered to public which I participated, the design has been a thoughtful coming together of many public comments (not all) from that one session
4. I like the building/entrance orientation to Cedar street, and the effort to make more space (a tiny plaza area) there
5. A lot of private rooms and spaces of all sizes can accommodate many uses
6. Retention of Genealogy dept

CONCERNS:

1. Not a single **Heritage Tree** incorporated - it was not even mentioned (except by public comment)! This is unacceptable. We have a Heritage Tree ordinance, and a Climate management policy that support the importance and retention of these workhorse air-scrubbers and shade providers upon all this new concrete, and part of our Urban Forest for future generations. *The glaring ones that would be easiest to*

incorporate: the 2 tall, beautiful Maples at the street's edge (Cedar St) on the library's entrance side. Seating can be provided beneath them, as part of the plaza concept.

As you know, the heritage trees at this site have special meaning to our community history - standing above the weekly community farmers market, monthly Antique Fair, for decades, and the Maples adding a waterfall of colorful beauty in the Fall months, and vibrant green in the Spring & Summer with needed shade on those hot afternoons, and the wide canopy Magnolias, all home to wildlife as well. Always a treat to look up and see raptors atop. A few small tree variety replacements to our Urbra Forest will not accomplish this benefit, and not even come close for decades, while the added concrete/buildings will have instant heat, rain run off, and noise amplification consequences.

Retention of at least these Maples would soften all the sharp edges of the building's design, and enhance views from the library and housing, and will not disrupt solar storage since shadow casting isn't until very late afternoon or sunset times. These grand trees WILL be appreciated in those housing units facing them, as those units will get too hot on our increasingly hotter days with heat retained too well with current insulation standards and no air conditioning. UCSC incorporates existing trees into large building designs all the time - it's doable!

2. **Bike parking** was not seen in presentation, nor a water bottle refill station - but perhaps not enough time for architect to finish details?

3. An **elevator** was not shown, and book stacks are shown very short (2 shelves?) which presents an issue for those who have bad backs or difficulty bending. Maybe it's okay for the children's sections?

4. **Seating** for comfort (padded) with easily cleaned materials - unclear if that is included in the rendering version

5. No space for the **Friends of Library** (in the present library lobby) ?

I really hope Council will postpone approval at this time to allow time for the public to see the design, comment, get questions answered, and allows the architect more time to incorporate the community's input, not just focus on the "stakeholders" whose workshops are not posted. These city pushed projects appear to be carefully controlled by staff with rephrasing of comments and extremely limited public time when designs come forth. It's frustrating.

Also, it is my hope that the "affordable" housing projects to come will include Senior-only projects too, which have different needs in design and support services, with downtown locations helping with proximity to some shopping (though lower income options are quickly disappearing).

Sincerely,
Anita Webb

----- Forwarded message -----

From: City of Santa Cruz <webmaster@cityofsantacruz.com>

Date: **Fri, Dec 10, 2021 at 4:30 PM**

City to Release Proposed Design for Mixed Use Library

Key features include prominent library adjacent to increased affordable housing, reduced parking, new outdoor spaces, focus on sustainability

Post Date: 12/10/2021 3:41 PM



FOR IMMEDIATE RELEASE

Dec. 9, 2021

Contact:

Elizabeth Smith

esmith@cityofsantacruz.com

- View a [recording](#) of the Community Workshop
- Download the Community Workshop [slide deck](#)

SANTA CRUZ, CA – The City of Santa Cruz will release the proposed design for its [Downtown Library Mixed Use Project](#), following an inclusive community engagement process. The design will be reviewed with the community at a series of three workshops on Friday, Dec. 10 and considered for approval by the City Council at its Dec. 14 meeting.

“The project team **listened to** a wide variety of **stakeholders** and integrated that feedback **into the design we will share with the community** and the City Council. We are so excited about the thoughtful, value-added features that have been included. From a modern Library to unique, sustainable features to 125 units of affordable housing, this project has a lot for the community to be proud of,” said City of Santa Cruz Director of Economic Development Bonnie Lipscomb.

What’s New in the Design

The proposed design increases the 100 percent affordable housing units to as many as 125, which is two and a half times more than the Council mandate for the project. The new Library, which faces Cedar St., and will include 40,000 square feet of programmable space – 35,000 square feet indoors and a 5,000 square foot roof deck that connects to the upper floor of the library.

The Library will be adjacent to five stories of affordable housing situated on top of three stories of parking. The proposed number of parking spaces has been reduced to 310 from 400, a reduction which allowed for additional affordable housing units. The project also includes space intended for a ground-floor daycare center, as well as commercial space on the corner of Cathcart and Cedar Streets.

“The two-story Library design provides a more prominent civic façade for the public component of the project while also maximizing daylight for the library interiors. By setting back the housing towards downtown, the design increases the number of affordable housing units while still integrating gracefully with the scale of the neighboring buildings to the west. The setback of the housing also allows for an integrated green roof over the library, which provides additional green space and a unique, sustainable feature.” said Abraham Jayson, principal and founder of Jayson Architecture, the master architect on the project.

The up to 125 units of low-income dwelling units will be targeted at the lowest levels of affordability — very low-income and extremely low-income, which ranges from approximately \$33,570 and \$67,140 for a four-person household. In addition, the project will include supportive services for residents, such as on-site housing support services for disabled individuals and their families and the on-site infant and toddler childcare facility.

Innovative green features will be integrated throughout the project, such as rooftop solar, high-performance windows, and daylit interiors that will reduce energy consumption from artificial light. The green roof will support stormwater management, improve health benefits due to reduced pollution, provide energy savings due to reduced heat gain, and mitigate the urban heat island effect exacerbated by surface parking lots. Also, in an effort to further decrease the carbon impacts for the building, the project will be all-electric. This will be a major improvement over the existing library, which relies on gas to power HVAC and hot water systems. The design team is also exploring “Zero Net Energy” for the library, with the entirety of the library’s energy use offset by solar panel electrical production.

For more information, visit cityofsantacruz.com/mixeduselibrary.

###

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Rosemary Balsley

From: Lira Filippini <lirafilippini@gmail.com>
Sent: Monday, December 13, 2021 2:34 PM
To: City Council; Donna Meyers; Justin Cummings; Sandy Brown; Shebreh Kalantari-Johnson; Sonja Brunner; Renee Golder; Martine Watkins
Subject: Library Mixed-Use Project; Agenda Item 26 (12/14/21)

Dear Mayor Meyers and City Council Elect,

Please put a hold on further action on the ever-changing proposal for Lot 4's Mixed-Use Project, as it is undermining the community's varying concerns, while costing the City undue process and associated expenditures.

It is understandable that it has gotten this far. The Council has received support from this from a couple of stakeholder groups and has been operating under three assumptions: 1. We need an updated library. 2. We need affordable housing. 3. We need another parking garage downtown.

However, there has been ongoing, persistent objection to multiple elements of this project that need to each be addressed. And pertinent information is not being considered. For instance, the City Council has still not been presented with the Nelson/Nygaard parking study commissioned by the City, showing we do not need a parking garage.

Overall, this is the right architect, wrong location.. and the project elements - well, they're "mixed".

1. We do need an updated 21st century library.
2. We absolutely need the affordable housing.
3. We do NOT need the parking garage. It's arguable that the continual decrease of parking proposed for this project confirms that even the Staff know this. The parking consultants and associated reports have shown that we have a surplus of parking downtown. They considered projections of increased development and loss of certain surface lots and still found that downtown Santa Cruz will continue to have enough parking. What we do need is better "parking management."

The architect is excellent, providing beautiful design after beautiful design and shows respect for the community's input by incorporating many features that reflect our ethics and standards. They have unfortunately been given the wrong task and wrong lot to work with.

It is notable that the current design shows a library separated from the housing and parking garage, no longer sharing a floor area foundation. This library can and should be built in its historic location. The affordable housing could be built along with the library at the historic Civic Center location and/or on Lot 7.

Lot 4 is the best location to preserve as open event space, and to be improved to be a town square or downtown commons. The Farmers' Market is an established treasure under and amongst the heritage magnolia trees.

The trees and market have seen a mix of generations - gathering, supporting our farmers and each other through good and bad times. This is the epitome of building a "sense of place" - of building a sense of community around a shared tradition in a specific location. That sense of place is on Lot 4 and important to the thousands of people who have frequented it over many decades.

To add a voice for the trees who can't speak up for themselves the traditional way, but have developed deep roots within our community - we point to the Heritage Tree Resolution NS-23,710, which defines Criteria and Standards in relation to the City code, chapter 9.56. One such regulation is that heritage trees may only be removed if "(3) A construction project design cannot be altered to accommodate existing heritage trees or shrubs."

If developed into a town square, Lot 4 would activate downtown with a place to sit and eat food from neighboring restaurants, a place to do yoga outside, play chess, or meet with friends. It would bring more income to the City through event space rental opportunities at a location that is optimally placed for folks to walk past and patron downtown shops and restaurants. It would be a place people can move and breathe in our ever densifying society that is now continually threatened by a pandemic.

In closing - It would be wise for the City Council to table approval of the current proposal until there is a cost analysis/budget, identified specific funding sources for each element, a thorough presentation of the parking study to Council in a public meeting, a design presented that adheres to City Code on heritage tree removal - and fundamentally - a vote on whether the Library Mixed-Use Project is the best use of the Lot 4 location for the community.

Thank you for your attention to this matter and for taking the time to weigh what is best for your community,
Lira Filippini
130 Belvedere Terrace
Santa Cruz, CA 95062

Rosemary Balsley

From: mascarenhas <c.j.l.mascarenhas@gmail.com>
Sent: Monday, December 13, 2021 2:32 PM
To: City Council
Subject: "Library Mixed-Use Project"

Dear City Council,

I understand that the parking garage project is on the agenda for tomorrow's council meeting. I am appalled that there is a motion to approve an updated site program and design for the "Library Mixed-Use Project" without any budget or other details provided.

Due to online sessions being capped (at around 30 attendees), (and apparently direct questions on the budget not being answered in that meeting), there has not been full public disclosure on presentations and other details surrounding this project. The budget, for example, is extremely important. Additionally, it appears that the current design ignores our city's Heritage Tree Ordinance (put in place for a reason - us residents appreciate living in a vibrant, green community!). Why is this not being addressed?

Santa Cruz residents (as well as the Council) deserve to see numbers and details, before any approval is granted. Indeed, this is required for an informed decision. It would be irresponsible and backwards to approve at this stage and then direct staff to return with a preliminary cost model afterwards.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Sincerely,

Julie Mascarenhas
Santa Cruz City resident

Rosemary Balsley

From: Nora Oppenheimer <noraoppenheimer@icloud.com>
Sent: Monday, December 13, 2021 2:33 PM
To: City Council
Subject: Vote No on Agenda Item 26

Dear Mayor and City Council Members,

I am writing to urge you to vote NO on agenda item 26. For the following two reasons:

First, it is not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project without any numbers or budget attached. The presentation given by Jayson Architecture last Friday, available to only a small number of community members, while persuasive in certain respects provided no information on cost. With even direct questions on this topic deflected, it seems evident to anyone who respects the need for due diligence in informed decision making that it would be wholly irresponsible, and in fact negligent, for you to approve this without first compiling a preliminary cost model for yourselves and your constituents to evaluate.

Another vitally important consideration I bid you to recognize is that the current design disregards our Heritage Tree Ordinance. Under the ordinance, the 10 Heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This issue has not been addressed in any substantive way, nodding again to a lack of due diligence in this process up to this point.

I can only believe you have chosen to serve in this way to increase a sense of well-being and trust in your community. As such I bid you to vote in a way that respects the need for thoughtful and smart development that truly benefits the community.

Finally, I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters to allow the due diligence this measure deserves.

Sincerely,

Nora Oppenheimer

Sent from my iPad

Rosemary Balsley

From: Irana Shepherd <roni@cruzio.com>
Sent: Monday, December 13, 2021 2:34 PM
To: City Council
Subject: Mixed-Use Project

City Council,

Re Library Mixed-Use Project item #26:

Please act responsibly and be transparent. DO NOT APPROVE this design without a PRELIMINARY COST MODEL with budget and numbers. Do not send it to the Staff without the cost model.

The community must see the numbers BEFORE you approve it.

Rosemary Balsley

From: Alyssa Barnes <alyssalaurenbarnes@gmail.com>
Sent: Monday, December 13, 2021 2:25 PM
To: City Council
Subject: Vote No on Agenda Item 26

Dear Mayor and City Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you,

Alyssa Barnes

30 year Santa Cruz Resident

116 Neary St

Rosemary Balsley

From: Lira Filippini <lirafilippini@gmail.com>
Sent: Monday, December 13, 2021 2:45 PM
To: Pauline Seales
Cc: City Council; SC CAN discussion; John Hall; Erica Aitken
Subject: Re: Lot 4 Mixed Use Library Project

Excellent Pauline! Powerful and beautifully weaves in the SC CAN mission. Still can't believe all of this started because they want to build a giant parking structure - encouraging more driving and willing to put the City in massive bond debt to do it too. Completely backwards.. which is I guess BAU for the City.

On Mon, Dec 13, 2021 at 1:19 PM Pauline Seales <paulineseales120@gmail.com> wrote:

We represent the 1670 members of Santa Cruz Climate Action Network.

The Friday Dec 10 sessions for public review of the Library Mixed Use Project did not represent a broad cross section of the community and did not allow those in attendance to express their concerns about the development on lot 4.

Why were sessions limited to 50 participants? This is NOT an inherent zoom technology limitation and has the appearance of restricting community input.

The Architect, Abe Jayson, presented many excellent features which could be incorporated in a new library at it's current site. There was no mention of the option to renovate this original library and no discussion of the costs involved in the mixed use project.

Questions about cutting down the 10 beautiful Heritage trees were sidelined to the breakout sessions and there was no follow up discussion regarding these old growth trees and the City ordinance protecting them from destruction.

ORDINANCE NO. 2013-18 AN ORDINANCE OF THE CITY OF SANTA CRUZ REPEALING CHAPTER 9.56 AND ADDING A NEW CHAPTER 9.56 TO THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO THE PRESERVATION OF HERITAGE TREES

Questions about whether there had been any attempt to design the Cedar/Cathcart lot around the existing trees were ignored.

The recent disastrous tornadoes in Kentucky and nearby states highlight the fact that Climate Change is an ever growing problem. We also suggest that you check "Postcards From a World on Fire" in the NY Times online edition today <https://www.nytimes.com/2021/12/13/opinion/nyt-climate-change.html>

We all need to change how we live and this message is important to convey.

To reduce our current local contributions to the problem we must drastically reduce auto traffic. Building new garages constitutes Business As Usual (BAU) which will have disastrous consequences. We also need to increase plantings which remove carbon. Newly planted trees take many years to mature and remove significant amounts of CO2.

In conclusion, cutting down the heritage trees to build a structure including a garage is a violation of urgent Climate Change needs and should be canceled. The library can be rebuilt at the Church st site and affordable housing that could be built on LOT 7 would exceed the units planned in this project.

Pauline Seales and Susan Cavalieri
for Santa Cruz Climate Action Network

Rosemary Balsley

From: Bruce Cotter <bruce@fscpl.org>
Sent: Monday, December 13, 2021 2:54 PM
To: City Council
Subject: Downtown Mixed Use Library Project

On behalf of the Friends of the Santa Cruz Public Libraries, I'd like to express our support for the Downtown Mixed Use Library Project as presented during the public comment sessions on Friday the 10th. We have come a long way in the development of this project, and we believe its time to move forward on completing it and giving Santa Cruz the kind of library, affordable housing, retail space and accessibility which we deserve.

Thank you,

--

H. Bruce Cotter
Executive Director, Friends of the Santa Cruz Public Libraries
PO Box 8472, Santa Cruz, CA 95061-8472
831-427-7716 (office)
603-337-5656 (cell)
fscpl.org



Rosemary Balsley

From: marcuswyn@aol.com
Sent: Monday, December 13, 2021 2:56 PM
To: City Council
Subject: Yes on Downtown Library Mixed Use Project

I wanted to chime in before the city council voted on the Library Use project for downtown. I attended the session with Jayson Architects last week and it was just wonderful to see the plans for the library and the outdoor space. It will be nice for Santa Cruz to finally have a library we can be proud of. It has been a long time coming....

Best
Lynn Marcus-Wyner

Rosemary Balsley

From: DAVID LAUGHLIN <dlaughlin@ebold.com>
Sent: Monday, December 13, 2021 2:56 PM
To: City Council
Subject: lot 4 MIXED USE PROJECT

Dear City Council members.

As you know there is a strong probability that there will be a ballot measure as part of the next election that, if passed, effectively precludes the library/garage project. It seems ill advised to expend significant funds on design plans before the electorate have made their choice clear. It is likely that these up front costs will be an expenditure with no benefit to the City. If the design firm is willing to take on this work on contingency, i.e. they get paid only if the project is built, then there is no cost to the city, but otherwise, it seems like you are buying a horse which is behind the cart.

Rosemary Balsley

From: Gale Farthing <farthinggale8@gmail.com>
Sent: Monday, December 13, 2021 2:56 PM
To: City Council
Subject: Library Mixed Use Project

I am writing to express my whole-hearted support for the downtown library project. As a former librarian at SCPL and current president of the Aptos chapter of the Friends of the Library, I know how vital this project is to the health of the library system as a whole, and to the vibrancy of downtown Santa Cruz. I look forward to your approval of the updated plan, which looks spectacular!

Thank you.

Gale Farthing

Rosemary Balsley

From: Ron Pomerantz <hectic@cruzio.com>
Sent: Monday, December 13, 2021 2:58 PM
To: City Council
Subject: 12-14 2021 Agenda Item # 26: 26. Library Mixed-Use Project Updated Site Program and Design (ED)

re. Agenda Item # 26: Library Mixed-Use Project Updated Site Program and Design (ED)

Good day Council members and Mayor Brunner.

As you are aware there is an Initiative drive to greatly modify the development at Lot 4's Library Mixed-Use Project. The voter approval of this Initiative would stop this project completely. Also today's agenda item has no cost estimates. Additionally the updated design hasn't made any provisions nor acknowledgement of the Heritage Tree Ordinance. What part of the overall plan must change in order to provide a day care center?

I have to comment on an issue that today's staff report is written and presented under the Economic Development Department. I personally don't see a Public Library nor daycare nor affordable housing as falling under an economic development model. Do you? If you do then there is a fundamental problem with the entire project. A library, truly affordable housing, and childcare are important public services for the community and not directly for economic growth. Additionally an important City goal of a Green Economy is contradicted by this project.

All these issues make moving forward very problematic and irresponsible. All this rings loudly about the Council's waste of years and millions of dollars in trying to jam a desalination project through. Rather than wasting more time and throwing more taxpayers money down a rathole, please vote not to approve the updated site program and design of the Library Mixed-Use Project until after a vote by the community.

Thank you for your time and attention.
Ron Pomerantz

Rosemary Balsley

From: Carol Colin <cjc4peace@gmail.com>
Sent: Monday, December 13, 2021 2:59 PM
To: City Council
Subject: Lot 4 and Library

Dear Mayor and City Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you, Carol J. Colin Please save the few trees we have left.

Rosemary Balsley

From: Judy Weaver <jbweaver@cruzio.com>
Sent: Monday, December 13, 2021 3:09 PM
To: City Council
Subject: No on Agenda Item 26 12/14/21 Library Mixed-Use Project

To the Mayor and City Council Members:

Please do not approve the updated site program and design for the Mixed-Use Project. A vote for approval is unwarranted without also considering the costs of this preliminary Library design and the site program changes! The design and its costs are inextricably intertwined.

Additional points:

The updated design for the new library indicates a square footage that basically equals the footage that Jayson Architects used for their renovation design of the current Downtown library. No 'larger' library indicated. There is no provision or recognition of the Heritage Tree Ordinance in this updated design of the project. Re the provision of 'convertible' parking space in the updated (and reduced) garage design, is this a recognition that there is not a parking crisis in the city and probably won't be in the future?

Sincerely,
Judy Weaver
Santa Cruz, CA 95060

Rosemary Balsley

From: Emily Ham <emily@sccbbusinesscouncil.com>
Sent: Monday, December 13, 2021 3:32 PM
To: Donna Meyers; Justin Cummings; Martine Watkins; Renee Golder; Sandy Brown; Sonja Brunner; Shebreh Kalantari-Johnson; Bonnie Bush; City Council
Subject: Agenda Item #26: Library Mixed-Use Project Updated Site Program and Design (ED)
Attachments: SCCBC Letter of Support_Library Mixed Use Master Architect_121321.pdf

Good afternoon,

Please find the attached letter of support for approval of the staff recommendation on agenda item #26 of the upcoming City Council meeting. Thank you all again for your leadership.

Best,
Emily

--

EMILY HAM
Executive Director
Santa Cruz County Business Council
(831) 204-1387



[Sign up for our newsletter!](#)



Date: Dec 13, 2021

Subject: Agenda Item #26: Library Mixed-Use Project Updated Site Program and Design (ED)

Dear Mayor Meyers and members of the Santa Cruz City Council:

On behalf of the Santa Cruz County Business Council, I write to express strong support for the Library Mixed Use Project. We respectfully request your “aye” vote for the approval of the updated site program and design for the Library Mixed-Use Project with proposed changes, including the increase in the number of affordable housing units, decrease in parking count, addition of an onsite daycare facility, and the inclusion of an additional story for the Library.

The Santa Cruz County Business Council (SCCBC) was founded in 1996 to provide a collective voice for countywide business owners, executives, and members of our local workforce. As Santa Cruz County undergoes a profound period of recovery and growth, we continue to practice informed advocacy for projects, policies, and practices that will make the County a better place to live, work, and do business. The Library Mixed Use Project is one of those projects.

Since its inception, the SCCBC has supported Downtown Forward’s efforts to support the City’s development of this unprecedentedly high impact project. Robust community engagement has led to a project design and site program that exceeds our expectations and will undoubtedly serve all community stakeholders well. We are also pleased to hear that the project team has been able to expand the size of both the library and affordable housing components and incorporate a childcare facility at a comparable cost to the original design.

The City’s thoughtful and proactive approach to designing the Library Mixed-Use Project has entirely paid off. Approval of the staff recommendation on agenda item #26 is another step in the right direction. We thank you for your continued leadership on moving this project forward and look forward to supporting the implementation of the final design.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Ham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Emily Ham
Executive Director
Santa Cruz County Business Council

Rosemary Balsley

From: ANNE MITCHELL <ammscpa@aol.com>
Sent: Monday, December 13, 2021 3:12 PM
To: City Council
Subject: Library Mixed use project on Lot 4

City Council Members,

I urge you to vote no on Agenda Item # 26, on December 14, 2021.

I attended the recent Zoom presentation by Jayson Architects.
It had technical issues with audio that requires repeated presentations.

There was nothing said about Heritage Trees.
The design went right to the edge of the sidewalk.
There has not been any cost information presented.
There were ranges of square feet, housing unit sizes, and parking spaces.

The proposal needs to be more clearly defined before Council approval.

There is a ballot initiative gathering signatures, so city residents can vote on the project.
It should be allowed to succeed or not.

Changing the project is positive as far as it goes.

It needs more work before Council approval.

Thank you,
Anne Mitchell
104 Stoney Creek Rd.
Anne Mitchell

Rosemary Balsley

From: Martin Gomez <mjgomez@sbcglobal.net>
Sent: Monday, December 13, 2021 3:17 PM
To: City Council
Subject: Library Mixed Use project

Dear members of the City Council,

Thank you so much for your on-going support for the Downtown Library Mixed-use project. I attended the presentation by Jayson Architects last Friday. As a former member of the Downtown Library Committee, I was thrilled by the vision that Abe and his team presented!

I urge you to vote to approve Item #26 - the update to the architect's plan for this project. Thank you!

Martín
(415) 999-9601

Rosemary Balsley

From: Carmella Weintraub <carmella@got.net>
Sent: Monday, December 13, 2021 3:24 PM
To: City Council
Subject: Re: Library and Mixed Use Housing and Cars project

Dear Keepers of our City Sanity,

Please consider that this project in many ways does not reflect the desires or ambiance of our City. It is modern to a fault and does not allow ANYWHERE for the quiet contemplation of typical Library users. The stacks do not reflect that the main reason for a library is BOOKS as well as quiet interaction with information, not necessarily people in this precious context of life. Even children learn early that libraries are reserved for quietude and voices are lowered to a whisper to allow for everyone's need for concentration.

Contemplation, study and inquiry do not need a community center, much less a hotel lobby or an airport waiting area and, sorry to say, is what much of Jayson's local output has resembled. Where are the quiet spaces, away from the distractions of exterior extroverted energy? It is all broken up by "usage designations" which are nice but don't seem to solidly give space for an extensive collection of much of anything.

I would prefer that "appearance" NOT be the be all and end all of a library. There needs to be far more SUBSTANCE in this plan.

Bright neon colors do not really reflect the colors of nature in our town. Circular reading areas need to be balanced with study carrels as per most libraries.

Please review and let the public continue to review and weigh in on this project. The conversion of a parking lot (a sunny and revered space) in Santa Cruz to this mode of huge, high and visual permanent buildings is a travesty to our historical and natural environment. And any local person who worked on this should know enough about the citizens of this City to continue to force this overbearing design on them.

I am not addressing much about the rest of this project as others have already done that, but the HEIGHT of the whole thing is atrocious.

Sincerely, Carmella Weintraub
carmella@got.net

Rosemary Balsley

From: Gildas Hamel <gweltaz@ucsc.edu>
Sent: Monday, December 13, 2021 3:26 PM
To: City Council
Subject: Library cum parking lot cum appartments

The Jayson Architecture presentation was impressive. But one should have an idea of the cost of the structure before voting on it. Please don't move on it before giving an idea of the costs. You would be giving licence to runaway pricing.

=====

Gildas Hamel
331 Plateau Avenue
Santa Cruz, CA 95060
+1 831 325 5863 cell
+1 831 423 1849 home

=====

Rosemary Balsley

From: Donna Ramos <donna@me.com>
Sent: Monday, December 13, 2021 3:28 PM
To: City Council
Subject: Library

Dear Mayor and City Council Members,

I believe there are two very good reasons why the City Council cannot approve the design for the Library Mixed-Use Project at their meeting this week.

First,

There is no mention of what any of the proposed Project would cost or where the funding would come from. It's hard for me to believe any of you would make a huge decision in your own lives when you don't have any idea what it would cost or where you would find the money. Why in the world would you apply a different standard in your role as a Councilmember?

Second,

What happens to the Heritage Tree Ordinance. We have to stop turning a blind eye to inconvenient barriers just because we want something so much.

There is enough controversy about this project that I believe the voters should weigh in.

Thank you for considering my opinion.

Rosemary Balsley

From: Kathleen Tyger Wright <tygerwright@gmail.com>
Sent: Monday, December 13, 2021 3:28 PM
To: City Council
Subject: mixed use project

Dear Mayor and City Council Members,

It's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you. Kathleen Wright

Rosemary Balsley

From: Gail Michaelis-Ow <gailmow@gmail.com>
Sent: Monday, December 13, 2021 3:51 PM
To: City Council
Subject: Wait on the Library Mixed Use Project!

Dear Friends, Please wait until you have cost estimates before committing to the proposal for the Library Mixed Use Project. It is bizarre to consider a project without knowing how much it will cost!

Also since there is a very good chance that the project will be voted upon in 2022 and quite possible it will be voted down, to commit more money at this point is premature and wasteful.

Thank you for all you do for our wonderful City.

Fondly, Gail Michaelis-Ow 203 Highland Avenue SC CA 95060 (831) 247-3888

Rosemary Balsley

From: Bonnie Bush
Sent: Monday, December 13, 2021 3:50 PM
To: City Council
Subject: FW: Item 26 Library Mixed Use Project -- support



Bonnie Bush, CMC
City Clerk
City of Santa Cruz
831-420-5035

In observance of the Holidays, and as a cost-saving measure, City offices will be closed starting December 20, 2021 and re-opening January 3, 2022. Accordingly, our response times for public records act requests during this closure will likely be delayed. We will, however, diligently process any pending requests upon our return. In the meantime, thank you for your patience.

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: Casey Beyer <casey.beyer@santacruzchamber.org>
Sent: Monday, December 13, 2021 2:55 PM
To: Donna Meyers <dmeyers@cityofsantacruz.com>; Sonja Brunner <sbrunner@cityofsantacruz.com>; Sandy Brown <sbrown@cityofsantacruz.com>; Justin Cummings <jcumings@cityofsantacruz.com>; Renee Golder <rgolder@cityofsantacruz.com>; Shebreh Kalantari-Johnson <SKalantari-Johnson@cityofsantacruz.com>; Martine Watkins <mwatkins@cityofsantacruz.com>
Cc: Bonnie Bush <bbush@cityofsantacruz.com>; Bonnie Lipscomb <bblipscomb@cityofsantacruz.com>; Rosemary Menard <RMenard@cityofsantacruz.com>
Subject: Item 26 Library Mixed Use Project -- support

Dear Mayor Meyers, Vice Mayor Brunner and Council members Brown, Cummings, Golder, Kalantari-Johnson and Watkins:

Here we go again. On behalf of the Santa Cruz County Chamber of Commerce, I write in support of the staff recommendation on **Item 26: Library Mixed Use Project Update aSite Program and Design**. The Chamber has been an advocate for a new library in the City of Santa Cruz dating back to early 2013 when the Santa Cruz Public Libraries created the community discussion in a comprehensive facilities master planning process. This led to the approval of Measure S in 2016 — the county Santa Cruz Public Library system.

Since 2016, we have seen an amazing effort by the City staff to have the most robust community engagement process in finding the right solutions to address the best option for a Downtown Library. Over these past five plus years, the Chamber has actively participated in the community process. At each stage, the City staff, the consultants and now most recently the Master Architect, Jayson Architecture's community workshop presentation on December 10 unveiled a design concept that incorporates exactly what the community wants — a mixed use Library Project, an Affordable Housing Project and adequate shared parking for our downtown. The changes Jayson Architecture made to the project in response to public comment were spectacular. They transformed the entire project, bringing light, green space, and character to both the library and the housing units.

What does this project bring to Santa Cruz? The Library is a sustainable, energy efficient (solar and other amenities), use of natural lighting, green roof and landscaping is vital to creating 21st Century building for future generations.

In maximizing the library size, with 35,000 square feet of interior and 5,000 square feet of usable outdoor space —we gain a community area that will meet the Library's goal — Library for all. I was especially delighted to see an increase in the number of affordable housing units, increase study space for children, teens, genealogy, and community meetings. Yes, we do need parking spaces in our downtown to replace the spaces that will disappear with the other housing and mixed use projects in construction and in the pipeline. The integrated parking will include more bicycle parking, as well as consolidate parking that supports library users, building residents, downtown businesses and other nearby affordable projects and health facilities.

I am encouraged by the latest design presentation and am excited that this project is nearing the finish line. On behalf of the Santa Cruz County Chamber and our 400 plus members, I urge you to support the Staff recommendation and move this project forward.

Thank you,

Casey

Casey Beyer
Chief Executive Officer
Santa Cruz County
Chamber of Commerce
(831) 457-3713

Rosemary Balsley

From: Janis O'Driscoll <president@fscpl.org>
Sent: Monday, December 13, 2021 3:54 PM
To: City Council
Subject: Agenda Item #26: Support for staff recommendation

Members of the Santa Cruz City Council:

I write to urge you to continue your support for the Library Mixed-Use Project on December 14. I attended one of the well-organized presentations that Jayson Architecture offered on December 10 and was excited to see expanded program areas for the Library in beautiful well-lighted spaces. I was happy to see that those who couldn't attend a zoom session had access to the proposed design immediately on Friday afternoon.

Community input and concerns were considered with the inclusion of green space, larger square footage for library public spaces, additional affordable housing units, fewer parking spaces, and room for retail space, including child care. This collaborative process has opened the project to collaborative uses: library, housing, childcare, and parking.

Thank you for the time you have taken to assess this creative solution to community needs and thank you for your continuing support of it as the process continues. I can't wait until this beautiful library opens!

--

Janis O'Driscoll
President, Friends of the Santa Cruz Public Libraries
President@fscpl.org



Rosemary Balsley

From: Linda Garfield <lindag_52@comcast.net>
Sent: Monday, December 13, 2021 4:00 PM
To: City Council
Subject: Vote no on agenda item #26

Dear Mayor and City Council Members,

I agree that the city needs to build more housing downtown and elsewhere in Santa Cruz, but it's not appropriate or sensible to approve the updated site program and design for the Library Mixed-Use Project — without any numbers or budget attached. The presentation given by Jayson Architecture last Friday (available to only a small number of community members due to each session being closed at around 30 attendees) was impressive and persuasive in certain respects. But nowhere was there mention of what any of this would cost. Even direct questions on this topic were deflected. It's not responsible to approve this and then direct staff to return with a preliminary cost model. It needs to be the other way around. The community needs to see numbers. For due diligence, you need to be able to make informed decisions, and so do we.

Another vitally important consideration is that the current design ignores our Heritage Tree Ordinance: The 10 Heritage trees on Lot 4 can only be removed “if a construction project design CANNOT be altered to accommodate existing heritage trees.” This has apparently not been addressed at all and is another part of due diligence that has been neglected.

I support the Our Downtown, Our Future ballot initiative for next year that will put these important issues to the local voters.

Thank you.

Linda Garfield

Rosemary Balsley

From: katharine@cruzio.com
Sent: Monday, December 13, 2021 4:04 PM
To: City Council
Subject: Library Mixed-Use Project

Dear Mayor and Councilmembers,

Please stop this now.

Your majority has been taking advantage of the pandemic and riding roughshod with plans we citizens didn't vote for, didn't and don't want, and are sick and tired of fighting but will continue fighting.

Keep the Downtown Library where it is and have Jayson go ahead with their original plan for that location.

Keep the Downtown Farmers Market on Lot 4, save the TREES, and improve and beautify the entire space to be our nature-friendly Downtown Commons.

Do not build another parking garage. It is antithetical to all our values and our hopes for a habitable future.

Stop talking about a "vibrant" downtown while setting about making it deader. Get cars off Pacific Avenue for good, and redo and wash the sidewalks and street.

Build *affordable* housing on other available properties.

Thank you,
Katharine Herndon
Santa Cruz

Rosemary Balsley

From: Deborah Peronto <d-peronto@sbcglobal.net>
Sent: Monday, December 13, 2021 4:05 PM
To: City Council
Subject: Library Mixed Use Project

City Council Members,
I'd like to include my support of the currently proposed mixed use project. This will provide increased affordable housing for those who work downtown and would like to live there. It should also help address the homeless issue which continues to worsen with the pandemic and increases in housing costs in our county. This would also create a library that is more accessible to families with children, with the added rooftop garden which provides safe programming space. Please listen to the library users in the county and vote to support this project. Debby Peronto, Friends of the Santa Cruz Libraries.

Rosemary Balsley

From: Lois Robin <lolotusi@cruzio.com>
Sent: Monday, December 13, 2021 4:21 PM
To: City Council
Subject: No Way this Library Design will Inspire community members

How hideous it is that you are ignoring the hundred of comments from citizens of Santa Cruz City—and County—who do not want a humungous unnecessary garage with accoutrements built downtown on prospective lot 4. I have viewed the design, and it does not change my perspective that the uses you contemplate are totally out of keeping with the nature and quality of Santa Cruz...and with the fervent alternative wishes already expressed to you many times before. That is, that the current library be rebuilt or replenished; its current site near other civic buildings is perfect. That the heritage trees on Site 4 be allowed to continue their shade, beauty and ecological maintenance. That no more incentive be given to driving cars downtown by yet another garage.. That low cost houses not be stuffed in a facility built for other purposes.H And most of all that the entire spirit of a library as a beacon to knowledge be not submerged by linking it with a garage.

Hideous.

I like the alternative ideas for Lot 4 as a public space used for many purposes, already described and outlined by others.

I am totally ashamed of Santa Cruz's City Council for approving, aiding and abetting this expensive, unworthy project mainly to support the interests of a few private entrepreneurs .

Yours,

Lois Robin

PS I contributed much to the building of the Capitola Library, a success because of the invested interest, thought, caring of community members. You will not get that kind of support with this plan. No way.

Rosemary Balsley

From: Elizabeth Conlan <elizabethconlan@protonmail.com>
Sent: Monday, December 13, 2021 4:28 PM
To: City Council
Subject: Agenda Item #26 - Please Approve and Move Forward with the Library Mixed-Use Project

Dear Mayor Meyers, Vice Mayor Brunner, and Councilmembers:

I urge you to approve the motion to approve the site program and design for the Library Mixed-Use Project with changes to increase the number of affordable homes, decrease the number of parking stalls, and include an onsite daycare facility.

I am thrilled that the most recent plans for the Mixed-Use project include 100-125 affordable homes with deep affordability. Our city should be looking for more opportunities to use land to enable more affordable housing. I also really appreciate the attention to community concerns about excess car parking downtown and am glad that the number of parking spots has been reduced.

The library and green roof deck will be beautiful additions to our downtown and I applaud you for working to maximize the number of affordable homes. I hope that you will push for 125 affordable homes, and with many options suitable for families of different sizes.

Thank you,
Elizabeth Conlan

Rosemary Balsley

From: Roland Saher <rolandsaher@gmail.com>
Sent: Monday, December 13, 2021 4:34 PM
To: City Council
Subject: mixed use project lot 4

Dear Council Members,

I strongly object to the proposal for a mixed use project on lot 4. It is bordering on the insane to support the use of individual cars - and with it emissions of CO2 and other GreenHouse Gasses - through the construction of yet another parking structure! Wildfires? Tornadoes? Drought? Flooding? Heat Waves? How many more disasters do we need to have before Santa Cruz politicians see that we need to do our part to fight global warming?

In addition, we can use the money for better purposes, including affordable housing.

With friendly wishes, Roland Saher



Virus-free. www.avast.com

Rosemary Balsley

From: John Hall <jrhall103@mac.com>
Sent: Monday, December 13, 2021 4:39 PM
To: City Council
Subject: Agenda item #26, please reject resolution or table it until conditions are met.

Dear Mayor and Members of the City Council:

I am contacting you as the co-chair of Our Downtown, Our Future (ourdowntownourfuture.org), concerning agenda item #26.

As you know, Our Downtown, Our Future is launching a signature drive to put a measure on the November 2022 ballot. That measure provides a better alternative to the Lot 4 project. On that basis in itself, we ask you to alter the course of downtown city planning, forego the Lot 4 project, and await the decision of voters.

However, even aside from the principle of letting voters decide, there are important legal and budgetary reasons not to proceed with adoption of the proposed resolution.

The city's own Heritage Tree Resolution NS-23, 710 specifies that a Heritage tree can be cut down only if a design can not be altered to preserve the tree. That is not the case concerning the Lot 4 project and the Heritage trees on Lot 4. As you know, in July 2021, Downtown Commons Advocates and other groups contacted both the Director of Economic Development, Bonnie Lipscomb, and the City Council requesting that steps be taken to ensure adherence to the Heritage Tree Council resolution. At that time, there were no specific plans for the design of the Lot 4 project, and thus, there has been every opportunity to adhere to the Heritage Tree resolution. Proceeding to adopt the resolution proposed in agenda item #26 would advance a plan in which no effort whatsoever has been made to conform with the Heritage Tree resolution. The City Council would thus be violating its own legally developed policies.

In addition, the proposed Agenda item #26 "direct[s] staff to return to Council with a preliminary Library cost model based on the updated Library design and site program changes." This approach to planning and budgeting is highly problematic. As you know, on the basis of City Council decisions, Measure S funds available for the Downtown Library have already been decreased by spending on other library system renovation projects. In addition, pandemic-related inflation has increased construction costs substantially. Furthermore, the "shared costs" savings to the Library component of the mixed-use project have significantly decreased under the new site program and design, for the simple reason that the Library structure now proposed does not share space above it with either affordable housing or a parking structure, substantially affecting previous assumptions about shared costs. Finally, the City staff's estimate of the amount of Measure S funds available for the project seems to differ by millions of dollars from the amount of money available according to the Libraries Facilities Financing Authority (LFFA) and the Library Joint Powers Authority (LHJPA) Board report, mailto:https://www.santacruzpl.org/files/library_boards/documents/LFFA/LFFA_2021-12-02_agenda_mN4lkbt.pdf. All of these circumstances dictate that a bona fide preliminary cost estimate for the Library component of the project be developed before any adoption of the resolution under consideration.

The practice of good government is based on adherence to ordinances, resolutions and policies, and it requires fiscal prudence.

We therefore urge you, at a minimum, to table this resolution until a design is provided that accords with the Heritage Trees resolution and that is based on a valid accounting of available Measure S funds in relation to an actual preliminary Library cost model based on a revised project design.

Sincerely,

John Hall

Co-Chair, Our Downtown, Our Future

<https://www.ourdowntownourfuture.org>

Climate Change Calling,

Part I: <https://sanatione.iyms.org/2021/9-climate-change-calling/>

Part II: <https://sanatione.iyms.org/2021/9-climate-change-calling/>

John Hall

jrhall103@mac.com

Rosemary Balsley

From: Bob Morgan <robertmorgan@baymoon.com>
Sent: Monday, December 13, 2021 4:44 PM
To: City Council; Sandy Brown; Sonja Brunner; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Donna Meyers; Martine Watkins
Subject: [CAUTION: Verify Sender Before Opening!] Vote No on Agenda Item 26
Attachments: 20161212_-_Downtown_Library_and_Parking_Garage_Project_RPT_Final_Version.doc

Dear Mayor and City Council Members,

I urge you to not approve the new site program for the Lot 4 mixed use project. The democratic process and voter trust have been subverted in the effort to push through this project without voter approval. Let the voters decide this issue. Anything less will only further erode the integrity of the democratic tenet of one person, one vote.

A breach of trust between voters and City government occurred when the City decided to move forward with Group 4 Architects to study and recommend a building proposal to house the library and a garage together in a facility on Lot 4, displacing the Farmers Market and betraying the voters in Measure S, merely three months after its passage [\[attached, September 2016\]](#).

The Santa Cruz Public Library Master Facilities Plan is crystal clear: "Maintain, Attain, Gain". These were the scope of actions outlined in the 2014-2024 plan https://dontburythelibrary.weebly.com/uploads/1/2/6/7/12675463/scpl_fmp_web_2013.pdf [40-43], options the voters weighed in on with a 77% affirmative vote. These options were ignored. The City did not honor the voters' will, instead pursuing a completely different project on Lot 4.

The 2019-2020 Santa Cruz Civil Grand Jury Report clarified the reasons for voter distrust and dysfunctional communication in City government in its analysis: "A Failure to Communicate: Restoring Trust and Accountability in Santa Cruz City Government" https://www.co.santacruz.ca.us/Portals/0/County/GrandJury/GJ2020_final/CouncilChaos_Report.pdf.

The five topics for critical improvement include:

1. Does the structure of the government provide a strong foundation to plan and deliver to the public?

2. Through policies and processes, does government leadership have good rules of the road for interacting with each other and the community?
3. Does the City have a good strategic planning process? Do the strategic and implementation plans align for the benefit of the community? Are training and development adequate?
4. Are the plans and policies executed well? Is execution of plans accompanied by good behavior?
5. Does the City leadership have an organizational culture of shared trust and accountability, allowing it to function effectively?
[3]

Santa Cruz City governance fails these questions and the voters when Measure S funds are not used for the purpose for which they were intended: **renovate the library on its current location.**

Therefore, this current City Council must heed the will of the people and vote no on moving ahead with an updated project proposal for Lot 4. Any other Council vote will sabotage the democratic vote and will of the people, exacerbating an already divisive issue among the electorate.

Respectfully,

Bob Morgan

Rosemary Balsley

From: Lee Brokaw <lee45_94306@yahoo.com>
Sent: Monday, December 13, 2021 4:46 PM
To: City Council
Subject: Tajgarage

Dear Council Members,

I'm profoundly saddened by your continued pursuit of this project. It is essential that you vote this down and proceed with a quality of life for the entire community, a Downtown Commons, instead of tons & tons of concrete, more parking and relegating the Farmer's Market to an inferior site.

This is not the project I voted for and to proceed you are violating the trust citizens have put in you to do what the People voted for: a refurbished library on the existing site.

Lee Brokaw

Rosemary Balsley

From: Bonnie Bush
Sent: Monday, December 13, 2021 4:48 PM
To: City Council
Subject: Fwd: Letters for Agenda Item 25 & 26
Attachments: Item 25_831 Water St_MBEP.pdf; Item 26_Library Mixed-Use Project_MBEP.pdf

Bonnie Bush, CMC
City Clerk
831-420-5035

Begin forwarded message:

From: Ashley Gauer <agauer@mbep.biz>
Date: December 13, 2021 at 4:40:59 PM PST
To: Bonnie Bush <bbush@cityofsantacruz.com>
Cc: Matt Huerta <mhuerta@mbep.biz>, Rafael Hernandez <rhernandez@mbep.biz>, Elizabeth Madrigal <emadrigal@mbep.biz>, Kate Roberts <kroberts@mbep.biz>
Subject: Letters for Agenda Item 25 & 26

Hi Bonnie,

Hope this finds you well. Please find attached MBEP's comment letters for the following agenda items at tomorrow's City Council meeting:

Item 25: 831 Water Street
Item 26: Library Mixed-Use Project

Please let me know if you have any questions / concerns, thank you!

--

Ashley Gauer
808.927.1535
Program Manager, Special Projects
Monterey Bay Economic Partnership



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December 13, 2021

Santa Cruz City Council
809 Center Street
Santa Cruz, CA 95060

Subject: Support for Downtown Mixed-Use Library Project, Agenda Item 26

Dear Mayor Meyers and Santa Cruz City Councilmembers,

The Monterey Bay Economic Partnership (MBEP) supports staff's recommendation to approve the updated site program and design for the Library Mixed-Use Project to include the following changes:

1. An increase in affordable housing units from a minimum of 50 to a minimum range of between 100-125 units;
2. A decrease in the parking count from 400 to 310 parking stalls;
3. Program expansion to include an onsite daycare facility;
4. Library design changes to include a two-story Library facing Cedar and Lincoln Streets with a green roof and adjacent roof deck and other design elements as presented by the Master Library Architect;

and to direct staff to return to Council with a preliminary Library cost model based on the updated Library design and site program changes.

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 increased sustainable, affordable, resilient housing, and opportunities for economic and workforce development. We commend project leaders for increasing the number of affordable units from 50 to 100-125. We continue to advocate for an increase in density measures to go beyond 125, and encourage the Council to direct staff to do the same to ensure we are maximizing affordability and sustainable land use.

While we have not yet officially endorsed the project, we hope to continue to play a role in the development of the design and affordable housing inclusions as it continues to take shape. We look forward to 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

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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

Rosemary Balsley

From: Cynthia Mathews <mathews@cruzio.com>
Sent: Monday, December 13, 2021 5:00 PM
To: City Council
Subject: Support Recommended action for Downtown Library Mixed Use Project

Dear Council members

Having worked on the longterm strength of our public library system for years, and followed the robust planning/public input process for the downtown branch specifically, I am writing now to urge you in the strongest possible terms to approve the staff recommendation now before you on the Library Mixed Use Project, and maintain the momentum on this exciting, forward-looking project that offers so much to our community.

- A stunning, functional, energy-wise modern library that meets the programmatic needs of our entire community and supports the services at other branches as well.
- A design that has evolved in response to community input to be even better suited to the physical context of downtown and public priorities.
- A mixed use project incorporating several elements that benefit from financial economies and mutually compatible programming, all contributing to a stronger downtown.
- Greatly increased potential for affordable housing.
- Compatibility with existing city plans and policies for General plan, Downtown, Affordable Housing, library facilities, and Climate action.

I urge your support!

Cynthia Mathews

DOWNTOWN LIBRARY MIXED-USE PROJECT

CITY COUNCIL UPDATE December 14, 2021



AGENDA

- Summary of Efforts to Date
- Project Schedule Update
- Budget Update
- Next Steps
- Recommendation

HIGHLIGHTS OF EFFORTS TO DATE

- ✓ Completed program, delivery and schedule analysis with Owner's Representative
- ✓ 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
- ✓ Executed contract with Master Library Architect
- ✓ Conducted multiple outreach sessions including focus groups and community workshops
- ✓ Completed concepts for site configuration accommodating a 35,000sf library space plus a 5,000sf outdoor patio, up to 125 affordable housing units and a reduced parking count.

SUMMARY OF EFFORTS SINCE LAST UPDATE

- Master Library Architect Procurement – Jayson Architecture
- Community Outreach on Site Concepts and Library Design
- Conceptual 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*

SUMMARY OF EFFORTS SINCE LAST UPDATE

- Master Library Architect Procurement– Jayson Architecture
- Community Outreach on Site Concepts and Library Design
- Conceptual Design

COMMUNITY OUTREACH

- Stakeholder / Focus Group Engagement – November 1st – 4th
- Community Workshops – December 10th

COMMUNITY OUTREACH – STAKEHOLDER ENGAGEMENT

Nov 1st -4th

6

NUMBER OF MEETINGS

38

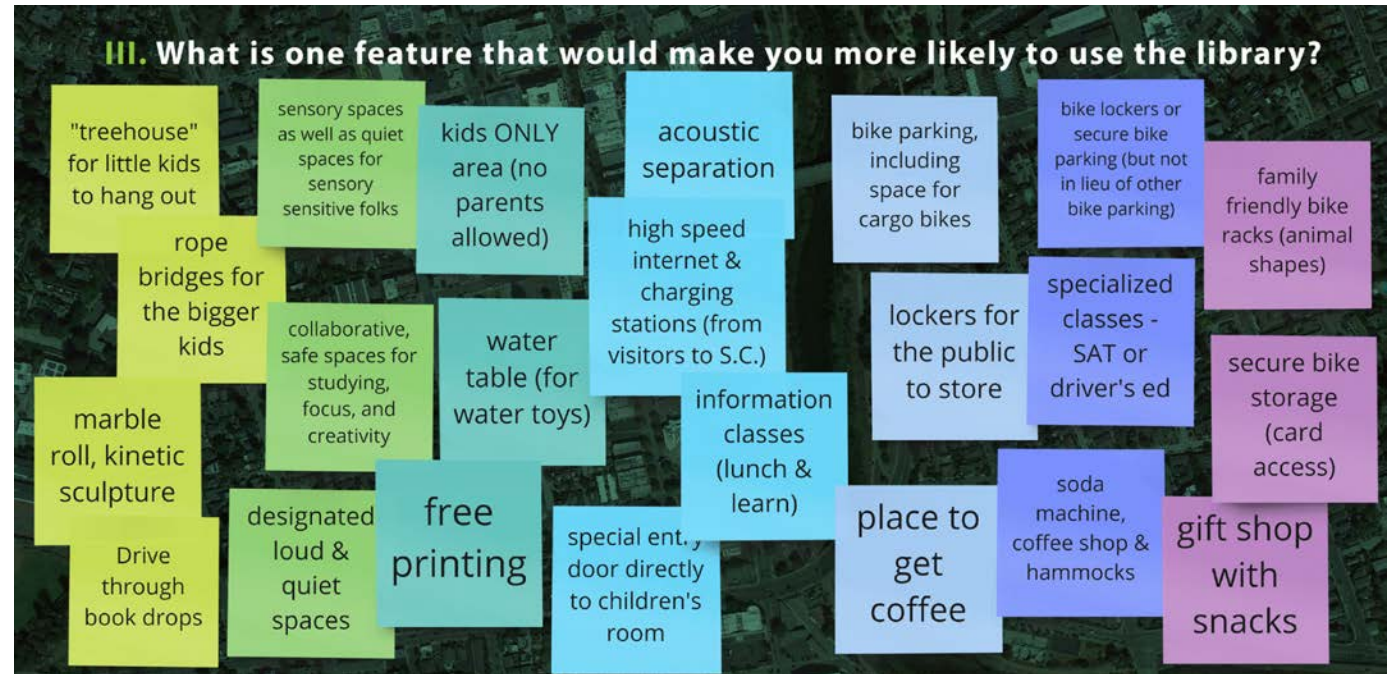
NUMBER OF QUESTIONS

60

NUMBER OF PARTICIPANTS

756

NUMBER OF RESPONSES



COMMUNITY OUTREACH

- Stakeholder / Focus Group Engagement – November 1st – 4th
- Community Workshops – December 10th

COMMUNITY OUTREACH – COMMUNITY WORKSHOPS



**New Downtown Santa Cruz Library
Community Workshops | Dec. 10, 2021**

Join the Downtown Santa Cruz Library Master Architect team for a community workshop focused on the preliminary design of the new library and overall site program for the Library Mixed-Use Project.

The workshop will be offered at three different times on Friday, December 10: 9 a.m., 2 p.m. and 5 p.m.

Register today!
[cityofsantacruz.com/mixeduselibrary](https://www.cityofsantacruz.com/mixeduselibrary)



3

NUMBER OF MEETINGS

100+

NUMBER OF PARTICIPANTS

Being Compiled

NUMBER OF RESPONSES

View a [recording of the Community Workshop presentation](#)

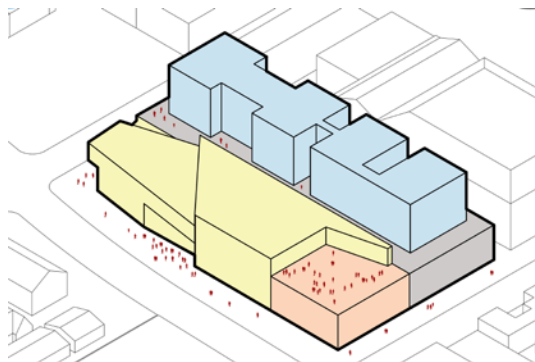
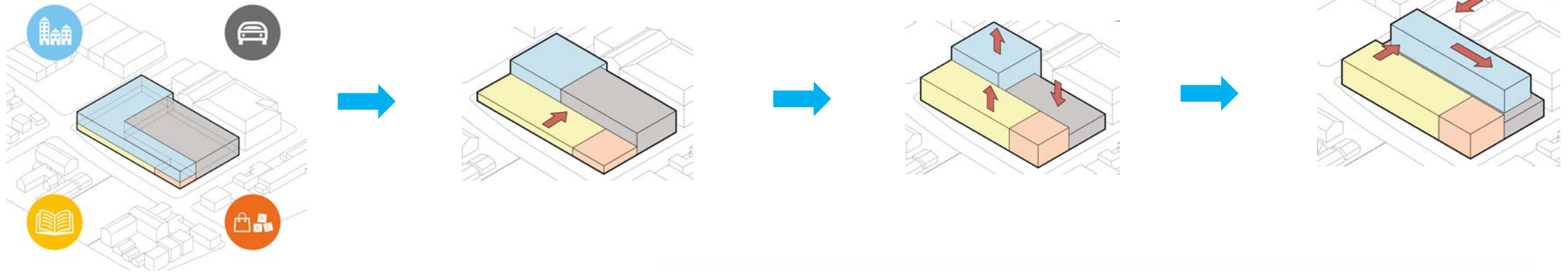
Download the [presentation slide deck](#)

<https://www.cityofsantacruz.com/mixeduselibrary>

SUMMARY OF EFFORTS SINCE LAST UPDATE

- Master Library Architect Procurement – Jayson Architecture
- Community Outreach on Site Concepts and Library Design
- Conceptual Design

CONCEPTUAL DESIGN EVOLUTION



AGENDA

- Summary of Efforts to Date
- Project Schedule Update
- Budget Update
- Next Steps
- Recommendation

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. Concept Design				1. Site Clearing				1. Punch List						
2. AH Developer Selection				2. Schematic Design				2. Grading and Underground Utilities				2. Commissioning						
3. Master Architect Selection				3. Design Development				3. Shell and Core Construction				3. Catalogue Move-In						
4. Communications Planning				4. Construction Documents				4. Interiors Construction				4. Grand Opening						
				5. Entitlement				5. Site Work and Landscape										
				6. Permitting														
				7. Contractor Selection														

AGENDA

- Summary of Efforts to Date
- Project Schedule Update
- Budget Update
- Next Steps
- Recommendation

PROJECT BUDGET UPDATE



Sources of Funding

▪ Measure S	\$ 25,500,000+
▪ Parking District (financing)	\$ ≤20,000,000
▪ Affordable Housing Trust	\$ 5,150,000
▪ Other Affordable Housing Funding	\$ 49,000,000*
▪ Current Approved CIP Budget	\$ 1,350,000
▪ Future CIP/Grant (proposed)	\$ 2,000,000
▪ ED Trust Fund	\$ <u>1,000,000</u>
 Total	 \$ 104,000,000

* Based on traditional Affordable Housing Funding for a project this size, including Federal Tax Credits, loans and grants

Estimated Costs

▪ Library (TIs included)	\$ 30-33,000,000*
▪ Parking	\$ ≤20,000,000
▪ Affordable Housing	\$ 50,000,000
▪ Commercial	\$ ≤4,000,000
 Total	 \$104-107,000,000

▪ Potential Const. Gap **\$ ≤3,000,000***

* Gap and Total Library cost could be reduced by grant funds, fundraising or value engineering. Cost includes 5,000 sf roof deck and photovoltaics.

AGENDA

- Summary of Efforts to Date
- Project Schedule Update
- Budget Update
- Next Steps
- Recommendation

NEXT STEPS

- ❑ Transition to Schematic Design Phase
- ❑ Continued Community Outreach – Schematic & Design Dev.
- ❑ Farmers' Market engagement- Ongoing
- ❑ Updated cost model

AGENDA

- Summary of Efforts to Date
- Project Schedule Update
- Budget Update
- Next Steps
- Recommendation

Recommendation:

1) Approval of the updated site program and design for the Library Mixed-Use Project to include the following changes:

- an increase in affordable housing units from a minimum of 50 to a minimum range of between 100-125 units; and
- a decrease in the parking count from 400 to 310 parking stalls; and
- program expansion to include an onsite daycare facility; and
- approval of Library design changes to include a two-story Library facing Cedar and Lincoln Streets with a green roof and adjacent roof deck and other design elements as presented by the Master Library Architect; and

2) Direct Staff to return to Council with a preliminary Library Cost model based on the updated Library design and site program changes

DOWNTOWN LIBRARY MIXED-USE PROJECT

CITY COUNCIL UPDATE December 14, 2021





City Council AGENDA REPORT

DATE: 12/02/2021

AGENDA OF: 12/14/2021

DEPARTMENT: City Council

SUBJECT: Children and Youth Bill of Rights and Support for the Newly Formed Youth Action Network (CN)

RECOMMENDATION: Motion to:

- 1) Adopt the resolution supporting the newly formed Youth Action Network.
 - 2) Adopt and promote the Children and Youth Bill of Rights.
 - 3) Direct the Mayor to appoint a council member and staff person to participate in the Youth Action Network.
 - 4) Set aside \$2,000 annually for youth participation and leadership development stipends.
 - 5) Develop metrics aligned with Health in All Policies to measure success.
 - 6) Direct staff to return with an annual presentation outlining the “State of Youth in Santa Cruz.”
-

BACKGROUND: This year, the 2021 Kids Count Data Book, released by the Annie E. Casey Foundation, ranked California among the worst for overall child well-being with a ranking of 33 out of the 50. The foundation found that 14% of California households with kids sometimes or often did not have enough to eat, tying the State for sixth-worst in the country. This figure was even higher for Black households at 28% and Latino households at 22%, underscoring the pandemic’s uneven impact on California’s children of color. In Santa Cruz County in 2019, 27% of children were food insecure but likely ineligible for assistance, and 47% of students were eligible for free and reduced lunch programs.

Other California rankings from the report include being 43rd in economic well-being, 36th in education, and 11th in affordable healthcare. In 2019, 16% of children lived in households below the poverty line. If the poverty line were adjusted to account for the high cost of living in California, the figure would be much worse. In Santa Cruz County, 14% of children live below the poverty line. The percentage goes up to 20% for Latino children.

Furthermore, in 2017-19, 50% of 3- and 4-year-olds were not in an early education program. Early education is crucial for setting kids up for success in school and life and providing support for parents who are working or going to school. And while California has been a leader in

expanding healthcare coverage to all kids, from 2018 to 2019, 35,000 more kids were found to lack health insurance, for a total of 334,000 kids without coverage in the State.

Over 19% of the Santa Cruz County population is under the age of 18. Some of our community's children and youth experience poverty, food insecurity, substance use, and mental health challenges. Notably, 43% of our teens report using alcohol or drugs, compared to 29% of teens in the State and 31% of 5th, 9th, and 11th graders experience depression.

In 2019, the federal government spent \$408 billion on children, representing about 9 percent of the federal budget. This is consistent with the level of spending on children over the last several years. Under pre-pandemic law, children's programs are projected to receive only two cents of every dollar of the projected \$1.6 trillion increase in federal spending over the next decade. Furthermore, over the next decade, all categories of spending on children except health are projected to decline relative to GDP.

How governments spend money and who benefits from that spending reflect our values and our priorities. Today's investment in children affects tomorrow's workforce, economy, and our educational, criminal justice, and health care systems. To combat adverse outcomes for children by prioritizing and committing to children's well-being, the State of California and other communities across the State have adopted Bills of Rights. The purpose of a Children and Youth Bill of Rights is to ensure that leaders at any level of government keep the needs of young people at the forefront of decisions about budgets and government policies.

DISCUSSION:

Children & Youth Bill of Rights

Aligned with similar efforts at the State and across the State, the City of Santa Cruz is committed to the well-being of youth. The City of Santa Cruz Children and Youth Bill of Rights will ensure that leaders keep the needs of young people at the forefront of decisions about budgets and government policies. Children and youth are vulnerable members of our community that require prioritization and protection. There are groups of children and youth who are even further marginalized and must be prioritized. This includes: People of Color (including Black, Indigenous, Latinx, Asian American Pacific Islander), differently-abled, Lesbian, Gay, Bisexual, Transgender, Queer, non-binary, undocumented, or from low-income households. The Bill of Rights provides the foundation that helps our community make children and youth a top priority.

Supporting the Youth Action Network

The Santa Cruz City Council adopted the Countywide Youth Violence Prevention Strategic Plan (2015) in response to increasing youth violence in Santa Cruz County. Their work and impact on the community allowed them to successfully inform and guide practices and policies across the County, which, in turn, allowed stakeholders at all levels to coordinate effective youth violence prevention strategies locally.

After seven years of working to decrease youth violence in the community, the Youth Violence Prevention Network transitioned to centering youth voice and leadership in its efforts while focusing on youth wellbeing through a holistic public health approach. The words "Violence Prevention" will no longer be in the name of the Santa Cruz County Youth Action Network (YAN). The new name better reflects the network's focus on overall youth well-being, elevating youth voice and leadership to inform decision-making, strengthening youth-adult partnerships, and equitable community change.

The City of Santa Cruz is committed to working with organizations and initiatives to implement a framework that outlines how the City will amplify youth voice in city decision-making. It is recommended that the City engage with the newly formed YAN to accomplish the goals of:

1. Promoting Youth-Adult Partnerships by increasing support to youth from caring adults and in relationships with local decision-makers
2. Amplifying youth voice through meaningful youth participation within the City of Santa Cruz
3. Fostering youth leadership development and building youth capacity to create positive change

To fulfill these goals, we recommend that the Mayor appoint both a council member and staff person to participate as the Youth Action Network members. Additionally, the Council should set aside funds for stipends for youth participation and leadership development.

Community Engagement

A subcommittee of Councilmembers, city staff and interns has worked with various community groups, including United Way of Santa Cruz County's Youth Action Network, to develop the Children and Youth Bill of Rights. Though based on the work of other communities, the proposed Bill of Rights is tailored to meet the needs of Santa Cruz City children and youth. The subcommittee has been conducting outreach to various youth groups throughout the City, including attending youth steering/advisory committee meetings, engaging youth at the Teen Center, and obtaining feedback (via a Jamboard) from various youth groups and high school classes in the City. We have been asking youth: "How can the City better integrate the youth voice?" and "How would you like to help the City with the integration of the youth voice?" At the time of writing this report, the subcommittee was continuing to gather feedback. Some highlights of the feedback received to date include: obtain youth feedback on issues through surveys; go to where youth are (after school programs, school sites, youth programs) to obtain feedback; obtain youth feedback on barriers to and ideas for implementation of the Bill of Rights; engage with youth groups through social media; invite youth to speak on various issues at City Council meetings; use youth-friendly language to discuss policy issues; take youth feedback seriously and do not tokenize; consider a youth commission where youth can vote on issues.

Measuring Success

We recommend two approaches to measure the future success of the City's children- and youth-focused initiatives. The first is to develop metrics aligned with Health in All Policies (a starting draft is included in the attached operational grid). The second is to direct staff to return with an annual presentation outlining the "State of Youth in Santa Cruz."

Health in All Policies

The three pillars of the Health in All Policies—Equity, Health, and Sustainability—are reflected throughout the Bill of Rights. Equity is brought to the forefront as we prioritize youth, who traditionally are not prioritized in government budgeting and programmatic decisions. Sustainability is woven into the Bill of Rights as we address healthy environments and healthy

living. Well-being is reflected in each of the 10 Rights and is connected directly to the identified outcomes (in the operational grid).

FISCAL IMPACT: This work calls for Council or staff appointment and representation on a youth-focused initiative and the development, tracking and reporting of metrics of success. This work also calls for the City to support youth participation and leadership development in local government through stipends. Finally, this work calls for the promotion of the Bill of Rights if adopted.

Submitted By:
Shebreh Kalantari-Johnson
Councilmember

Submitted By:
Renee Golder
Councilmember

Submitted By:
Martine Watkins
Councilmember

ATTACHMENTS:

1. RESOLUTION.DOCX
2. CITY OF SANTA CRUZ CHILDREN AND YOUTH'S BILL OF RIGHTS.DOCX
3. CHILDREN'S BILL OF RIGHTS -CITY PROGRAMS AND OPPS FOR ACTION.XLSX

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ ADOPTING
THE YOUTH ACTION NETWORK FRAMEWORK AND SUPPORTING CITY
PARTICIPATION IN THE IMPLEMENTATION OF THEIR INITIATIVES

WHEREAS, Santa Cruz County's youth connectedness to school and community has been above state average in the last few years, youth leadership and voice continues to be an integral part of promoting youth community connectedness; and

WHEREAS, the Santa Cruz City Council adopted the Countywide Youth Violence Prevention Strategic Plan (2015) in response to the increasing prevalence of youth violence in Santa Cruz County. Their work and impact on the community allowed them to successfully inform and guide practices, policies across the County to allow stakeholders at all levels to work in a coordinated effort to effectively address youth violence prevention locally; and

WHEREAS, after 7-years of collectively working to decrease youth violence in the community, YVPN heard a call to action to center youth voice and leadership within the network. YVPN responded to that call and transitioned to centering youth voice and leadership in its efforts, while continuing to focus on youth-wellbeing through a holistic public health approach; and

WHEREAS, the words "Violence Prevention" will no longer be in the name of the Santa Cruz County Youth Action Network (YAN), the network holds that in focusing on overall youth well-being, in elevating youth voice and leadership to inform decision-making, in strengthening youth-adult partnerships, in focusing on equitable community change, YAN is working to prevent youth violence and other negative outcomes for youth; and

WHEREAS, YAN is a newly reformed community impact initiative comprised of youth and adults working together to identify emerging needs in the Santa Cruz community, creating positive change communally, and working to increase youth-wellbeing through integrating youth voice and youth leadership; and

WHEREAS, YAN has created a framework within the community to center and amplify youth voice and support youth leadership to create positive social change by providing spaces for youth leader, adult allies, and youth-serving organizations to connect and collaborate with one another; and

WHEREAS, YAN is committed to help achieve the goals of promoting youth-adult Partnerships by increasing support to youth from caring adults and in relationships with local decision-makers, amplifying youth voice through meaningful youth participation within Santa Cruz County, and fostering youth leadership development and building youth capacity to create positive change; and

WHEREAS, the City of Santa Cruz is committed to working with organizations and initiatives to implement a framework that outlines how the City will amplify youth voice in city decision making.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby supports the newly formed Youth Action Network.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to appoint a member of the Santa Cruz City Council to serve as champions and bridge builder for the Youth Action Network and advise and support when called upon.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

City of Santa Cruz Children & Youth Bill of Rights

Aligned with similar efforts at the State and across the State, the City of Santa Cruz is committed to the well-being of youth and sets forth a Children and Youth Bill of Rights. The City of Santa Cruz Children and Youth Bill of Rights ensures that leaders keep the needs of young people at the forefront of decisions about budgets and government policies. Children and youth are vulnerable members of our community that require prioritization and protection. There are groups of children and youth who are even further marginalized and must be prioritized, this includes: People of Color (including Black, Indigenous, Latinx, Asian American Pacific Islander), differently abled, Lesbian, Gay, Bisexual, Transgender, Queer, non-binary, undocumented, or from low-income households. The Bill of Rights provides the foundation that helps our community make children and youth a top priority so that:

1. They have a healthy mind, body and spirit that enables them to maximize their potential.
2. They develop a healthy attachment to a parent, guardian, or caregiver and an ongoing relationship with a caring and supporting adult.
3. They have a safe and healthy environment, including homes, schools, neighborhoods and communities.
4. They have access to quality education that promotes future success in school, career and life.
5. They have training in life skills that will prepare them to live independently, be self-sufficient and positively contribute to their community.
6. They have employment opportunities with protections from unfair labor practices.
7. They have freedom from mistreatment, abuse and neglect.
8. They voice opinions in matters of interest to them, develop their leadership capacity and engage in their community.
9. They feel supported by the larger community and maintain a sense of hope for the future.
10. They are encouraged to explore and express their innate curiosity and creativity.

Children and youth are entitled to these rights regardless of their gender, class, race, ethnicity, national origin, culture, religion, immigration status, sexual orientation, or ability.

The City will leverage its relationships between Parks and Recreation and city schools and service providers to ensure that these Bill of Rights are addressed effectively.

Establishing a Children and Youth Bill of Rights aligns with the City's Health in All Policies Ordinance No. 2019-22 which determines and declares that the health and well-being of residents of the City are critical for a prosperous and sustainable Santa Cruz and that the City Government has a role to play improving health and well-being outcomes and reducing inequities.

City of Santa Cruz Recommended Children & Youth's Bill of Rights	Current City Programs	Opportunities for Action	Related CORE Condition Indicators (aligned with HIAP Indicators)	Goals (aligned with Youth Action Network)
1. They have a healthy mind, body and spirit that enables them to maximize their potential.	<p>Santa Cruz Teen Center: The Santa Cruz Teen Center is a free, drop in recreational facility dedicated to creating a safe and diverse environment for the teen community. In addition to daily activities, the Teen Center offers homework help, special events, day and overnight trips, sports, and outdoor events, young mens and womens circle groups, and healthy cooking activities.</p> <p>Aquatics: Junior Guards builds confidence in the beach and ocean environment. Recreation Swim is offered at Harvey West Pool for pool play.</p> <p>Recreation Classes: A variety of classes for youth are offered 3 seasons a year (Fall, Winter-Spring, and Summer) including STEAM classes, soccer, skateboarding, martial arts, basketball, beach volleyball, art, theater, and after school enrichment</p> <p>Parks: Parks provide essential recreational resources used by children and youth, including 21 playgrounds, 3 skate parks, 3 bicycle pump tracks, 1 BMX park, 3 beaches, the Harvey West Pool, athletic fields used by Santa Cruz Little League, Santa Cruz Youth Soccer, Pop Warner</p>	Use of Children & Youth's Bill of Rights for budget and programmatic decision making.	<p>CORE Condition 1: Health & Wellness <i>Community Impact 3: Behaviors that maintain or improve health</i></p> <p>1a. Active living-Children & teens who engage in regular physical activity 1b. Substance Abuse-Teens who have used alcohol 1c. Substance Abuse-Liquor store density 1d. Mental Health-Depression, anxiety, suicidality</p>	<p>1. Promote Youth-Adult Partnerships by increasing support to youth from caring adults and in relationships with local decision-makers.</p> <p>2. Amplify youth voice through meaningful youth participation within City of Santa Cruz.</p> <p>3. Foster youth leadership development and capacity to create positive change.</p>
2. They develop a healthy attachment to a parent, guardian, or caregiver and an ongoing relationship with a caring and supporting adult.	<p>Teen and Youth programs: The Santa Cruz Teen Center, Summer Camps, Classes, and Junior Guards are programs that have participants return year after year and develop positive, supportive relationships with staff, the Teen Center being the most consistent and daily touch point. Our Junior Guard instructors provide key mentorship for participants as they move through the program.</p> <p>Field rentals: Parks and Rec provides discounted rentals to youth sports organizations (Little League)</p>	The police department previously coordinated a PRIDE Program for at risk youth in collaboration with Santa Cruz City Schools. The program focused on relationships inside the home as well as provided participants with a supportive mentor. Explore bringing this program back.	<p>CORE Condition 5: Community Connectedness <i>Community Impact 1: Connection to others</i></p> <p>2a. Support person in time of need 2b. Community connectedness</p>	
3. They have a safe and healthy environment, including homes, schools, neighborhoods and communities.	<p>The Santa Cruz Teen Center is a free, drop-in recreational facility dedicated to creating a safe and diverse environment for the teen community in order to empower youth, foster creativity and promote alternate forms of education. Currently open Monday - Friday, 3:00 - 8:00 pm.</p> <p>Parks: Parks provide essential, free recreational resources used by children and youth, including 21 playgrounds, 3 skate parks, 3 bicycle pump tracks, 1 BMX park, 3 beaches.</p>	Maintain a commitment to accessible and safe parks.	<p>CORE Condition 7: Safe & Just Community <i>Community Impact 1: Individuals & families are free from all forms of violence</i></p> <p>3a. Personal experience with racism <i>Community Impact 2: Neighborhoods & communities are safe</i></p> <p>3b. Feelings of safety at school 3c. Suspected gang membership 3d. Trust in law enforcement 3e. City parks are accessible and safe for all youth</p> <p>CORE Condition 8: Safe & Affordable Housing</p>	
4. They have access to quality education that promotes future success in school, career and life.	<p>London Nelson Community Center offers a significantly discounted rental agreement with the County Office of Education for their Alternative High School program. The high school has exclusive use of room 6 at the Center. The students at the high school often utilize the Santa Cruz Teen Center after school.</p> <p>Parks and Recreation hosts the Museum of Natural History in Tyrell Park (\$1/yr. lease of City facility); partners with the Museum on their Garden Learning Center in Tyrell Park, school field trips, programs at Mission Lagoon, and Boatworks.</p>	Continue and expand on partnerships with educational institutions including County Office of Education, Santa Cruz City Schools, Cabrillo College, and UCSC.	<p>CORE Condition 2: Life long learning & Education <i>Community Impact 5: Educational Attainment & Workforce Readiness.</i></p> <p>4a. High school graduation 4b. Higher education enrollment</p>	
5. They have training in life skills that will prepare them to live independently, be self-sufficient and contribute to their community.	<p>Teen Job Fair provides job opportunities for teens as well as trains on interview skills and filling out a job application.</p> <p>Teen Intern Program places teens in paid job positions in City departments.</p> <p>Junior Leader volunteer program places teen volunteers (ages 13-15) in our Summer Camps programs. This provides them with first job interview and working experiences to list on a future resume.</p> <p>Junior Guard Captain Corps program Captain Corp volunteers (ages 15-17) function as role models for Junior and Little Guard participants and assist instructors with marine safety through</p>	Reinstitute the Public Safety Teen Academy/Explorer Program , a collaboration with the Fire and Police Departments during the summer. The program helps establish healthy relationships with public safety staff and exposes kids to the concepts and potentials of civic/public service. The program was well received by parents and kids.	<p>CORE Condition 3: Economic Security & Mobility <i>Community Impact 1: Increased Economic Vitality</i></p> <p>5a. Unemployed workforce in civilian labor force</p>	
6. They have employment opportunities with protections from unfair labor practices.	<p>Teen Job Fair provides job opportunities for teens connecting them with businesses in the community.</p> <p>Teen Intern Program provides paid job opportunities within City departments.</p> <p>Summer Youth Trails Program provides paid</p>	Expansion of internship, vocational and pre-apprenticeship opportunities in city departments.	<p>CORE Condition 3: Economic Security & Mobility <i>Community Impact 1: Increased Economic Vitality</i></p> <p>6a. Unemployed workforce in civilian labor force <i>Community Impact 2: Higher levels of self-sufficiency</i></p>	
7. They have freedom from mistreatment, abuse and neglect.	The police department currently teach a class in the schools about Cyberbullying and Social Media Awareness.	Addressing Commercial Sexual Exploitation of Children (CSEC) through law enforcement and city homeless service providers trainings.	<p>CORE Condition 4: Thriving Families <i>Community Impact 1: Increased Resilience among children and youth</i></p> <p>7a. Substantiated child abuse rate 7b. Children with 2 or more adverse experiences. 7c. Commercial Sexual Exploitation of</p>	
8. They voice opinions in matters of interest to them, develop their leadership capacity and engage in their community.	<p>Involvement in Youth Action Network.</p> <p>Sister Cities has a standing subcommittee focused on youth involvement in the Sister Cities program.</p>	<p>a) Council and staff appointment and representation on a youth focused initiative. b) Integration of youth as a key stakeholder group to be consulted on policy issues. c) Integration of youth voice and youth involvement in implementation of the City's climate action plan. d) Support youth participation and leadership development through stipends. e) Review and analysis of accessibility of city committees and commissions for youth and young adults. f) Allocation of resources to vulnerable children and youth through the Children's Fund b) Review and analysis of accessibility of city committees and commissions for youth and young adults</p>	<p>CORE Condition 5: Community Connectedness <i>Community Impact 3: Increased Civic Engagement</i></p> <p>8a. Participation in Government</p> <p>CORE Condition 6: Healthy Environments-Natural & Built Environment <i>Community Impact 1: Quality of natural environment & natural resources</i></p> <p>8b. Residents who attended a cleanup</p> <p>CORE Condition 5: Community Connectedness <i>Community Impact 1: Connection to others</i></p> <p>9a. Support person in time of need 9b. Community connectedness</p>	
9. They feel supported by the larger community and maintain a sense of hope for the future.	The Santa Cruz Teen Center: Teen Center staff provide daily connection and direct support to youth.		<p>CORE Condition 5: Community Connectedness <i>Community Impact 1: Connection to others</i></p> <p>9a. Support person in time of need 9b. Community connectedness</p>	
10. They are encouraged to explore and express their innate curiosity and creativity.	<p>The Santa Cruz Teen Center: Teen Center staff provide daily connection and direct support to youth.</p> <p>Recreation Classes: sports, arts, and STEAM classes including soccer, skateboarding, martial arts, basketball, beach volleyball, art, theater, after school enrichment</p> <p>Parks: Parks provide essential, free recreational resources used by children and youth, including 21 playgrounds, 3 skate parks, 3 bicycle pump tracks, 1 BMX park, 3 beaches</p>	<p>a) Council and staff appointment and representation on a youth focused initiative. b) Integration of youth as a key stakeholder group to be consulted on policy issues. c) Integration of youth voice and youth involvement in implementation of the City's climate action plan. d) Review and analysis of accessibility of city committees and commissions for youth and young adults.</p>	<p>CORE Condition 5: Community Connectedness <i>Community Impact 1: Connection to others</i></p> <p>10a. Community connectedness</p>	

Rosemary Balsley

From: Robyn McKeen <robyn@impactlaunch.org>
Sent: Friday, December 10, 2021 10:32 AM
To: City Council
Subject: Support for Children's Bill of Rights and YAN

Dear Santa Cruz City Council Members,

As a parent, community member, and social impact consultant living and working in Santa Cruz County for the last two decades, I care deeply about the wellbeing of all our youth. I fully support the upcoming proposal to adopt the Children's Bill of Rights, support youth-centered decision making through participation in YAN, and measuring success by aligning measurement with Health in All Policies. I encourage you to support this effort.

Best,
Robyn

--

Robyn McKeen
Senior Practitioner
Impact Launch
<https://www.impactlaunch.org/>
831-854-7412

Rosemary Balsley

From: Sarah Emmert <SEmmert@unitedwaysc.org>
Sent: Friday, December 10, 2021 3:23 PM
To: City Council
Subject: Children & Youth Bill of Rights-Santa Cruz City Council

Importance: High

Afternoon Santa Cruz City Council Members,

I am writing to share that I fully support Santa Cruz City's Children & Youth Bill of Rights. As a life long Santa Cruz County resident, I want to recognize the City for spearheading this effort. Santa Cruz City is clearly setting a standard for providing the necessary policy and practice shifts and resources to support child and youth wellbeing and success. I do hope that other jurisdictions will follow-suite.

I look forward to continuing to partner with the City on efforts such as this.

In Community,

Sarah Emmert, MAS
Pronouns: (she, her, hers)
Director of Community Impact
United Way of Santa Cruz County
4450 Capitola Rd., Ste. 106
PO Box 1458
Capitola, CA 95010
831.465.2216

I work in Santa Cruz, California, the traditional homelands of the Amah Mutsun Tribal Band | Trabajo en Santa Cruz, California, la patria tradicional de la Banda Tribal Amah Matsun

Rosemary Balsley

From: Rebecca London <rlondon@ucsc.edu>
Sent: Friday, December 10, 2021 2:55 PM
To: City Council
Subject: Support for Children and Youth Bill of Rights

Dear Santa Cruz City Council,

I am writing in support of the Children and Youth Bill of Rights on the agenda for your upcoming meeting. This bill of rights is an important first step in creating a community that values youth voice and empowers young people to see themselves as change agents in their communities. I am a professor at UCSC who studies children and youth, and I support this measure as one that will incentivize local organizations and decision-making bodies to value youth voice and leadership, as well as to create an environment that supports every young person in Santa Cruz to fulfill their dreams and potential.

Sincerely,
Rebecca London

--

Rebecca A. London
Associate Professor, Sociology Department

[*Rethinking Recess: Creating Safe and Inclusive Playtime for All Children in School*](#) is available! Listen to my [interview with Harvard Education Press](#) about the book.

Listen to an [interview on KSQD](#) with me about my spring 2020 course, Coronavirus and Community.

Listen to an [interview on KSQD](#) me about trauma, healing, and play in Santa Cruz

202 Rachel Carson College
University of California, Santa Cruz
Santa Cruz, CA 95064
(831) 459-5376
<https://rlondon.sites.ucsc.edu>

Rosemary Balsley

From: Rachel Kippen <singleuseplanet@gmail.com>
Sent: Monday, December 13, 2021 9:50 AM
To: City Council
Subject: Support for Children and Youth Bill of Rights

Greetings esteemed members of the Santa Cruz City Council,

Thank you for considering the Children and Youth Bill of Rights, the adoption of a resolution in support of the Youth Action Network which would include directing staff and council participation, and for setting aside stipends for participation. Setting aside a participation stipend and development funds will be particularly helpful for engagement, and I thank you for including that where many councils rely solely on volunteer engagement, which can seriously limit participation.

I appreciate this council's intentional efforts to engage and uplift the voices/experiences of Santa Cruz's young people. Efforts like this lead to better decision making, more informed policy choices, and encourage youth to find a comfy seat at the table now and in the future, too.

Thank you to Councilmembers Watkins, Kalantari-Johnson, and Golder for bringing this forward. I encourage you to vote yes!

In gratitude,
Rachel Kippen
Environmental educator
Lower west side renter

--

Rachel Kippen
She, Her, Hers
Ocean Educator/Sustainability Advocate/Nonprofit Professional
Columnist: [Our Ocean Backyard](#)

For every child's future, [vote YES on Measure A](#) this November 2nd and preserve the Santa Cruz Children's Fund!

I [acknowledge](#) that I live and work on the traditional lands and territories of the Awaswas, Ohlone, Ohlone/Amah Mutsun, and Rumsen peoples.

PROPOSED
City of Santa
Cruz Children
& Youth Bill
of Rights



Background and Data

Children and Youth account for 18.5% of the Santa Cruz population

National Center for Health Statistics suggest there were more than 6,600 deaths by suicide among the 10-24 age group in 2020

Keeping Young people at the forefront in budget, policy, and initiatives

Protecting and Prioritizing the vulnerable members of our community

California and 6+ jurisdictions have adopted a form of this framework



All Departments do work that benefits youth - whether directly or indirectly

Park, Facility & Beach use that benefit youth in the community

Skate Parks
Pump Tracks
Bike Park
Sports Fields
Places to gather & play

Discounted lease with County Office of Education for use of London Nelson Center & Harvey West Park

Santa Cruz Civic
Dad's Club
Fashion Teens
Nutcracker
graduations



What is currently in place?

London Nelson
Community Center
Junior Theater
Classes
Events

Santa Cruz Teen Center
Mentors
Safe Space
Circles
Teen Intern Program

Junior Guards
Summer Camps
Classes
Events

Volunteer
opportunities such as
Captain Corps & Junior
Leader Program

Job opportunities such
as Summer Camps,
Junior Guards, Summer
Trails Crew, Sports, etc

What is currently in place?

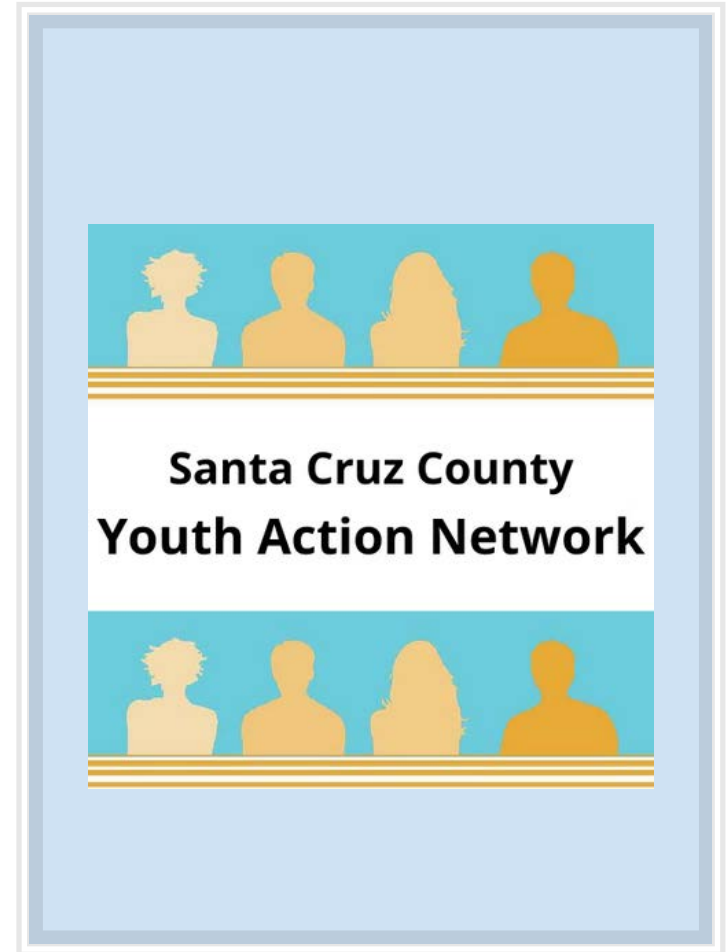


Youth Action Network

The Youth Action Network (YAN) is a community impact initiative (formerly known as the Youth Violence Prevention Network) composed of youth and adults working together to identify emerging needs in our community and to increase overall youth-wellbeing through youth voice and youth leadership.

YAN's Goals

- **Youth-Adults Partnerships:** Increase youth supported by caring adults and relationships with local decision-makers.
- **Youth Voice:** Increase meaningful participation & opportunities for youth to share their voices, ideas & leadership for youth within Santa Cruz County.
- **Youth Leadership Development:** Increase knowledge of youth leadership development and capacity for creating change in the community.





Why is youth voice & youth leadership important to you?

“Youth voice highlights the unique problems that youth face, youth leadership also highlights the major issues that youth care about.”

- **Isaac, YAN Steering Committee Chair**

“Because it provides a unique perspective to the decision making process”

- **Siobhan, YAN Steering Committee Member**

future
fabulous
brilliant
activism
change makers
a voice
social justice
having a voice
hope
representation
participating
awesome
brilliance
we have a say in things

“Helps other youth get their voice heard”

- **Isabelle, YAN Steering Committee Member**

“Adults do not see all aspects of an issue; perhaps may be a reason why teens argue with their parents. Although teens can't vote, they still have a voice that cannot be ignored.”

- **Brent, YAN Steering Committee Social Media Chair**



Set background

Clear frame

Youth Action Network-Youth Steering Committee-pg1



How can the City better integrate youth voice?

Use "sticky notes" to share your thoughts!

Make sure to create an equal youth & adult partnership where youth are not tokenized

visulas and examples for assignments like previous projectors or in introducing new materials are very helpful.

give us a say in education. let us tell you what ways we learn best

Give them judgement-free space and time to reflect.

Youth advisory councils

avoid dismissing youth voice when we express our concerns

We can vote, like for decisions

We can do more surveys (short multiple choice ones)

have something like the San Jose Youth Commission

A Email that the youth can email at anytime to show our thoughts.

give us space to share our thoughts, don't underestimate us, treat us as adult

When new laws are created that affect youth, lawmakers should present their ideas at schools, youth groups, etc.

Proposed City of Santa Cruz Children & Youth Bill of Rights

They have **employment opportunities** with protections from unfair labor practices.

They have **freedom from mistreatment**, abuse and neglect.

They **voice opinions** in matters of interest to them, develop their **leadership capacity** and engage in their community.

They **feel supported by the larger community** and maintain a sense of hope for the future.

They are encouraged to **explore and express** their innate **curiosity** and **creativity**.

Proposed City of Santa Cruz Children & Youth Bill of Rights

They have a **healthy mind, body and spirit** that enables them to maximize their potential.

They develop a healthy attachment to a parent, guardian, or caregiver and an **ongoing relationship with a caring and supporting adult**.

They **have a safe and healthy environment**, including homes, schools, neighborhoods and communities.

They have **access to quality education** that promotes future success in school, career and life.

They **have training in life skills** that will prepare them to live independently, be self-sufficient and contribute to their community.

Putting it into action

Council and/or staff appointment and representation on a youth focused initiative.

Youth voice and involvement in City's climate action plan

Youth to be consulted on policy issues

Annual presentation to the City Council-'State of youth in Santa Cruz'

Support youth participation and leadership development through stipends

City of Santa Cruz Recommended Children & Youth's Bill of Rights	Current City Programs	Opportunities for Action	Related CORE Condition indicators (aligned with SBP indicators)
<p>1. They have a healthy mind, body and spirit that enables them to maximize their potential.</p>	<p>Santa Cruz Teen Center: The Santa Cruz Teen Center is a free, drop-in recreational facility that caters to creating a safe and diverse environment for the teen community. In addition to daily activities, the Teen Center offers homework help, special events, and overnight trips, sports, and outdoor events, along with and various group groups, and healthy cooking activities.</p> <p>Equities: Junior Beach builds confidence in the beach and ocean environment. Recreation Swims is offered at Harvey West Pool for poolgoers.</p> <p>Recreation Classes: A variety of classes for youth are offered 3 seasons a year (fall, winter/spring, and summer) including DREAM classes, soccer, skateboarding, martial arts, basketball, beach volleyball, art, theater and after school enrichment.</p> <p>Parks: Parks provide essential recreational resources used by children and youth, including 21 playgrounds, 3 skate parks, 3 disc golf courses, 1 BMX park, 3 beaches, the Harvey West Pool, athletic fields used by Santa Cruz Little League, Santa Cruz Youth Soccer, Pop Warner football.</p> <p>Deliverance Golf Course: The golf course offers free golf and tee times to the Santa Cruz, Mariposa, and Seward High School teams. Discounted golf rates to players 18 years and under (12:00 rounds in FY2023) including 50 rounds to participants in the Youth on Course program.</p>	<p>Use of Children & Youth's Bill of Rights for budget and programmatic decision making.</p>	<p>CORE Condition 1: Health & Wellness Community Impact 1: Indicators that monitor or improve health: 1a. Active living children & teens who engage in regular physical activity. 1b. Substance Abuse: teens who have used a substance. 1c. Substance Abuse: teens who have used a substance. 1d. Mental Health: Depression, anxiety, suicidality.</p>
<p>2. They develop a healthy attachment to a parent, guardian or caregiver and an ongoing relationship with a caring and supporting adult.</p>	<p>Teen and Youth programs: The Santa Cruz Teen Center, Summer Camps, Classes, and Junior Guards are programs that have participants return year after year and develop positive, supportive relationships with staff, the Teen Center being the most consistent and daily touch point. Our Junior Guard instructors provide key mentorship for participants as they move through the program.</p> <p>Field rentals: Parks and Rec provides discounted rentals to youth sports organizations (Little League, Pony League, Youth Soccer). These programs foster positive relationships with adult coaches and trainers.</p>	<p>The police department previously coordinated a PREEM program for at-risk youth in collaboration with Santa Cruz City Schools. The program focused on relationship inside the home as well as provided participants with a supportive mentor. Explore bringing this program back.</p>	<p>CORE Condition 5: Community Connectedness Community Impact 1: Connection to others 2a. Support services to those in need. 2b. Community connections.</p>
<p>3. They have a safe and healthy environment, including homes, schools, neighborhoods and communities.</p>	<p>The Santa Cruz Teen Center: is a free, drop-in recreational facility dedicated to creating a safe and diverse environment for the teen community in order to empower youth, foster creativity and provide alternative forms of education. Community open Monday-Friday, 9:00 - 8:00 pm.</p> <p>Parks: Parks provide essential, free recreational resources used by children and youth, including 21 playgrounds, 3 skate parks, 3 disc golf courses, 1 BMX park, 3 beaches.</p>	<p>Maintain a commitment to accessible and safe parks.</p>	<p>CORE Condition 7: Safe & Safe Community Community Impact 2: Individuals & Families are free from all forms of violence 2a. Personal experience with violence Community Impact 2: Neighborhoods & communities are safe 2b. Feelings of safety at school 2c. Suspected gang membership 2d. Trust in law enforcement 2e. City parks are accessible and safe for all youth CORE Condition to Safe & Affordable Housing 2f. Transition Age Youth and Unaccompanied youth homelessness 2g. Number of SFP Housing</p>
<p>4. They have access to quality education that provides future success, involved, career and life.</p>	<p>Linden Kermit Community Center offers a significantly discounted rental agreement with the County Office of Education for their alternative high school program. The high school has an exclusive use of space at the center, the students at the high school often utilize the Santa Cruz Teen Center after school.</p> <p>Parks and Recreation hosts the Museum of Natural History in Fossil Park (a joint base of City Facility) partners with the Museum on their Garden Learning Center in Fossil Park, school field trip programs at Natural Lagoon and Prunus, and the Earth Stewards</p>	<p>Continue and expand on partnerships with educational institutions including County Office of Education, Santa Cruz City Schools, California College, and UCSC.</p>	<p>CORE Condition 2: Life Long Learning & Education Community Impact 1: Educational attainment & workforce readiness 1a. High school graduation 1b. Higher education enrollment</p>

Youth Adult
Partnership

Youth Voice through
Meaningful
Participation



Youth Leadership
Development

**YOUTH
WELL-BEING**

What Does
Success
Look Like?

“Investing in youth is important to me because it affects me personally as I, myself am a youth and it would benefit my younger sisters in the future.

Thank you for prioritizing youth and investing in all of our futures.” ~Santa Cruz Youth

Recommendation to:

1. Adopt and promote the Children and Youth Bill of Rights.
2. Adopt the resolution supporting the newly formed Youth Action Network.
3. Direct the Mayor to appoint a council member and staff person to participate in the Youth Action Network.
4. Set aside \$2,000 annually for youth participation and leadership development stipends.
5. Develop metrics aligned with Health In All Policies to measure success.
6. Direct staff to return with an annual presentation outlining the “State of Youth in Santa Cruz.”



City Council AGENDA REPORT

DATE: 12/06/2021

AGENDA OF: 12/14/2021

DEPARTMENT: City Manager

SUBJECT: Resolution to Accept a \$14-million Appropriation to the City of Santa Cruz from the State General Fund for use in Addressing Homelessness and Description of the Process for Developing Recommendations on how These One-time Funds Will be Used (CM)

RECOMMENDATION: Resolution authorizing the City Manager to accept and appropriate \$14 million from the State General Fund for use in addressing homelessness and to accept a report on the process being used to develop recommendations for how these one-time funds will be used.

BACKGROUND: During the 2021 State Legislative session, Santa Cruz’s representatives, Senator John Laird and Assembly member Mark Stone were able to obtain a one-time \$14 million allocation from the State General Fund for use by the City of Santa Cruz in addressing its issues with homelessness. A part of the justification for the funding is that Santa Cruz has a higher number of persons experiencing homelessness per city resident than much larger communities such as Los Angeles, San Francisco or San Diego. This situation, along with Santa Cruz’s lack of adequate resources to site and build facilities such as a Navigation Center, a community resource that has proven to be an important element in working with those experiencing homelessness elsewhere in the state, provided further justification for this special, one-time appropriation.

Since receiving notification in September 2021 confirming the award of the funds from the State Department of Housing and Community Development’s General Fund appropriations, a significant topic of discussion has been, “What is this money going to be spent on?” Unusually, these funds do not come with State-specified conditions or direction on what the funds can and cannot be spent on, so this means that there is unusual freedom of choice in developing the answer to that question.

The funding comes at a time when considerable work involving a diverse range of community interests has been completed, and in the process a strong foundation has been laid for how these funds will be prioritized for spending. Specifically, over the last half decade, the City and County are have spent countless hours and resources working with community members and interests groups in various efforts to identify what it is going to take provide safe shelter and supportive services for those experiencing homelessness and eliminate or better mitigate negative impacts to the community that may accompany homelessness. Significant initiatives and milestones include:

- City of Santa Cruz Homelessness Coordinating Committee Recommendations, 2017
The Homelessness Coordinating Committee was authorized by the Santa Cruz City Council in April 2016 with a charge to, “cooperatively exchange information and identify actions to change homelessness in our community.” The Committee determined it would focus on responses to the circumstances and impacts of the visible, unsheltered adult homeless population, with that response informed by the All-In Plan yet tailored to solutions the City can effect in strong partnership with others. The council approved a set of recommendations in May of 2017.

- City of Santa Cruz Community Advisory Committee on Homelessness (CACH) Recommendations, 2020
In June 2019, the City Council moved to create the Community Advisory Committee on Homelessness (CACH). The volunteer members of the CACH worked diligently for a year to identify the most pressing homelessness-related issue facing our City and provide the City Council with recommendations. In August 2020, the city council accepted the committee’s final report and recommendations.

- Housing for a Healthy Santa Cruz: A Strategic Framework for Addressing Homelessness in Santa Cruz County, January 2021
The Framework is a three-year plan developed by the County of Santa Cruz Housing for Health Division in collaboration with local government agencies, nonprofit organizations, and people with lived experience. This important plan was developed based on the experience, expertise, and engagement of a broad set of community stakeholders. The Santa Cruz City Council carefully reviewed and accepted this plan in June 2020.

- Camping Services and Standards Ordinance, June 2021
Establishes standards for sheltering outdoors that are intended to be as compatible as possible with the protection and preservation of health, safety, and welfare of the inhabitants of the City of Santa Cruz. Addresses issues such as fire risk, unsanitary conditions, public safety hazards, environmental degradation, and round-the-clock privatization of public property.

- Oversized Vehicle Ordinance, November 2021
Establishes city-wide rules regulating overnight parking of recreational vehicles and other oversized vehicles and identifies approaches and services to better manage and mitigate impacts of those living in oversized vehicles due to homelessness, particularly illegal dumping of black and gray water from vehicles and accumulation of trash and other refuse surrounding parked vehicles.

Each of these efforts, along with ongoing City work to more comprehensively address and more effectively manage homelessness in our community, has resulted in identified needs for both one-time and ongoing financial commitments that heretofore the City has not been responsible for supporting at anything like the level currently understood to be required. Additionally, the list of items that have been identified over time through the various processes and initiatives described above as well as through ongoing engagement of City and County staff working on homelessness issues with entities such as the Homelessness Action Partnership, is substantially more costly than the funding available.

The scale of the resources required to acquire and operate some of the identified facilities and related infrastructure, including facilities for use as permanent shelters, and expanded access to other key infrastructure such as restrooms and shower facilities such as those provided by the Hygiene Bay on the Housing Matters campus or elsewhere as associated with shelter programs such as those at the Armory, or black water and grey water dumping stations, has been a barrier to being able to move forward with efforts to provide needed services for those experiencing homelessness. Further, recent experience and ongoing collaboration with County's Department of Human Services and Housing for Health Division, has made it clear that achieving a long-term reduction of the number of individuals experiencing homelessness in our community will require both significant one-time expenditures and ongoing funding for operating needed programs and services.

With the realistic constraints associated with one-time funds, and with the lack of adequate and necessary infrastructure to support programs and services for those experiencing homelessness, a major emphasis for the deployment of these funds will inevitably be on infrastructure acquisition. An example of this would be the purchase of real property where a Navigation Center could be built. The funds might not be adequate to actually fund the design and construction a Navigation Center, but acquisition of the property upon which it could eventually be built would position the City to pursue other funding to support further work on this kind of facility.

DISCUSSION: Given our growing recognition of the financial challenges to local governments of dealing with homelessness, the State's commitment of a \$14 million appropriation comes at an opportune moment. It is also not insignificant that through ongoing work of both parties, the City and the County currently have a clearer focus and greater shared understanding of what it is going to take to find solutions to address and better manage the complex challenges around homelessness in our community. These conditions provide an exceptional opportunity to use a collaborative process for developing a plan for deploying the \$14 million to leverage these resources to produce the greatest impact. Collaboratively developing recommendations for deploying these resources provides a unique opportunity to make these one-time resources as effective as they can be and, recognizing the immediacy of the many of the needs, the goal is to have these recommendations developed by the end of January 2022.

Further, staff from both agencies recognize an added benefit of working together on developing recommendations for the use of these one-time funds and that is that it creates a unique opportunity to create an aligned, effective and resilient partnership between the City and the County that will serve both agencies well for the many years that it will likely take to address homelessness in our community. To help achieve this goal, City and County staff have engaged a facilitator to support the process related to deploying the \$14 million with a specific goal of creating the tools and structures that will be needed by the parties to establish and maintain an effective relationship between the parties and will support their ability to work together for over the long term. Examples of these tools include conflict resolution protocols and shared guiding principles that can provide a strong foundation for working together going forward.

Part of the strategy for developing a recommended approach to deploy the \$14 million in a vehicle for City-County relationship building comes from the realization that the tensions and dysfunctions between local governments, particularly cities and their counties, is not unique to Santa Cruz. As has been experienced here, the differences between cities and counties and their roles, responsibilities and resources for addressing homelessness, presents a range of challenges

to effective management of this issue. Differing needs, priorities, and even approaches between cities and counties dealing with homelessness issues are perhaps only to be expected and, depending on local circumstances, may be more or less a problem. Given the size and characteristics of Santa Cruz County, however, the lack of alignment between City and County efforts to address homelessness presents significant challenges for both efficiency and effectiveness of our joint response. With the resource limitations for addressing homelessness that exist and are likely to continue to exist, mis-alignment here locally presents a serious threat to our community's welfare. Building and maintaining a functional and resilient relationship between the City and the County as part of the process for developing recommendations for deploying the \$14 million in one-time funds is another way to position ourselves for future success in competing for and securing the outside funding from state, federal or other philanthropic or non-governmental funders.

City and County staff recognize that a wide-range of additional interests are engaged with and interested in working collaboratively to address homelessness in our community. Entities such as the Homeless Action Partnership, non-governmental agencies such as Housing Matters, the Association of Faith Communities, the Salvation Army, and the Community Foundation of Santa Cruz County are and will continue to be important partners in this work. The work to build and provide tools for maintaining a functioning and resilient relationship between the City and County is not meant nor designed to exclude these parties. Rather, getting the foundation for a strong and functional relationship between the City and the County in place is a necessary first step that can and will be expanded to include other local jurisdictions and non-governmental partners in the future.

FISCAL IMPACT: None at this time.

Prepared/Submitted By:

Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX

RESOLUTION NO. NS-XX-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ DESIGNATING AUTHORIZED SIGNATORY FOR RECEIPT OF HOMELESS RESPONSE PROGRAM FUNDS: THE EXECUTION OF CONTRACTUAL DOCUMENTS PERTAINING TO THE CALIFORNIA GENERAL FUND DISTRIBUTION CONTRACT FOR \$14 MILLION TO THE CITY OF SANTA CRUZ FOR HOMELESS RESPONSE PROGRAM: AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOMELESS RESPONSE PROGRAM

All or a necessary quorum and majority of the City Council of the City of Santa Cruz, a California Municipal Corporation, hereby consents to, adopts and ratifies the following resolution:

WHEREAS, the State of California (the "State"), has allocated \$14 million from the General Fund to the City of Santa Cruz for Homeless Response Program through the Department of Housing and Community Development;

WHEREAS, it is necessary to appoint an authorized signatory to sign the contract for distributions of these funds; and

WHEREAS, the City Manager or Interim City Manager of the City of Santa Cruz are authorized to accept the funds on behalf of the City of Santa Cruz.

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

SECTION 1. The City Manager or Interim City Manager is hereby authorized to accept and appropriate the above referenced \$14 million in State General Fund distributions.

SECTION 2. The City Manager or Interim City Manager is further authorized to sign the contract and execute all necessary documents required for receipt of the State General Fund distributions between the State and the City of Santa Cruz.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

Rosemary Balsley

From: Judi Grunstra <judiriva@hotmail.com>
Sent: Monday, December 13, 2021 12:43 PM
To: City Council
Subject: Agenda Item 28_1 Dec 14 2021 meeting

Dear Council:

In reading about the windfall of \$14 million for the city and county to cooperate on solutions to homelessness, I must question why a brand new building have to be constructed as a Navigation Center at an estimated cost of \$14 million.

Surely you and county officials are familiar with the concept/trend of re-purposing existing buildings. And surely there are suitable existing buildings throughout the county that are far enough away from neighborhoods, schools, etc. that could be adapted to serve as a Navigation Center. The cost and time involved in new construction would seem to postpone the reality of such a Navigation Center for a decade.

Are there no suitable buildings already existing at the Emeline Campus?

Judi Grunstra



City Council AGENDA REPORT

DATE: 12/07/2021

AGENDA OF: 12/14/2021

DEPARTMENT: Finance

SUBJECT: FY 2022 Budget Appropriation of ARPA Funds (FN)

RECOMMENDATION: Resolution amending FY 2022 Budget to appropriate \$4,243,659 of American Rescue Plan Act of 2021 (ARPA) funds for Homeless Response Programs.

BACKGROUND: On March 11, 2021, President Joseph R. Biden signed the ARPA, which established the Coronavirus State Fiscal Recovery Fund and provided state and local governments with \$350 billion in additional funding. The City of Santa Cruz received its first of two equal tranches in the amount of \$7.1M, for a total allotment of \$14.2M. The second payment of \$7.1M is currently expected to be received by the City sometime in 2023.

ARPA funds are one-time-only funding and eligible uses include:

- Response to Public health emergency due to COVID-19 or its negative economic impacts, including assistance to small businesses, households, housing support and hard-hit industries such as tourism, travel and hospitality,
- Support workers performing essential work during the COVID-19 public health emergency by providing premium pay for eligible workers,
- Revenue replacement for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent fiscal year prior to the emergency,
- Investments in water, sewer, and broadband infrastructure.

Funding must be spent by the end of calendar year 2024 and cannot be deposited into any pension fund.

Over the past few months, Council has directed implementation of various new programs and services that support the City's unhoused population. On November 8, 2021, the Council received a summary of the Homeless Response Program Planning (attached) of approved but not yet funded programs and services. Included in that list are the Safe Sleeping, 24/7 Shelter and other camping; a Storage Program; and Safe Parking Program.

Homelessness is a significant issue of concern in the community, and as such, the Council directed the immediate implementation of the above listed programs. Without a defined source of revenue to offset the new costs, the one-time ARPA funds have been identified to be eligible for such use. Under the broad umbrella category of “Response to Public health emergency due to COVID-19 or its negative economic impacts,” ARPA funds may be used to support homeless support programs and services under the more defined category of “Services to Disproportionately Impacted Communities Housing Support: Services for Unhoused Persons.”

DISCUSSION: Over the past several months, the Council provided direction to work toward establishing a 150-bed safe sleeping program, a storage program for personal belongings and the development of a permitted safe parking program with capacity for 30 oversized vehicles. City staff are also recommending infrastructure improvements to the Hygiene Bay at 115 Coral Street. In addition to aligning with the City’s long-term goal of pathways to permanent housing for unhoused residents, the programs also align with the Countywide comprehensive strategy for reducing homelessness.

The Safe Sleeping or 24/7 Shelter would provide shelter and programming for 75 people at the Golflands, a previously County-operated shelter site. A 24/7 programming model provides stability to guests, which enhances utilization of services and probability of successful transitions to permanent housing. Additionally, 10 on-demand, night-only beds would be set aside for immediate emergency access by law enforcement and other service providers.

Safe Sleeping also includes two transitional camps, one located at 1220 River Street and another at a location to be determined. The sites would provide capacity for approximately 60-80 participants who choose to live communally under a set of agreed upon values and goals. These sites will be composed of tents with infrastructure for health and hygiene, as well as staff that provide oversight and facilitate connections to established outreach services.

Finally, the Benchlands Sanctioned Camp would also be considered part of this program, which would be a continuation of the existing camp location (north of the pedestrian bridge) with an ultra-low barrier option that would allow stability and access to services. It is anticipated that the addition of two transitional camps and the Golflands site will reduce the number of homeless individuals camping in the Benchlands, allowing staff to provide enhanced oversight.

Together, the umbrella Safe Sleeping program would have an estimated annual \$187,000 in start-up costs, and \$3,244,398 in ongoing costs, for an estimated total of \$3,431,398 in the first year of implementation.

The Safe Storage Program would help the unhoused secure and store their belongings, allowing them to focus greater attention on accessing programs and services. Location of storage facilities and access would be determined by the shelter location and operations. A storage program for the 24/7 program would likely be accommodated at the location of the shelter, while storage for nighttime-only shelter program would likely be located at the pick-up and drop-off locations for the transportation to and from the program.

The estimated ongoing annual operating cost would be \$40,000.

The Safe Parking Program was created with the adoption of the Oversized Vehicle Ordinance, a multi-site program that would accommodate up to 30 oversized vehicles. The program

establishes three tiers: Tier 1 would include three spaces at the Santa Cruz Police Department; Tier 2 would contain the remaining 27 spaces, to potentially include various City-owned parking lots; and Tier 3 would be a contracted service provider to provide case management and coordination to connect to support services.

Total estimated annual costs for this program include \$180,000 in start-up costs and \$868,920 in ongoing costs, for a total of \$1,048,920.

The Infrastructure Development includes improving the Hygiene Bay, part of a City-owned building at the Housing Matters campus – day services building at 115 Coral Street, and other homeless-related asset and equipment expenditures. Due to water damage and other issues, it needs a major remodel in order to be functional. This includes new walls, moisture barriers, doors, partitions, and fixtures to accommodate six showers, four toilets, one urinal, and eight sinks in the shower and toilet area. The Hygiene Bay also needs a new boiler, hot water expansion tank, and hot water pump in the existing mechanical room. Re-establishing access to these facilities addresses public health concerns and significantly decreases the spread of diseases, including the spread of COVID-19.

Estimated Infrastructure cost would be \$1,800,000.

In summary, the above outlined programs would total an estimated \$4,153,318 annually for ongoing costs, \$367,000 for start-up costs, and \$1,800,000 for infrastructure.

For FY 2022, \$4,243,659 would be appropriated to cover the estimated pro-rated annual ongoing costs, start-up costs, and infrastructure. The total amount reflected in this ARPA appropriation request differs from the total budget amount in the Homeless Response Programming Report by \$166,860 because separate funding (CDBG) has been identified for the purchase of the two Shower/Bath trailers for the Transitional Community Camps.

PROGRAM AREA	START-UP COSTS	ONGOING COSTS	TOTAL 1-YEAR COST
SAFE SLEEPING (24/7)	\$ 187,000	\$ 3,244,398	\$ 3,431,398
Armory	\$92,000.00	\$2,361,244.00	\$ 2,453,244
Staffing 3 FTEs		\$ 300,000	\$ 300,000
Transitional Community Camps (2)	\$80,000.00	\$213,716.00	\$ 293,716 *
Benchlands	\$15,000.00	\$369,438.20	\$ 384,438
SAFE PARKING	\$ 180,000	\$ 868,920	\$ 1,048,920
STORAGE PROGRAM		\$ 40,000	\$ 40,000
INFRASTRUCTURE			\$ -
Hygiene Bay	\$ 1,800,000		\$ 1,800,000
TOTAL COSTS	\$ 2,167,000	\$ 4,153,318	\$ 6,320,318
Projected Expenditures for the Remainder of FY 2021-2022			\$ 4,243,659

FISCAL IMPACT: The allocation of ARPA funds reduces reserve balance by an amount equal to the appropriated \$4,243,659. While the City can currently maintain its reserve goal of 16.67%, or three months of City operating costs, in the outgoing years starting in FY 2023, additional revenue and/or budget solutions will need to be evaluated in order to balance the budget.

Prepared By:
Lupita Alamos
Budget Manager

Submitted By:
Bobby Magee
Interim Finance Director

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

1. BUDGET ADJUSTMENT.PDF
2. 11-8-21 FYI TO COUNCIL - HOMELESS RESPONSE PROGRAM PLANNING.PDF

Council Approval

Administrative Approval

City of Santa Cruz BUDGET ADJUSTMENT REQUEST

CM/FN Use Only:

Fiscal Year:

Date:

Reso #:

BA Ref #:

Purpose:

ACCOUNT	PROJECT	REVENUE EDEN ACCOUNT TITLE	AMOUNT
TOTAL REVENUE			

ACCOUNT	PROJECT	EXPENDITURE EDEN ACCOUNT TITLE	AMOUNT
TOTAL EXPENDITURE			

NET: \$ _____

REQUESTED BY	DEPARTMENT HEAD APPROVAL	BUDGET/ACCOUNTING REVIEWED	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL



INFORMATION REPORT

DATE: November 8, 2021

TO: Mayor and City Council

DEPARTMENT: City Manager

SUBJECT: Update on Homeless Response Program Planning and Associated Costs

APPROVED:

DATE:

Introduction

This report provides an update on the City's Homeless Response program planning and development since the last report to Council on June 22, 2021. Council provided direction to work toward establishing a 150-bed safe sleeping program, a storage program for personal belongings and the development of a permitted safe parking program with capacity for 30 oversized vehicles should the anticipated adoption of an oversized vehicle ordinance occur. Staff exploration of safe sleeping and safe parking programs has emphasized implementing those practices that support the long-term goal of pathways to permanent housing for unhoused residents while also responding to the immediate health and safety impacts of homelessness within the City limits. The City's efforts also strive to align with the Countywide comprehensive strategy for reducing homelessness and the existing support services offered by the County.

Overview of Recent Events

Several recent developments have contributed to the increased dislocation of unhoused residents from established programs and encampments, leading to greater visibility of campers on City streets. In particular, the County-operated shelter program at the Armory, known as Golflands, was closed in early October, and COVID-19-centered motel programs are in the process of expiring. Additionally, vegetation management efforts along the San Lorenzo River, which are mandated by the Army Corps of Engineers, have also contributed to the dislocation of entrenched encampments along the river's edge and the levee.

The geographic and functional landscape surrounding homelessness response services has also been shifting. The preliminary safe sleeping program cost estimates provided at the adoption of the Camping Services and Standards ordinance were based on establishing basic overnight "pop-up" sites in City parking lots. This approach proved infeasible once more detailed planning began. At the same time, the Armory is unavailable to the City as an alternate location due to existing County-supported programming. The County initially indicated it would be vacating the Armory site by the end of October, so staff began pricing a safe sleeping program to be operated inside the Armory building. In a fortunate turn of events at the end of September 2021, the County decided to continue two of the three programs sited at the Armory through the end of the fiscal year. The

continuation of County programs left only the area south of the Armory building (where the Golflands program stood) for the City’s use and delayed implementation as the team shifted their focus to initiating a program at a third location. Staff is also working with the County to establish a cost-sharing agreement for current and on-going services at the Armory.

Current Program Planning & Development Efforts

Staff is continuing the planning and development of programs directed by Council and will bring additional information on these programs to the Council at an upcoming meeting. Below is a brief status update on each program.

Safe Sleeping or 24/7 Shelter: Staff has reviewed proposals from potential contractors for both overnight-only with 24/7 programming for 75 guests at the Golflands. Based on conversations with County partners and a review of best practices, staff will be recommending the 24/7 program because it provides stability to guests, which will enhance utilization of services and the probability of successful transitions to permanent housing. As envisioned, this program would also include 10 on-demand, night-only beds for immediate emergency access to shelter by law enforcement and other service providers. The program would continue in fashion similar to that of the County’s Golflands. The projected operating cost is approximately \$2.1 million per year for a nighttime-only program and approximately \$2.5 million for a 24/7 program (a 19% difference). Costs could vary with either program (24/7 or nighttime-only), depending on the potential for cost-sharing with County programs at the Armory and the different operational requirements for the storage program related to each sheltering model. One-time infrastructure cost estimates of \$90,000 reflect the purchase of tents and supplies to accommodate 75 people. Staff anticipate tents similar to those previously used at the Golflands, which provided standing room and a rigid base. The County is currently funding operations within the Armory building through the fiscal year, and they have indicated that they will vacate the building at that time. Should that occur, the City could transition its sheltering operations to inside the Armory.

Storage program: A storage program will be established to help the unhoused secure and store their belongings, allowing them to focus greater attention on accessing programs and services. The type of shelter program (24/7 versus nighttime only) would significantly influence storage programming. A storage program for a 24/7 program would likely be accommodated at the location of the shelter, while storage for a nighttime-only shelter program would likely be located at the pick-up and drop-off locations for the transportation to and from the program. The staffing costs for a storage program paired with a 24/7 shelter would likely be absorbed into the overall program costs. However, a storage program paired with a nighttime-only shelter program would require additional staffing investments, since it would be sited at the pick-up/drop-off location.

Safe Parking: Should Council move forward with the adoption of the oversized vehicle ordinance, staff would plan for a Tier 1 safe-parking for three vehicles at the Police Department, which has been previously used for this purpose. Locations for Tier 2 safe parking sites on City lots that can accommodate approximately four to six vehicles each are currently being identified and evaluated for suitability. Operating at multiple locations will increase infrastructure costs compared to a single site for 30 vehicles, but a multi-site program would be more manageable in any individual location and less likely to cause concern among residents in the surrounding neighborhoods. The development of a Tier 3 safe parking program will involve working with a contracted service provider to provide case management and coordination to connect participants to supportive services. The cost of this program can be expected to vary considerably depending upon the

vendor, the size of the program, and scope of the supportive services. The cost estimates below are preliminary and would increase for operations at multiple locations. In addition, the costs associated with an RV black water dump site and/or mobile service to empty RV black water tanks and towing service are included separately in the cost estimates. It is important to note the safe parking program estimates do not include the increased investment in police, parking, or other staff required to enforce the oversized vehicle ordinance or to direct people to the safe parking locations.

Transitional Camps: To reach the 150-bed capacity mandated by the CSSO, staff is planning for the development of two transitional camps, one located at 1220 River St. and another at a location to be determined. This will provide capacity for a total of between 60-80 participants who choose to live communally under a set of agreed upon values and goals. These sites will be composed of tents with infrastructure for health and hygiene and staff that provide oversight and help facilitate connections to established outreach services and other human services providers. While these camps are lower in cost than other shelter options, this cannot be the City’s only approach to a safe sleeping model, as this higher barrier approach is not a viable option for many in the unhoused community. Individuals in these programs will be selected for their readiness to reside and participate in the management, security, cleaning, and other functions of these camps, as well as their readiness to pursue steps that will lead them to permanent housing and self-sufficiency. These camps are transitional and are intended for temporary occupancy.

Benchlands Sanctioned Camp: Staff planning includes the continuation of the existing Benchlands camp (north of the pedestrian bridge) to provide an ultra-low barrier option that allows campers stability and access to services. As the transitional camps become operational, staff anticipates campers at the Benchlands-South moving into those locations, along with some additional campers from the Benchlands. The establishment of the transitional camps will generate additional space in the Benchlands, which, in turn, would create capacity for people to relocate from other areas within the City. With an overall reduction in the number of individuals camping in the Benchlands, staff would be able to provide enhanced oversight as compared to current conditions. Staff recognizes that the continuation of the Benchlands-North camp is not ideal for many reasons. Nevertheless, given the number of homeless individuals in the City and the need for an ultra-low barrier location where services can be provided in a central location, continuation of the Benchlands-North camp is included in the program funding list.

Preliminary Fiscal Projections

Staff is still evaluating costs, but based on preliminary information, should all of the services described above be implemented, a cost of between \$4.5 million to \$5.5 million could be anticipated in the first year. This figure includes ongoing costs of \$4.1 million to \$5 million per year, and one-time start-up costs of \$430,000 to \$500,000. The cost estimates by program area are provided in the table below.

SUBJECT: Update on Homeless Response Programming and Associated Costs
 PAGE 4

Program	Description	Start-up Costs	On-going Costs	Total Estimated Annual Costs
Safe Sleeping Program / (24/7 Program)	75 bed capacity at the Amory south lawn	\$90,000 (\$90,000)	\$2,140,000 (\$2,540,000)	\$2,230,000 (\$2,630,000)
Storage Program	Storage site(s) for unhoused	\$15,000	\$125,000	\$140,000
Benchlands Sanctioned Camp	Semi-managed camp north of the pedestrian bridge	\$20,000	\$585,000	\$605,000
RV Safe Parking Tier 1 & 2	30 overnight spots in existing City lots with security	\$15,000	\$178,000	\$193,000
RV Safe Parking Tier 3	Estimated 30 overnight spots in existing City lots with operator	\$20,000	\$360,000	\$380,000
Additional Oversized Vehicle Operational Costs Not Associated with a Specific Site	Dump site installation and staffing for one location & mobile black water service for a second location, towing, permitting	\$180,000	\$440,000	\$620,000
Transitional Camps at 1220 River & TBD Location	60-80 spots	\$90,000	\$312,000	\$402,000
Total Estimated Annual Costs for Proposed Programming (and for 24/7 Program)		\$430,000 (\$430,000)	\$4,140,000 (\$4,540,000)	\$4,570,000 (\$4,970,000)

The Council will be receiving a financial status update at its November 9, 2021 meeting. The current program planning and development efforts summarized here, along with the associated budget implications, will need to be considered within the context of the larger budget forecast for the current and future fiscal years. Some of the listed programs could have cost adjustments if those services are ultimately not needed (e.g., storage program), are not provided (e.g., mobile black water service), modified, or expanded.

Prepared by:

Reviewed by:

Larry Imwalle
 Homelessness Response Manager

Lee Butler
 Deputy City Manager

Rosemary Balsley

From: Garrett <garrettphilipp@aol.com>
Sent: Saturday, December 11, 2021 1:41 PM
To: City Council
Subject: 12/14/21 Agenda Item #28.2 ARPA homeless funds

12/14/21 Agenda Item #28.2 ARPA homeless funds

Dear Council,

ARPA funds can be used to offset a great many Covid effect losses.

While you might get away with it, most of the \$4.23 million will be going to permanent homeless programs having nothing whatsoever to do with Covid.

It's a little dishonest. That money could have just have justifiably gone elsewhere to people, business, even the government that absolutely DID sustain real losses and hardships due to Covid.

I seriously doubt the homeless are any worse off since Covid, maybe better off, other than those who got sick just like anyone else might have.

I think you have **NOT** been upfront with the people about the current plan to make the human mud pile at the benchlands permanent until further notice. I'm pretty sure they thought your homeless response ordinances would clean up the mess behind the county building.

Your last homeless update by the City Manager was buried at the bottom of the agenda and never discussed much in that respect.

So I oppose any of these funds going to that open sewer drug infested wet camp cause.

Garrett Philipp - Westside



City Council AGENDA REPORT

DATE: December 9, 2021

AGENDA OF: December 14, 2021

DEPARTMENT: City Manager's Office

SUBJECT: Homelessness Response Programming Updates, Lease with the National Guard and Contract for Services with The Salvation Army for Shelter Operations at the National Guard Armory, and Support of Grant Application for Homeless Encampment Resolution Funding in Collaboration with the County of Santa Cruz (CM)

RECOMMENDATION:

- 1) Receive recommendations regarding Council directed homeless response programs and services, including but not limited to lease and sub-lease information regarding the National Guard Armory, and provide additional direction if desired.
- 2) Authorize and direct the City Manager to execute a six-month contract, in a form approved by the City Attorney, with the Salvation Army for shelter management at the Armory in an amount not to exceed \$1,200,000.
- 3) Resolution supporting the County of Santa Cruz's grant application to the California Homeless Coordinating and Funding Council (HCFC) for funding through the Encampment Resolution Funding Program and directing staff to collaborate with the County on implementation of the work outlined in the grant.

BACKGROUND:

Over the course of this year, the City Council has provided significant ordinance and policy direction related to homelessness, with a goal of public safety, environmental protection, and pathways to housing for the unhoused. The Council has passed two new ordinances that strike a balance between offering programs and services to the unhoused, while establishing expected norms for camping and parking within the City.

The first six months of this year were spent contemplating and revising the new Camping Services and Standards Ordinance (CSSO), which was ultimately passed on June 8, 2021. The CSSO includes the creation of safe sleeping (no less than 150 beds) and storage programming. The adopted CSSO also increased the number of vehicles allowed to park overnight in religious assembly uses (from three to six vehicles) and business parking lots (from two to three vehicles), and it allows for people to occupy recreational vehicles (RVs) in a residential driveway for an unlimited period of time (where the prior limit was three days in any calendar month).

In early Fall 2021, the Council expanded its focus on oversized vehicle parking and the related challenges faced by those living in the vehicles. The Oversized Vehicle Ordinance (OSV) was passed by Council on November 9, 2021 with the inclusion of a three-tiered safe parking program. Staff were directed to begin work on tiers one and two of the program, which require the operation of a minimum 33 parking spaces.

Alongside the Council's efforts this year, City staff have been working to establish and implement the programs initiated by recent Council actions. In addition to considering the logistical elements required to open 150 beds of shelter capacity and more than 30 safe parking spots, staff have also been researching best practices and successful programs implemented by other jurisdictions. City staff has consulted with Focus Strategies, a nation-wide consulting firm focused on helping municipalities address the pressing issues of homelessness, and a Request for Qualifications (RFQ) was also issued in an effort to identify qualified organization/agencies interested in providing homeless-related services in the area. Staff has also consulted with local service providers to learn about the challenges and successes implementing similar services.

As part of the information gathering process, staff is working to engage with the greater community, both the housed and unhoused, to receive feedback on the program models and siting. Extensive public input has been received regarding the ordinances as a whole, but staff is conducting additional engagement as siting and program model specifics are finalized.

DISCUSSION:

Homeless encampments are not new to the City of Santa Cruz. The region's moderate weather and high cost of living converge with new factors such as economic instability, a global health pandemic, and a national opioid/methamphetamine epidemic to create a perfect storm. Communities up and down the West Coast are experiencing similar challenges, but Santa Cruz stands out in both the number of unsheltered individuals (per capita) and the lack of affordable housing stock within the City limits.

Over the course of the last five years, the City has had limited dedicated resources and existing policies to tackle the challenges of growing encampments. Emergency shelters/camps have been opened and closed based on site availability and resources while at the same time encampments have been closed due to health, safety, and environmental issues. The continuing cycle of opening and closing sites is not sustainable and proves detrimental to the City, the community at large, and to the unhoused. The City resources needed to close encampments and open temporary sanctioned camps is extensive – financially, environmentally, and in terms of staff morale and time. The community at large has become frustrated with what they view as limited progress in addressing these pressing issues. The experiences of large unmanaged encampments such as the "Ross" encampment and the upper San Lorenzo Park encampment have increased anxiety around the establishment of new camps and the impact of people experiencing homelessness in the City. However, the greatest negative impact of continually shifting encampments is felt by the campers themselves, many of whom endure continued trauma and further disenfranchisement.

Starting in 2019, the County and City of Santa Cruz both committed resources to create dedicated staffing positions, and in the case of the County, a dedicated department, to grapple with the issue of homelessness. These new positions were barely in place when the COVID-19 pandemic hit. Both entities rallied together to expand shelter capacity and hygiene services for

the most vulnerable members of the unhoused population. Unfortunately, funding for most of the expanded shelters is limited to when the COVID-19 state of emergency is in effect. But the creation of these shelters helped demonstrate that stability is the key to helping the most vulnerable in our community access safety-net services and move toward more long-term, stable housing.

At the federal and state level, programmatic and funding priority has long been founded on the idea that people need basic necessities like food and a stable place to stay before they are able to improve their health, reduce harmful behavior, or find a job. But these Housing First and Harm Reduction approaches alone do not create success. Case management is an essential component in accessing wraparound services and realizing the goal of maintaining stable housing. At a practical level, the Housing First approach requires housing availability, a resource that is significantly lacking in our region. But the City can still utilize the primary principle that a stable place to stay, along with case management, is a necessary condition for individuals to successfully access the kinds of services and supports required to improve their situation.

The City of Santa Cruz and broader region has been challenged to adequately address the growing challenges of homelessness due to an array of factors including an ongoing lack of:

- *Housing stock*: The County's new ReHousing Wave program is identifying more housing stock and connecting the found units with individuals who entered into their system of care during COVID-19. Although the ReHousing Wave program is currently relying on time-bound funding, this program is a great start to identifying and accessing the current available housing stock and determining the needs moving forward;
- *Case management*: Case management is currently only available to individuals already in the County's system of care. The County has recently acquired some new grant funding to support additional outreach and case management, but capacity will continue to be insufficient to provide access to case management to a significant number of individuals living in unsheltered situations. If the City desires to make headway in moving individuals out of encampments, it must invest in expanding access to existing case management services or hire case managers directly;
- *Funding*: Funding continues to be a challenge for all cities, but especially those smaller cities such as Santa Cruz that do not qualify for annual funding opportunities directly from the state and federal government. Staff regularly evaluates grants to help identify potential programmatic funding opportunities. In addition, the one-time funding allocated from the state fiscal year 2021-2022 budget is expected to help purchase necessary infrastructure, specifically an expansion of the Coral Street campus; and
- *Siting options*: Siting of homeless-related programming continues to be a huge challenge. There are few siting options within the City limits that fulfill the requirements of being accessible to wraparound support services and being far from parks, downtown, schools, and neighborhoods as the general public desires. (Parking lots on City-owned parcels represent the most cost effective and timely options available. There are many benefits of siting programs on City lots, including: easily accessible (for participants and emergency response); centrally located to services; hard surfaces that facilitate the placement of infrastructure and cleaning; and City control of the property. There are notable drawback as well, including the loss of parking revenue and the proximity to the downtown area and parks. The siting challenge has been one of the largest deterrents in the City's ability to successfully enhance homelessness response efforts. Robust public engagement and the institution of safeguards will be integral to establishing the level of public trust and acceptance needed to move forward with siting of programming.

Recommendations: Staff has developed a comprehensive list of recommendations for homeless response programming and the associated costs to support the Council-directed safe sleeping and safe parking requirements included in the CSSO and OSV ordinances. The costs provided below are estimates and may vary based on numerous factors including vendor, availability, and timing.

Safe Sleeping Program (a minimum of 150 beds)

As noted in the attached Informational Memo to Council dated November 8, 2021, based on conversations with County partners and a review of best practices, staff is recommending the operation of 24/7 programs instead of overnight only. The 24/7 model provides more stability to guests, which will enhance utilization of services and the probability of successful transitions to permanent housing. Three separate programs are proposed at this time, each designed to be outcome-based and data driven. Staff is working with the County to gain access to Homeless Management Information System (HMIS) to ensure program participants are connected to the County system of care and to integrate data collection efforts with those of the County.

Staff currently anticipates coming back to Council in early 2022 with a budget adjustment request to create three (3) new full-time equivalent (FTE) positions for encampment outreach, program referral, and oversight. These new positions will share the staffing responsibility of the two Transitional Community Camps and the Benchlands Sanctioned Camp. In addition, these proposed positions will conduct outreach to campers in encampments within the City limits to assess needs, guide individuals to the City’s safe sleeping programs, and facilitate connection to the County system of care.

Category	Description	Start-up Costs	Ongoing Costs	Annual Totals
Operations	Estimated payroll cost for 3 FTEs		\$300,000.00	\$300,000.00
	Sub Totals			\$300,000.00

Armory City Overlook: This 75 bed program will be located at the National Guard Armory property alongside the two existing County-funded emergency shelter programs (Armory and Pavilion) operated by The Salvation Army. The City program will include ten on-demand, night-only beds for immediate emergency access to shelter by law enforcement and other service providers. The Salvation Army responded to the City’s RFQ for homeless response programs this past summer, and among respondents for similar services, the Salvation Army scored the highest due to their experience both locally and nationally in shelter operations.

Staff is recommending the City contract with the Salvation Army to operate this tent-based, emergency shelter program. The attached preliminary contract for Council approval is for shelter operation from January 2022 through June 2022. The 6-month contract duration is aligned with the remainder of the fiscal year. The agreed upon scope of work includes 24-hour, 7-days a week staffing, provision of breakfast and dinner, transportation services, HMIS intake and data collection, and connection to the County continuum of care.

The County currently intends to end operation of the existing Armory program in June 2022. If the County moves forward with these plans, the City may need to adjust the contract to reflect potential changes such as utilization of the Armory building, expansion of capacity, and additional

costs for the City due to a cessation of cost-sharing with the County at the site. City staff is in the process of finalizing a new lease agreement with Cal Guard to rent the Armory site for the 2022 Calendar Year, and staff is also seeking a formal sub-lease agreement with the County. A copy of the draft lease agreement with the Cal Guard is attached for the Council’s reference. Lease costs for the property are \$140 per day, and those costs are included with the infrastructure costs for the Armory program provided in the table below.

Category	Description	Start-up Costs	Ongoing Costs	Annual Totals
Infrastructure	Tents, office, storage, hygiene, rent, and refuse	\$72,000.00	\$194,316.00	\$266,316.00
Supplies	Camping supplies and flex funds	\$20,000.00	\$24,000.00	\$44,000.00
Operations	TSA contract plus shuttle staff	\$0.00	\$2,142,928.00	\$2,142,928.00
	Totals	\$92,000.00	\$2,361,244.00	\$2,453,244.00

In addition to the potential transportation changes noted above, staff is still ironing out some of the finer details of the contract with the Salvation Army, such as food preparation protocols if occupancy is consistently less than 75 persons. As such, it is requested that the Council provide staff, in coordination with the City Attorney and Risk Manager, discretion to modify various provisions of the contract prior to finalizing it. The total cost for the six-month contract would not exceed \$1.2 million.

Transitional Community Camps: Staff recommends the opening of two separate Transitional Community Camps. The first, will be located at the City-owned 1220 River St. property and opened as soon as possible. The second will be located at an as yet undetermined location, likely a City parking lot. Each site will accommodate between 20-40 sites, for an overall capacity of between 40-80 beds. These sites will be composed of tents with infrastructure for health and hygiene. Staff will provide daily oversight and help facilitate connections to established outreach services and other human services providers. Individuals invited to participate in these Transitional Community Camps will be required to live by a standard code of conduct, volunteer a minimum of 5 hours a week in support of camp functions, attend monthly camp meetings, and participate in weekly one-on-one individual case management plan meetings with staff. The small camp design facilitates greater participant involvement, creating a greater sense of belonging and community, which we expect to contribute to better outcomes. These camps are transitional and are intended to provide stability and case management while the participants work within the County continuum of care to achieve realistic individual goals and, ideally, move into more stable shelter options. Participation will be limited to six months with the opportunity for two three-month extensions that are dependent on an individual’s progress toward defined goals.

Category	Description	Start-up Costs	Ongoing Costs	Annual Totals
Infrastructure	Hygiene, shower trailers, refuse, storage, utilities	\$166,860.00	\$112,116.00	\$278,976.00
Supplies	Camping supplies, laundry service and flex funds	\$80,000.00	\$101,600.00	\$181,600.00
	Sub Totals	\$246,860.00	\$213,716.00	\$460,576.00

Benchlands Sanctioned Camp: A sanctioned camp has been in existence in the Benchlands area of the San Lorenzo Park since early May 2021. The camp is semi-managed with two temporary Camp Stewards who work to connect campers to the County continuum of care. In addition, City police and fire staff oversee code compliance and, when appropriate, criminal enforcement. Staff recommends the continuation of the existing Benchlands camp to provide an ultra-low barrier option that allows campers stability and access to services. Staff recognizes that the continuation of the Benchlands is not ideal for many reasons. An encampment of this size limits the use of the park for other residents, generates a high volume of services calls from police and fire, and there are significant refuse costs. Nevertheless, given the number of homeless individuals in the City and the need for an ultra-low barrier location where services can be provided in a central location, continuation of the Benchlands camp is included in the staff-recommended homeless response programming. As shelter capacity is expanded at the Armory and the Transitional Community Camps, there is potential to reduce the size and scope of the existing Benchlands camp.

Category	Description	Start-up Costs	Ongoing Costs	Annual Totals
Infrastructure	Hygiene, storage, refuse		\$351,438.20	\$351,438.20
Supplies	Tents, gift cards, misc.	\$ 15,000.00	\$18,000.00	\$33,000.00
	Sub Totals	\$ 15,000.00	\$369,438.20	\$384,438.20

Safe Parking Program (Tier 1, Tier 2 and Tier 3)

With the passage of the Oversized Vehicle Ordinance, the Council directed staff to begin designing and opening a three-tiered safe parking program. Each Tier and its projected costs are described below. The costs associated with an RV black water dump site and/or mobile service to empty RV black water tanks and towing service are included separately in the cost estimates. It is important to note that these program cost estimates do not include the increased investment in police, parking, or other staff required to enforce the oversized vehicle ordinance or to direct people to the safe parking locations.

Tier 1 Emergency Safe Parking (3 spaces total): An emergency, one night only, safe-parking program will be established in the Police Department parking lot as soon as possible. Staff is in the process of developing the participation agreement and resource list as well as the placement of infrastructure (signs and hygiene services) necessary to open this Tier 1 program.

Tier 2 Multiple Safe Parking Sites (30 spaces total): The Tier 2 safe parking program will consist of multiple sites on City lots that can accommodate approximately four to six vehicles each. Siting at multiple locations will increase infrastructure costs compared to a single site for 30 vehicles, but a multi-site program would be more manageable in any individual location and less likely to cause concern among residents in the surrounding neighborhoods. These parking spots will be available on an ongoing, yet time-limited basis to individuals currently living in oversized vehicles. Staff has begun the process of seeking a Coastal Development Permit related to the implementation of the recently passed Oversized Vehicle Ordinance and the establishment of the Safe Parking Programs for those sites that may fall within the Coastal Zone, and a Zoning Administrator hearing is scheduled for December 15, 2021.

Tier 3 Operator Supported 24/7 Safe Parking Site (number of spaces TBD): As with the Safe Sleeping programming, staff recommends the Tier 3 safe parking program be a 24/7 program as opposed to overnight only. This will provide more stability to participants so they may be better able to connect to services. The development of a Tier 3 safe parking program will involve working with an outside contractor to provide case management and coordination to connect participants to supportive services. The cost of this program can be expected to vary considerably depending upon the vendor, the size of the program, and scope of the supportive services. Staff is considering one or two locations for the Tier 3 program, possibly rotating based on seasonal availability of sites.

Category	Description	Start-up Costs	Ongoing Costs	Annual Totals
Tier 1: One night only, 3 sites (site = City Lot 16)				
Infrastructure	Hygiene and refuse		\$11,000.00	
	Sub Totals		\$11,000.00	\$11,000.00
Tier 2: Overnight only, up to 30 reserved spots (site = City parking lots)				
Infrastructure	Hygiene, refuse, barriers	\$10,000.00	\$62,840.00	\$72,840.00
Supplies	Misc.		\$3,000.00	\$3,000.00
Operations	Security		\$96,360.00	\$96,360.00
	Sub Totals	\$10,000.00	\$162,200.00	\$172,200.00
Tier 3: 24/7, contractor-run, reserved spots (sites = TBD)				
Infrastructure	Hygiene, refuse, barriers	\$10,000.00	\$62,840.00	\$72,840.00
Supplies	Misc.		\$3,000.00	\$3,000.00
Operations	Contractor		\$260,000.00	\$260,000.00
	Sub Totals	\$10,000.00	\$325,840.00	\$335,840.00
Additional non-site specific costs				
	Installation of an RV dump station	\$155,000.00		\$155,000.00
	Regular RV pump service		\$269,880.00	\$269,880.00
	Permit supplies	\$5,000.00		\$5,000.00
	Towing costs		\$100,000.00	\$100,000.00

	Sub Totals	\$160,000.00	\$369,880.00	\$529,880.00
	Safe Parking Total Costs	\$180,000.00	\$868,920.00	\$1,048,920.00

Storage Program

The proposed Safe Sleeping Programs will offer storage on-site for participants. Operational staff will oversee these storage opportunities, so cost will be limited to storage materials. The CSSO also speaks to sponsoring or supporting an unsheltered persons’ storage program in the City. For this, staff recommends collaborating with existing service providers to augment their size and scope of service in order to fulfill the storage requirements of these unsheltered individuals.

Category	Description	Start-up Costs	Ongoing Costs	Annual Totals
Contractor	Augment existing programming		\$40,000	\$40,000
	Sub Totals		\$40,000	\$40,000

Encampment Resolution Grant

Staff has been coordinating with the County on encampment resolution opportunities, and staff is recommending that the Council adopt the attached resolution formally endorsing the County’s application for the Encampment Resolution Funding Program. The grant, if received, would support and improve the outcomes for two separate and related efforts that are currently underway.

First, the County has received a behavioral health grant that will help add County housing navigation and health worker outreach staff to directly engage the homeless population. Second, the City and County are working collaboratively on an upcoming “100-Day Challenge,” a goal of which is to get homeless individuals on a path to permanent housing. The Encampment Resolution Funding Program application would request flexible funds that the outreach workers could use to establish personalized plans that move homeless individuals towards and into permanent housing. Additional competitive grant application points are awarded for locations where 50 or more homeless individuals are residing. A singular location must be named, though it can be a general area, so the area of focus for the grant application will be the general San Lorenzo River area. Additionally, complementing the work for the river area, the grant application will request funding to assist the City and County in formalizing policies, protocols, and procedures for a collaborative City/County response to encampments, including a wide range of staff specialists in each organization.

Project Homekey Update

This fall, the Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for the availability of \$1.45 billion in Homekey program funding. The Homekey program funds a statewide effort to sustain and rapidly expand housing for persons experiencing homelessness or those at risk of homelessness. The Homekey program requires that the local jurisdiction apply as a co-applicant for any project that is requesting Homekey funds, and the City and County have been in conversations with potential co-applicants on a variety of projects. The City and Housing Matters/New Way Homes representatives have met with HCD regarding two potential applications.

One application that underwent formal HCD consultation is the seven-unit project at 801 River Street. The property contains a nearly 120 year old Victorian house that has been vacant for over 20 years. On November 6, 2019, the City Zoning Administrator approved the project's Design Permit and Administrative Use Permit to turn the building interior into seven apartments (two studios and five one-bedrooms). These apartments will be used as permanent supportive rental housing for individuals who have been chronically homeless and who benefit the most from being adjacent to the county medical clinic and other supportive services available across the street from the project.

Currently, only one of the project's rental units has a Low Income affordability restriction in perpetuity according to the City's Inclusionary Ordinance. The Homekey program application would require that all seven units be restricted for Extremely Low Income (30% of area median income and below) for 55 years. These deeply affordable rental units are critically needed in our community and they will help the City meet its Regional Housing Needs Assessment (RHNA) goals. As part of regular City/County coordination discussions, staff from the City and County agreed that the County is the most appropriate co-applicant for this project, and this approach has also been discussed with the applicant. The Board is expected to consider a resolution authorizing the application at their January 11, 2022 hearing.

The second potential application that the City, HCD, and co-applicants formally discussed is the 120 permanent supportive housing unit project at 119 Coral Street. This application is still preparing plans for its building permit plan check application, and it is not yet ready to apply for Project Homekey given specific timing considerations in the Homekey program requirements. As this project progresses, the City and County will coordinate with respect to the most appropriate co-applicant for the application, should such funding be available and sought.

The County is currently pursuing three other Project Homekey applications, each of which is outside of the City's jurisdiction.

FISCAL IMPACT:

The estimated costs for the above described programs and services were included in the budget update presented to Council on November 9, 2021 as well as in the Informational Memo to Council dated November 8, 2021. This report includes additional details regarding the costs for each program, as well as the financial impacts of alternative program elements and options. As noted above, these are estimates based on the information currently available and are subject to change.

The projected annual fiscal impact of all the homelessness programming detailed here is \$4.7 million. The projected current fiscal year cost is \$2.6 million. In addition to the City General Fund, staff has explored using other funding sources to support these costs including American Rescue Plan Act (ARPA), Community Development Block Grants (CDBG), as well as state and federal grants. Below is a list of potential funding sources to support the City's homeless response programs:

- The California State legislature has made a special allocation of \$14,000,000 from this year's budget to the City of Santa Cruz for homeless response programming. The specific use for these funds is in the process of being determined, in collaboration with County partners. While it is possible that some of these funds may be utilized for Safe Sleeping

and Parking programming, it is important to note that these state funds are a one-time allocation and the funding needs for these programs will be on-going.

- Recently reallocated CDBG Homeless Response Infrastructure funds will be utilized to purchase two mobile shower units for siting at the Transitional Community Camps.
- Under a related agenda item on this same Council meeting, Council will be presented with a proposal to reallocate funds from ARPA to support the programs described above during Fiscal Year 2022. That report presents Council with a potential allocation of \$4,243,659 in funding, and if approved, that would cover the entirety of the City's funding needs for the homelessness response programs outlined in this report, with the exception of \$166,860 for the purchase of two Shower/Bath trailers that would be acquired using CDBG funds. Pending discussions with the County, funding from the \$14,000,000 in state funds could be used instead of some of the ARPA funding.
- County wraparound services are required to move individuals out of emergency programs and into permanent supportive or rapid rehousing, so ongoing collaboration with the County will help reduce overall costs and ensure program success. Specific examples include:
 - Partnership with the County and the Homeless Action Partnership (HAP) to ensure that state and federal funds allocated to our region's Continuum of Care are directed to the City's needs as well as the region as a whole.
 - Co-location of County and City programming at the Armory allows for shared costs and efficiencies, reducing both City's and County's overall costs.
 - Submission of a collaborative grant application to the California Homeless Coordinating and Funding Council (HCFC) through their Encampment Resolution Funding Program.
- Staff is regularly seeking additional possible funding sources to support these Council-directed programs.

Prepared By:
Larry Imwalle
Homelessness Response
Manager

Submitted By:
Lee Butler
Deputy City Manager

Approved By:
Rosemary Menard
Interim City Manager

ATTACHMENTS:

- 1) Update on Homeless Response Program Planning and Associated Costs Informational Memorandum dated November 9, 2021
- 2) Draft Contract with The Salvation Army for Operations of a Shelter Program at the Armory
- 3) Draft Armory Lease Agreement with the National Guard
- 4) Resolution Supporting the County's Encampment Resolution Funding Program Grant Application

RESOLUTION NO. NS-29,

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ IN SUPPORT
OF THE COUNTY OF SANTA CRUZ'S ENCAMPMENT RESOLUTION FUNDING
PROGRAM APPLICATION TO CALIFORNIA HOMELESS COORDINATING AND
FINANCING COUNCIL

WHEREAS, governments at various levels across the entire country are struggling to address increasing numbers of individuals who are living without permanent housing; and

WHEREAS, a variety of factors have contributed to the situation, including but not limited to systemic inadequacy of available funding, economic factors (such as the Great Recession, economic fallout from COVID-19, and increasing housing costs), lack of mental health services, a rise in substance abuse, and a wide range of other contributing factors; and

WHEREAS, across the country, a biennial census is taken in late January that provides a baseline to understand absolute numbers and trends related to unhoused individuals. The last full (pre-COVID) count in 2019 (available at <https://housingmatterssc.org/wp-content/uploads/2019/08/2019-PIT-Count-Full-Report.pdf>) estimated approximately 1,200 unhoused individuals in the City of Santa Cruz, and an estimated 865 of those were unsheltered. The 1,200 individuals in the City represented 55 percent of the homeless population (approximately 2,170) in Santa Cruz County. For comparison, the County's population was approximately 273,200 in 2019, and the City's population was approximately 64,600 according to 2019 U.S. Census data. Thus, while the City's overall population represented less than 24 percent of the County's population, 55 percent of the County's homeless were located within the City; and

WHEREAS, the City's per capita homeless population is one of the highest rates in the state; and

WHEREAS, Under the authority of Chapter 7 of Part 1 of Division 31 of the California Health and Safety Code (sections 50250 et seq.), the Encampment Resolution Funding (ERF) Program was established to increase collaboration between the Homeless Coordinating and Financing Council (HCFC), local jurisdictions, and continuums of care to accomplish the following:

- Assist local jurisdictions in ensuring the wellness and safety of people experiencing homelessness in encampments, including their immediate physical and mental wellness and safety needs arising from unsheltered homelessness and their longer-term needs addressed through a path to safe and stable housing.
- Provide encampment resolution grants to local jurisdictions and continuums of care to support innovative and replicable efforts to resolve critical encampment concerns and to support individuals to access safe and stable housing, using Housing First approaches.
- Encourage a data-informed, coordinated approach to address unsheltered homelessness at encampments by establishing, through the encampment resolution grants, effective, scalable, and replicable demonstration projects; and

WHEREAS, HCFC released a Request for Applications (RFA) on October 29, 2021, making a total of \$47.5 million in funding statewide to be awarded amongst selected grantees through the competitive RFA process; and

WHEREAS, the ERF grants awarded through this RFA will support HCFC's mandates by funding local demonstration projects that provide services to address the immediate crisis of experiencing unsheltered homelessness in encampments, to support people living in encampments onto paths to safe and stable housing and result in sustainable restoration of public spaces to their intended uses while safeguarding the needs of unhoused people seeking shelter; and

WHEREAS, the County of Santa Cruz is an eligible applicant, and intends to submit an application in response to this Request for Applications to address unsheltered homelessness in encampments along the San Lorenzo River within the City of Santa Cruz; and

WHEREAS, the ERF application requires a demonstrated commitment to cross-systems collaboration and innovative efforts to resolve encampment issues, while focusing on protecting the health and well-being of the individuals living in those encampments; and

WHEREAS, the City is committed to working collaboratively with the County on not only assisting those individuals currently experiencing homelessness to find safe and stable housing but also on establishing protocols and procedures that the City and County can follow in a collective effort to address current and future encampments; and

WHEREAS, the County's application for the HCFC grant would provide funds to support said collaboration and would provide flexible funds that outreach workers could use to establish personalized plans that will aid the successful movement of homeless individuals towards and into permanent housing.

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

The City fully supports the County of Santa Cruz's grant application to the California Homeless Coordinating and Funding Council for funding through the Encampment Resolution Funding Program, and certifies, should an award be made to the County of Santa Cruz, the City will direct staff to collaborate on the implementation of the work outlined in the grant as necessary to ensure accomplishment of the goals and objectives of grant.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator



INFORMATION REPORT

DATE: November 8, 2021

TO: Mayor and City Council
DEPARTMENT: City Manager
SUBJECT: Update on Homeless Response Program Planning and Associated Costs

APPROVED:

DATE:

Introduction

This report provides an update on the City's Homeless Response program planning and development since the last report to Council on June 22, 2021. Council provided direction to work toward establishing a 150-bed safe sleeping program, a storage program for personal belongings and the development of a permitted safe parking program with capacity for 30 oversized vehicles should the anticipated adoption of an oversized vehicle ordinance occur. Staff exploration of safe sleeping and safe parking programs has emphasized implementing those practices that support the long-term goal of pathways to permanent housing for unhoused residents while also responding to the immediate health and safety impacts of homelessness within the City limits. The City's efforts also strive to align with the Countywide comprehensive strategy for reducing homelessness and the existing support services offered by the County.

Overview of Recent Events

Several recent developments have contributed to the increased dislocation of unhoused residents from established programs and encampments, leading to greater visibility of campers on City streets. In particular, the County-operated shelter program at the Armory, known as Golflands, was closed in early October, and COVID-19-centered motel programs are in the process of expiring. Additionally, vegetation management efforts along the San Lorenzo River, which are mandated by the Army Corps of Engineers, have also contributed to the dislocation of entrenched encampments along the river's edge and the levee.

The geographic and functional landscape surrounding homelessness response services has also been shifting. The preliminary safe sleeping program cost estimates provided at the adoption of the Camping Services and Standards ordinance were based on establishing basic overnight "pop-up" sites in City parking lots. This approach proved inviable once more detailed planning began. At the same time, the Armory is unavailable to the City as an alternate location due to existing County-supported programming. The County initially indicated it would be vacating the Armory site by the end of October, so staff began pricing a safe sleeping program to be operated inside the Armory building. In a fortunate turn of events at the end of September 2021, the County decided to continue two of the three programs sited at the Armory through the end of the fiscal year. The

continuation of County programs left only the area south of the Armory building (where the Golflands program stood) for the City's use and delayed implementation as the team shifted their focus to initiating a program at a third location. Staff is also working with the County to establish a cost-sharing agreement for current and on-going services at the Armory.

Current Program Planning & Development Efforts

Staff is continuing the planning and development of programs directed by Council and will bring additional information on these programs to the Council at an upcoming meeting. Below is a brief status update on each program.

Safe Sleeping or 24/7 Shelter: Staff has reviewed proposals from potential contractors for both overnight-only with 24/7 programming for 75 guests at the Golflands. Based on conversations with County partners and a review of best practices, staff will be recommending the 24/7 program because it provides stability to guests, which will enhance utilization of services and the probability of successful transitions to permanent housing. As envisioned, this program would also include 10 on-demand, night-only beds for immediate emergency access to shelter by law enforcement and other service providers. The program would continue in fashion similar to that of the County's Golflands. The projected operating cost is approximately \$2.1 million per year for a nighttime-only program and approximately \$2.5 million for a 24/7 program (a 19% difference). Costs could vary with either program (24/7 or nighttime-only), depending on the potential for cost-sharing with County programs at the Armory and the different operational requirements for the storage program related to each sheltering model. One-time infrastructure cost estimates of \$90,000 reflect the purchase of tents and supplies to accommodate 75 people. Staff anticipate tents similar to those previously used at the Golflands, which provided standing room and a rigid base. The County is currently funding operations within the Armory building through the fiscal year, and they have indicated that they will vacate the building at that time. Should that occur, the City could transition its sheltering operations to inside the Armory.

Storage program: A storage program will be established to help the unhoused secure and store their belongings, allowing them to focus greater attention on accessing programs and services. The type of shelter program (24/7 versus nighttime only) would significantly influence storage programming. A storage program for a 24/7 program would likely be accommodated at the location of the shelter, while storage for a nighttime-only shelter program would likely be located at the pick-up and drop-off locations for the transportation to and from the program. The staffing costs for a storage program paired with a 24/7 shelter would likely be absorbed into the overall program costs. However, a storage program paired with a nighttime-only shelter program would require additional staffing investments, since it would be sited at the pick-up/drop-off location.

Safe Parking: Should Council move forward with the adoption of the oversized vehicle ordinance, staff would plan for a Tier 1 safe-parking for three vehicles at the Police Department, which has been previously used for this purpose. Locations for Tier 2 safe parking sites on City lots that can accommodate approximately four to six vehicles each are currently being identified and evaluated for suitability. Operating at multiple locations will increase infrastructure costs compared to a single site for 30 vehicles, but a multi-site program would be more manageable in any individual location and less likely to cause concern among residents in the surrounding neighborhoods. The development of a Tier 3 safe parking program will involve working with a contracted service provider to provide case management and coordination to connect participants to supportive services. The cost of this program can be expected to vary considerably depending upon the

vendor, the size of the program, and scope of the supportive services. The cost estimates below are preliminary and would increase for operations at multiple locations. In addition, the costs associated with an RV black water dump site and/or mobile service to empty RV black water tanks and towing service are included separately in the cost estimates. It is important to note the safe parking program estimates do not include the increased investment in police, parking, or other staff required to enforce the oversized vehicle ordinance or to direct people to the safe parking locations.

Transitional Camps: To reach the 150-bed capacity mandated by the CSSO, staff is planning for the development of two transitional camps, one located at 1220 River St. and another at a location to be determined. This will provide capacity for a total of between 60-80 participants who choose to live communally under a set of agreed upon values and goals. These sites will be composed of tents with infrastructure for health and hygiene and staff that provide oversight and help facilitate connections to established outreach services and other human services providers. While these camps are lower in cost than other shelter options, this cannot be the City's only approach to a safe sleeping model, as this higher barrier approach is not a viable option for many in the unhoused community. Individuals in these programs will be selected for their readiness to reside and participate in the management, security, cleaning, and other functions of these camps, as well as their readiness to pursue steps that will lead them to permanent housing and self-sufficiency. These camps are transitional and are intended for temporary occupancy.

Benchlands Sanctioned Camp: Staff planning includes the continuation of the existing Benchlands camp (north of the pedestrian bridge) to provide an ultra-low barrier option that allows campers stability and access to services. As the transitional camps become operational, staff anticipates campers at the Benchlands-South moving into those locations, along with some additional campers from the Benchlands. The establishment of the transitional camps will generate additional space in the Benchlands, which, in turn, would create capacity for people to relocate from other areas within the City. With an overall reduction in the number of individuals camping in the Benchlands, staff would be able to provide enhanced oversight as compared to current conditions. Staff recognizes that the continuation of the Benchlands-North camp is not ideal for many reasons. Nevertheless, given the number of homeless individuals in the City and the need for an ultra-low barrier location where services can be provided in a central location, continuation of the Benchlands-North camp is included in the program funding list.

Preliminary Fiscal Projections

Staff is still evaluating costs, but based on preliminary information, should all of the services described above be implemented, a cost of between \$4.5 million to \$5.5 million could be anticipated in the first year. This figure includes ongoing costs of \$4.1 million to \$5 million per year, and one-time start-up costs of \$430,000 to \$500,000. The cost estimates by program area are provided in the table below.

SUBJECT: Update on Homeless Response Programming and Associated Costs

PAGE 4

Program	Description	Start-up Costs	On-going Costs	Total Estimated Annual Costs
Safe Sleeping Program / (24/7 Program)	75 bed capacity at the Amory south lawn	\$90,000 (\$90,000)	\$2,140,000 (\$2,540,000)	\$2,230,000 (\$2,630,000)
Storage Program	Storage site(s) for unhoused	\$15,000	\$125,000	\$140,000
Benchlands Sanctioned Camp	Semi-managed camp north of the pedestrian bridge	\$20,000	\$585,000	\$605,000
RV Safe Parking Tier 1 & 2	30 overnight spots in existing City lots with security	\$15,000	\$178,000	\$193,000
RV Safe Parking Tier 3	Estimated 30 overnight spots in existing City lots with operator	\$20,000	\$360,000	\$380,000
Additional Oversized Vehicle Operational Costs Not Associated with a Specific Site	Dump site installation and staffing for one location & mobile black water service for a second location, towing, permitting	\$180,000	\$440,000	\$620,000
Transitional Camps at 1220 River & TBD Location	60-80 spots	\$90,000	\$312,000	\$402,000
Total Estimated Annual Costs for Proposed Programming (and for 24/7 Program)		\$430,000 (\$430,000)	\$4,140,000 (\$4,540,000)	\$4,570,000 (\$4,970,000)

The Council will be receiving a financial status update at its November 9, 2021 meeting. The current program planning and development efforts summarized here, along with the associated budget implications, will need to be considered within the context of the larger budget forecast for the current and future fiscal years. Some of the listed programs could have cost adjustments if those services are ultimately not needed (e.g., storage program), are not provided (e.g., mobile black water service), modified, or expanded.

Prepared by:

Reviewed by:

Larry Imwalle
Homelessness Response Manager

Lee Butler
Deputy City Manager

PROFESSIONAL SERVICES AGREEMENT FOR
SAFE SLEEPING PROGRAM OPERATION AND MANAGEMENT AT THE ARMORY

THIS AGREEMENT for professional services is made by and between the City of Santa Cruz (“City”) and the The Salvation Army, a California Corporation (“Contractor”) (referred to individually as a “Party” and collectively, as the “Parties”) for the term beginning January 1, 2022 (the “Effective Date”), and ending on June 30, 2022.

NOW, THEREFORE, in consideration of each other’s mutual promises, the Parties hereto agree as follows:

SECTION 1: SCOPE OF WORK

Contractor will furnish services as defined and described in the Scope of Work, attached hereto as Exhibit A and incorporated herein.

SECTION 2: RESPONSIBILITIES OF CONTRACTOR

All work performed by Contractor, or under Contractor’s direction, shall be rendered in accordance with the generally accepted practices, and to the standards of, Contractor's profession. Contractor represents and warrants that Contractor: (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.

Contractor 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 Contractor by City on the same basis as provided for in Section 4.

If, in performing the work, it is necessary to conduct field operations, security and safety of the job site will be the Contractor's responsibility excluding, the security and safety of any facility of City within the job site which is not under the Contractor's control.

Contractor shall meet with Lee Butler, Deputy City Manager, hereinafter called “Director;” Larry Imwalle, Homelessness Response Manager, hereinafter called "Manager"; or other designated and authorized City personnel, or third parties as necessary, on all matters connected with carrying out of Contractor’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. Review, approval, or acceptance of Contractor’s work by City or others shall not relieve Contractor from responsibility for errors and omissions in Contractor’s work.

SECTION 3: RESPONSIBILITIES OF THE CITY

City shall make available to Contractor all necessary data and information in the City's possession and shall actively assist Contractor in obtaining such information from other agencies and individuals as needed. Contractor is entitled to reasonably rely upon the accuracy and completeness of such data and information, provided that Contractor shall provide City prompt written notice of any known defects in such data and information.

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, provided that such approval will not be unreasonably withheld or delayed. If the work is not acceptable, City will inform Contractor of the changes or revisions necessary to secure approval.

SECTION 4: FEES AND PAYMENT

For services actually performed, the City will compensate Contractor at the rates set forth in the **Fee Schedule** detailed in **Exhibit B** and in accordance with the terms set forth therein. Payment for Contractor'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 Contractor in the Scope of Work.

Contractor agrees that the payments to Contractor specified in this Section 4 will constitute full and complete compensation for all obligations assumed by Contractor 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 only 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 **\$1,071,561** 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. Unless otherwise specified in the fee schedule, payments shall be made monthly by the City within 30 days based on itemized invoices from the Contractor which list the actual costs and expenses.

All invoices shall contain the following affidavit signed by Contractor (if individual) or by a principal of Contractor's firm (if Contractor is an entity):

"I hereby certify [or as principal of Contractor] 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

The City shall not be responsible for any travel, meal, or lodging reimbursements to Contractor and/or Contractor's employees.

SECTION 6: CHANGES IN WORK

The City, in its sole discretion, reserves the right with notice of 30 days, to order reductions in the scope of services. No changes in the Scope of Work shall be made without the written approval of City and Contractor. 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

The term of this Agreement shall be on the effective date of this Agreement and terminating on June 30, 2022. It is expressly understood by the Parties hereto that this Agreement and its commencement is dependent and conditioned upon the execution and grant of a License Agreement ("License") to the City from the California Military Department (the "State") for use of the Santa Cruz Armory located at 301 Armory Rd., Santa Cruz, CA 95065-2101; and in the event that said License is not executed, this Agreement will not go into effect and the City incurs no responsibilities or liabilities under this Agreement.

Contractor shall begin work as specified once a written authorization to perform services under this Agreement has been issued by the City, after said License has been granted by the State to the City and this Agreement has been approved and authorized by the City.

Neither party will be held responsible for delay or default caused by declared emergencies, natural disasters, or any Force Majeure event which is beyond the party's reasonable control. Contractor 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) and/or services covered by this Agreement from another source during any on-going suspension of service due to the circumstances outlined above.

SECTION 8: TERMINATION

The City may terminate the Agreement for convenience by providing written notice to Contractor not less than 30 calendar days prior to an effective termination date. However, this Agreement shall terminate immediately upon any termination of the License for any reason whatsoever, without any liability upon the City, its officials, officers, and employees.

The City or Contractor may terminate the Agreement for cause by providing written notice to the other party not less than 30 calendar days prior to an effective termination date.

The City may, at its option, allow Contractor to cure its failure to perform within 15 business days (or longer period authorized in writing by the City) from the date of the City's termination notice. The termination shall become effective if Contractor has not cured within such time period to the City's satisfaction.

Contractor may terminate this Agreement for cause if the City fails to cure a material default in performance within a period of 30 calendar days (or such longer period agreed to by the Contractor), from date of the Contractor's written termination notice specifying the default in performance.

Upon notice of termination by either the City or Contractor, the Contractor will immediately act to not incur any additional obligations, costs or expenses, except as may be reasonably necessary to terminate its activities. The City's only obligation to the Contractor 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 less any amounts withheld. All finished or unfinished work or documents procured or produced under the Agreement will become property of the City upon the termination date. In the event of Contractor's failure to perform pursuant to the Agreement, the City reserves the right to obtain services elsewhere and Contractor will be liable for the difference between the prices set forth in the terminated Agreement and the actual cost to the City. Termination of the Agreement pursuant to this paragraph shall not relieve the Contractor of any liability to City for additional costs, expenses, or damages sustained by City due to failure of the Contractor to perform pursuant to the Agreement. City may withhold any payments to Contractor for the purpose of set-off until such time as the exact amount of damages due City from Contractor is determined. After the effective date of termination, Contractor will have no further claims against the City under the Agreement. No other compensation will be payable for anticipated profit on unperformed services.

SECTION 9: INSURANCE

Prior to the beginning of and throughout the duration of the Agreement, Contractor will maintain and comply with the **Insurance Requirements** as set forth in **Exhibit D**. Contractor 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. The insurance coverages required shall not in any way limit the liability of the Contractor.

SECTION 10: INDEMNIFICATION

Contractor agrees, to the fullest extent permitted by law, to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents, and volunteers (collectively, "Indemnitees") from and against any and all liability, claim, action, loss, injury, damage, judgment, or expense, including attorneys' fees and costs ("Losses") caused by or resulting from the negligence, recklessness, or willful misconduct of Contractor, Contractor's officers, employees, agents, or subcontractors in any way related to this Agreement. Contractor's duty to indemnify and hold harmless Indemnitees shall not apply to the extent such Losses are caused by the sole or active negligence or willful misconduct of Indemnitees, as determined by an adjudicatory body or court of competent jurisdiction. The obligation to defend shall arise regardless of any claim or assertion that Indemnitees caused or contributed to the Losses.

In the event this Agreement involves the performance of design professional services by Contractor, Contractor's officers, employees, agents, or subcontractors, Contractor's costs to defend Indemnitees shall not exceed the Contractor's proportionate percentage of fault per Civil Code §2782.8. This section shall survive the termination or expiration of this Agreement.

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 Contractor to comply with all applicable Federal and State and local equal employment opportunity laws and regulations, and Contractor is responsible for ensuring that effective policies and procedures concerning the prevention of abusive conduct, discrimination, harassment, and retaliation exist in Contractor'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 Contractor 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 Contractor. Contractor acknowledges that no such amendment shall be effective until approved and authorized by the City's authorized representative. 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 City Manager, Director, or their designee. Unless expressly authorized by the City Manager or Director, Contractor's compensation shall be limited to that set forth in Exhibit B, Fee Schedule.

SECTION 14: MISCELLANEOUS PROVISIONS

1. Director and Assistant Director. Director reserves the right to approve the Director and Assistant Director assigned by Contractor to said work. No change in assignment may occur without prior written approval of the City.

2. Contractor Services Only. Contractor is employed to render professional services only and any payments made to Contractor are compensation solely for such professional services.
3. Independent Contractor. In the performance of this Agreement, it is expressly understood that Contractor, including each of Contractor's employees, agents, subcontractors or others under Contractor's supervision or control, is an independent contractor solely responsible for its own acts and omissions, and shall not be considered an employee of the City for any purpose. Contractor agrees to comply with AB5, codified at Labor Code section 2750.3, and shall indemnify, defend and hold harmless the City, its officials, officers, employees, and agents against any claim or liability, including attorneys' fees and costs, arising in any manner related to this Agreement that an employee, agent or others under Contractor's supervision or control was misclassified.
4. Contractor Not an Agent. Except as City may specify in writing, Contractor shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Contractor shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.
5. Subcontractors. Contractor shall obtain prior approval of the City prior to subcontracting of any work pursuant to this Agreement. If at any time, the City determines any subcontractor is incompetent or unqualified, Contractor will be notified and will be expected to immediately cancel the subcontract. Contractor shall require and verify that all subcontractors maintain insurance meeting all of the requirements stated herein, including naming the City of Santa Cruz, its officers, officials, employees, agents, and volunteers as additional insureds. Any modification to the insurance requirements for subcontractors must be agreed to by the City in writing.
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. Contractor owes City a duty of undivided loyalty in performing the work and services under this Agreement. Contractor covenants (on behalf of Contractor and Contractor's employees, agents, representatives, and subcontractors) that there is no direct or indirect interest, financial or otherwise, which would conflict in any manner or degree with the performance of services required under this Agreement. Contractor acknowledges and agrees to comply with applicable provisions of conflict of interest law and regulations, including the Political Reform Act, Section 1090 of the Government Code, and the City's conflict of interest code. Contractor will immediately advise City if Contractor learns of a conflicting financial interest of Contractor during the term of this Agreement.
8. City Property. The work, or any portion, of Contractor in performing this Agreement shall become the property of City. The Contractor may be permitted to retain copies of such work for information and reference in connection only with the provision of services for the City. 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. Unless otherwise provided herein, Contractor 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 Contractor 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 Contractor on other projects or disclosed to any third party, except by agreement in writing by the City, or except as otherwise provided herein.
9. Intellectual Property and Indemnity. Contractor represents to City that, to the best of Contractor's knowledge, any Intellectual Property (including but not limited to: patent, patent application, trade secret, copyright and any applications or right to apply for registration, computer software programs or applications, tangible or intangible proprietary information, or any other intellectual property right) in connection with any services and/or products

related to this Agreement does not violate or infringe upon any Intellectual Property rights of any other person or entity.

To the fullest extent permitted by law, Contractor agrees to indemnify, defend, and hold harmless City, its officials, officers, employees, and agents, from any and all claims, demands, actions, liabilities, damages, or expenses (including reasonable attorneys' fees and costs) arising out of a claim of infringement, actual or alleged, direct or contributory, of any Intellectual Property rights in any way related to Contractor's performance under this Agreement or to the City's authorized intended or actual use of Contractor's product or service under this Agreement. This provision shall survive termination or expiration of this Agreement.

If any product or service becomes, or in the Contractor's opinion is likely to become, the subject of a claim of infringement, the Contractor shall, at its sole expense: (i) provide the City the right to continue using the product or service; or (ii) replace or modify the product or service so that it becomes non-infringing; or (iii) if none of the foregoing alternatives are possible even after Contractor's commercially reasonable efforts, in addition to other available legal remedies, City will have the right to return the product or service and receive a full or partial refund of an amount equal to the value of the returned product or service, less the unpaid portion of the purchase price and any other amounts, which may be due to the Contractor. City shall have the right to retrieve its data and proprietary information at no charge prior to any return of the product or termination of service.

10. Confidentiality.

- a. Contractor shall not acquire any ownership interest in data and information ("City Data") received by Contractor from City, which shall remain the property of the City. Certain information may be considered confidential ("Confidential Information"). Confidential Information shall mean all non-public information or proprietary materials (in every form and media) disclosed or made available directly or indirectly through any means of communication, either verbally or in writing, to Contractor in connection with this Agreement. Unless otherwise required by law, Contractor shall not, without City's written permission, use or disclose City Data and/or Confidential Information other than in the performance of the obligations under this Agreement. As between Contractor and City, all City Confidential Information shall remain the property of the City. Contractor shall not acquire ownership interest in the City's Confidential Information.
- b. Contractor shall be responsible for ensuring and maintaining the security and confidentiality of City Data and Confidential Information, protect against any anticipated threats or hazards to the security or integrity of City Data and Confidential Information, protect against unauthorized access to or use of City Data and Confidential Information that could result in substantial harm or inconvenience to City or any end users; and ensure the proper return and/or disposal of City Data and Confidential Information upon termination of this Agreement with notice to the City.
- c. Contractor shall take appropriate action to address any incident of unauthorized access to City Data and Confidential Information, including addressing and/or remedying the issue that resulted in such unauthorized access, notifying City as soon as possible of any incident of unauthorized access to City Data and Confidential Information, or any other breach in Contractor's security that materially affects City or end users; and be responsible for ensuring compliance by its officers, employees, agents, and subcontractors with the confidentiality provisions hereof. Should confidential and/or legally protected City Data be divulged to unauthorized third parties, Contractor shall comply with all applicable federal and state laws and regulations, including but not limited to California Civil Code sections 1798.29 and 1798.82 at Contractor's sole expense. Contractor shall not charge City for any expenses associated with Contractor's compliance with these obligations.

- d. Contractor shall defend, indemnify and hold harmless City, its officials, officers, employees and agents against any claim, liability, loss, injury or damage (including attorneys' fee and costs) arising out of, or in connection with, the unauthorized use, access, and/or disclosure of City Data and/or Confidential Information by Contractor and/or its agents, employees or sub-contractors, excepting only loss, injury or damage caused by the sole negligence or willful misconduct of the City. This provision shall survive the termination or expiration of this Agreement.
11. Contractor's Records. Contractor shall maintain accurate accounting records and other written documentation pertaining to the costs incurred relating to this Agreement for examination and audit by the City, State, or federal government, as applicable, during the period of this Agreement, and for a period of at least five years from the date of the final City payment for Contractor's services, unless otherwise stated herein. If Contractor engages a subcontractor to perform work related to this Agreement with a cost of \$10,000 or more over a 12 month period, such subcontract shall contain these same requirements. This provision shall survive the termination of this Agreement.
12. California Public Records Act. City is a public agency subject to the disclosure requirements of the California Public Records Act ("CPRA"). If Contractor's proprietary information is contained in documents or information submitted to City, and Contractor claims that such information falls within one or more CPRA exemptions, Contractor must clearly mark such information "Confidential and Proprietary," and identify the specific lines containing the information. In the event of a request for such information, City will make best efforts to provide notice to Contractor prior to such disclosure. If Contractor contends that any documents are exempt from the CPRA and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief or other appropriate remedy from a court of law in Santa Cruz County before the City is required to respond to the CPRA request. If Contractor fails to obtain such remedy within the time the City is required to respond to the CPRA request, City may disclose the requested information without any liability to Contractor. Contractor further agrees that it shall defend, indemnify and hold City harmless against any claim, action or litigation (including but not limited to all judgments, costs, and attorney's fees) that may result from denial by City of a CPRA request for information arising from any representation, or any action (or inaction), by the Contractor.
13. Compliance with Laws. All activities of Contractor, its employees, subcontractors and/or agents will be carried out in compliance with all applicable federal, state, and local laws and regulations.
14. Licensure. Contractor warrants that Contractor, 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:
- Contractor, its subcontractor(s) and agent(s) or its business is/are located in the City of Santa Cruz;
 - Will perform actual 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.
15. 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. If applicable, Contractor agrees to comply with the requirements of the Living Wage ordinance as provided in Santa Cruz Municipal Code Chapter 5.10.
16. Prevailing Wages for Public Work. To the extent that the work or services to be performed under this Agreement may be considered a "public work" (construction, alteration, demolition, or repair work) pursuant and subject to Labor Code section 1720 *et seq.*, Contractor (and any subcontractor performing the work or services) shall conform to any and all prevailing wage requirements applicable to such work/and or services under this Agreement. Contractor (and any subcontractor) 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. (CA Labor Code sections 1720, 1774 and 1782.) To the extent applicable to the scope of work and services under this Agreement, Contractor agrees to be bound by the state prevailing wage requirements, 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), Contractor 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. Contractor shall maintain and make available payroll and worker records in accordance with Labor Code sections 1776 and 1812;
 - c. If Contractor employs (and/or is legally required to employ) apprentices in performing the work and/or services under this Agreement, Contractor shall ensure compliance with Labor Code section 1777.5;
 - d. Contractor 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. Contractor shall post a copy of the applicable wage rates at each jobsite at a location readily available to its workers.
 - f. Any failure of Contractor and/or its subcontractor 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 Contractor. Contractor on behalf of itself and any subcontractor, 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 Contractor and any subcontractor to pay prevailing wages or to otherwise comply with the requirements of prevailing wage law relating to a public work.
 - g. Contractor acknowledges that it and/or any sub-contractor may not 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)].
17. Storm Water Requirements. To the extent applicable to the Scope of Work under this Agreement, Contractor, Contractor's employees, subcontractors, and agents 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: <https://www.cityofsantacruz.com/government/city-departments/public-works/stormwater/best-management-practices>
18. 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), but without waiving the requirements of the California Tort Claims Act, Gov't Code section 800 et seq. unless otherwise agreed to by the Parties.

19. 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 is prevented or delayed by an act of God, natural disaster, pandemic, acts of terrorism, war, or other peril, which is beyond the reasonable control of the affected party and without the negligence of the respective Parties. 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. Each Party 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. In the event either party is prevented or delayed in the performance of its respective obligation by reason of such Force Majeure, the only remedy is that there may be an equitable adjustment of the schedule based on City's sole discretion.
20. 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. Unless otherwise stated, to the extent there is any conflict between this Agreement and any other agreement (written or oral), the terms of this Agreement shall control.
21. Severability. The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the other provisions unenforceable, invalid or illegal.
22. Waiver. Waiver by any party of any portion of this Agreement shall not constitute a waiver of the same or any other portion hereof.
23. Governing Law. This Agreement shall be governed by and interpreted in accordance with California law.
24. 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.
25. 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.
26. Notices. If either party shall desire or is required to give notice to the other such notice shall be given in writing, via email and concurrently delivered by overnight Federal Express [or priority U.S. Mail], addressed to recipient as follows:

To CITY:
 City Manager's Office
 Lee Butler, Deputy City Manager
 809 Center St., Rm 207
 Santa Cruz, CA 95060

To CONTRACTOR:
 The Salvation Army
 Major Marcos Marquez
 721 Laurel St.
 Santa Cruz, CA 95060

lbutler@cityofsantacruz.com
831-420-5416

marcos.marquez@usw.salvationarmy.org
831-426-8365

Changes to the above information shall be given to the other party in writing ten (10) business days before the change is effective.

27. 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.
28. 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.

[SIGNATURES ON FOLLOWING PAGE]

Approved As To Form:

By: _____ Date: _____

Office of the City Attorney

THE SALVATION ARMY

By: _____ Date: _____

Printed: _____ Title: _____

CITY OF SANTA CRUZ

By: _____ Date: _____

City Manager

EXHIBIT A: SCOPE OF WORK

SCOPE OF WORK OVERVIEW

The City of Santa Cruz (CITY) is entering into a contract with The Salvation Army, A California Corporation (CONTRACTOR), to provide emergency shelter services for unsheltered individuals experiencing homelessness.

CONTRACTOR shall provide 24-hour emergency shelter services, 7 days per week, located at 301 Armory Road in Santa Cruz. Shelter services shall include use of the Armory south lawn with a capacity for 75 beds. Within the in the 75 bed total capacity, 10 beds will be reserved for on-demand, night-only beds for immediate emergency access to shelter by law enforcement and other service providers. Services will include healthy, safe, and secure sleeping quarters; nutritious meals; access to bathroom and shower amenities; and permanent housing exit-focused linkages and referral services.

In support of shelter-in-place (SIP) strategies to address COVID-19, CONTRACTOR shall allow all participants to remain on-site during each day, seven days a week. SIP services shall adhere to the County’s COVID-19 prevention and containment protocols.

PERFORMANCE MEASUREMENTS

What Services Will Be Provided?	How Well Will Services Be Provided?	What Change Will Result?
<p>A minimum of 75 unduplicated individuals will receive shelter services per night during the contract period.</p>	<p>To be determined % of enrolled individuals shall have a SMART PATH assessment completed with an entry into the community queue within 14 days of program enrollment.</p> <p><i>Data Collection Tools:</i> Monthly client reports & Homelessness Management Information System (HMIS)</p>	<p>To be determined % of shelter participants will exit homelessness to a permanent housing destination within 6 months</p> <p><i>Data Collection Tool:</i> HMIS</p>

SERVICE PRINCIPLES

CONTRACTOR shall ensure the program adheres to Housing First, Trauma Informed Care, and Harm Reduction principles:

HOUSING FIRST

- CONTRACTOR shall conduct all emergency sheltering activities in adherence with the Core Components of Housing First, pursuant to State Welfare and Institution Code Section 8255(b).
- There are no requirements for sobriety, income, adherence to substance use treatment, mental health treatment, and/or participation in case management in order to receive shelter services. The focus is on shelter as a step towards permanent housing. CONTRACTOR shall work to ensure addiction and mental health issues do not become barriers to participation in the program, and that referrals are given to recovery providers for those that wish to seek help in confronting their behavioral health challenges.

TRAUMA INFORMED CARE (TIC)

1. TIC in a shelter is important because individuals currently experiencing homelessness are more likely to have experienced traumatic incidents in their lifetime than people in the general population. CONTRACTOR response to behavioral incidents shall be guided by TIC principles and practice.

HARM REDUCTION

CONTRACTOR shall not mandate abstinence from drugs and alcohol or require treatment for mental health symptoms or substance use as a requirement for program eligibility. Responses to participant situations focus on behaviors related to the health and safety of the individual, other participants and staff in the shelter, and the intent is to keep someone in shelter safely while also ensuring the safety of staff and other shelter participants. Exits due to behavior are reserved for only the most severe incidents or when there are multiple incidents that continue to jeopardize the health and safety of participants and staff.

All harm reduction principles contained in this AGREEMENT are subject to the following: CONTRACTOR shall not permit any alcoholic beverage and/or illicit substances to be offered for sale, stored, given away or otherwise disposed or consumed on any part of site, nor shall CONTRACTOR permit any use of tobacco products on any part of the site or within twenty (20) feet of entrances, doorways or opening windows, and then only in a controlled area under CONTRACTOR supervision.

CITY RESPONSIBILITIES

1. CITY shall be responsible for the requisite infrastructure at the Armory South Lawn site for CONTRACTOR to provide the services described in this scope of work including sanitation and hygiene facilities, tents, cots, and blankets for 75 participants.
2. CITY will provide maintenance of the site/structures as well as cover utility costs and responsibilities for the site, including refuse service.

CONTRACTOR RESPONSIBILITIES

1. CONTRACTOR shall:
 - a. Ensure the Armory South Lawn shelter site operates on a 24 hours/day, 7 days/week basis.
 - b. Provide all shelter participants with a simple morning breakfast and a hot meal in the evening, daily.
 - c. Not allow participants to congregate in a group or be outside between 10:00 pm. and 6:00 am.
 - d. Provide each shelter participant a space of at least 6 feet between guests and minimize personal belongings to allow for ingress and egress of guests and staff.

3. CONTRACTOR shall ensure that all participants with physical limitations receive the personal assistance needed for personal care needs, such as cleaning, bathing, moving into or out of wheelchairs, or changing clothes, as well as getting into/out of transportation vehicles.
4. CONTRACTOR shall ensure that all shelter participants are able to safely access and use all amenities at or brought to the site, such as portable toilets, hand washing stations and showers.
5. CONTRACTOR shall ensure that each participant is provided the following amenities:
 - a. Cot or Tent
 - b. Sanitary blankets and/or sleeping bags free of infestations
 - i. Blankets will be laundered regularly, and stored in a manner that keeps them clean and out of contact with other shelter participants' bedding.
6. CONTRACTOR shall ensure that its shelter program has Policies and Procedures that at a minimum include:
 - a. Shelter layout that meets all applicable government zoning and building requirements
 - b. Shelter requirements
 - c. Safety procedures
 - d. Parking policies
 - e. Neighborhood interface procedures
 - f. Shower policies
 - g. Janitorial/storage expectations
 - h. Armory requirements to be met by Contractor
 - i. Written plan for responding to first aid and health emergencies including basic first aid supplies accessible on site
 - j. Written evacuation plan for emergencies, i.e. Fire, Earthquake.
 - i. Organizational Chart depicting CONTRACTOR reporting structure and contact information for CONTRACTOR management personnel to be called for different types of problems, i.e. facilities, client behavior, emergency, etc.
 - ii. Shelter staff position descriptions, responsibilities and expectations

- iii. Information on required Service Principles as indicated in this contract
 - iv. Information on connections to mainstream services, referral and priority eligibility
7. CONTRACTOR shall ensure its staff can readily access Shelter Program Policies and Procedures for consistency and clarity in conducting contracted services.
 8. CONTRACTOR shall maintain a healthy environment.
 - a. CONTRACTOR shall refer any participant with a suspected or known infectious disease to the Homeless Persons Health Project (866-731-HPHP).
 - b. CONTRACTOR shall immediately notify City of any incidents that resulted in a call to 911, including the nature of the call and the outcome of the incident by contacting Larry Imwalle limwalle@cityofsantacruz.com or (831) 420-5405.
 9. CONTRACTOR shall ensure secure storage is available to all participants so that they may store valuables or specific items that are not allowed in community spaces within shelter sites. Examples of items would be jewelry, personal medications, bulky items and any other items not allowed in community spaces within shelter sites.
 10. CONTRACTOR shall utilize identified systems for data collection and reporting, as well as participant and program assessment and evaluation. Systems shall be approved by the Director or Manager, and reports from the system shall be provided to the CITY upon request.
 11. CONTRACTOR shall take necessary steps to ensure participants do not create or their conduct constitute a nuisance in the immediate vicinity of the site.
 12. CONTRACTOR shall ensure that pets of participants occupying the site are prohibited inside the Armory, except for those meeting the definition of service animal, defined under Title II and II of the ADA as limited to dogs individually trained to do work or perform tasks for the benefit of an individual with a disability, including, physical, sensory, psychiatric, intellectual, or other mental disability.
 13. CONTRACTOR shall not drive any nails, tacks, pins, or other objects into the walls, ceilings, partitions, windows, woodwork, or other part of buildings or structures on site, nor change in any manner or move any fixture on site or make any alterations or changes to site without prior written consent of the CITY.
 14. Upon expiration or termination of this AGREEMENT, CONTRACTOR shall remove all decorations, display, signs or equipment from the site.

COVID-19 TEMPORARY EMERGENCY SHELTER IN PLACE PROVISIONS

1. During the duration of the COVID-19 public health emergency, CONTRACTOR shall maintain a healthy, virus free environment by ensuring all shelter participants and staff comply with County COVID-19 prevention and containment protocols and shall follow County protocols if any positive cases of COVID-19 among participants or staff occur. CONTRACTOR shall comply with specific health orders for shelter operations issued by federal, state, or county public health authorities.
2. CONTRACTOR shall ensure that staff have access to the Santa Cruz County COVID-19 Shelter Guidance and that staff receive appropriately skilled and knowledgeable regarding COVID-19 health safety protocols and have adequate access to personal protective equipment to ensure the health and safety of staff and participants.
3. During the duration of the COVID-19 public health emergency CONTRACTOR shall:
 - a. Provide clear COVID-19 information to shelter participants, related to restrictions and limitations required for safe sheltering during the COVID-19 SIP response period.
 - b. Enforce participant compliance with restrictions and limitations required of them for participating in the program.
 - c. Offers the following to shelter participants during COVID-19 SIP daytime shelter hours, including:
 - i. Access to computer tablets so that participants may contact service providers and explore housing opportunities with the assistance of daytime shelter staff when assistance is needed.
 - ii. Medical screening to check for COVID-19 symptoms, per the County of Santa Cruz COVID-19 prevention and containment protocols
 - If a need to quarantine is determined as a result of symptomatic medical screening or exposure to COVID-19 per County COVID-19 prevention and containment protocols, the symptomatic or exposed individual shall be isolated or quarantined on site until the individual can be transported to a separate medical isolation or quarantine site.
 - d. Ensures necessary transportation is provided for essential trips such as medical/behavioral health appointments and laundry, during COVID-19 SIP daytime shelter hours

PERSONNEL & SITE SUPERVISION

1. CONTRACTOR shall recruit, hire and maintain minimum staffing levels as specified in “Exhibit B – Budget” at a skill set sufficient to perform all the duties required to work with referred or identify potentially eligible participants and ensure the following are accomplished:
 - Assessment of all shelter applicants
 - Shelter participants’ entrance to and exit from the program happen in a coordinated manner

- Appropriate oversight of shelter operations to ensure the health and safety of participants and staff
- 2. CONTRACTOR shall ensure all paid and volunteer staff are instructed on CONTRACTOR's shelter policies and procedures, and that a policy and procedures manual is available on site.

CONNECTION TO ADDITIONAL SERVICES

1. CONTRACTOR shall ensure all participants receive a SMART PATH assessment, and that information on participants is entered into HMIS.
2. CONTRACTOR shall refer and link participants with appropriate community-based resources and programs to meet needs identified during the intake and assessment process. CONTRACTOR shall work to ensure participants attain resources to which they were referred by program staff.
3. CONTRACTOR shall ensure that participants receive transportation linkage and referral assistance when necessary to obtain appropriate community resources and support.
 - To assist participants with disabilities to access transportation assistance, CONTRACTOR shall contact The Lift Line (<https://communitybridges.org/lifeline/>) for disabled transportation assistance services or a similar free transportation service.

TRANSPORTATION

CONTRACTOR shall provide transportation service for participants to-and-from the program site and designated pick-up/drop-off locations established by the City. Transportation will be provided 7-days a week for a minimum of 14 hours a day. CONTRACTOR will be responsible for the management of the transportation program including hiring and supervision of shuttle drivers, rental of van, fuel costs, maintenance, and supplies. CONTRACTOR shall ensure that drivers, program participants, CONTRACTOR'S employees and agents shall demonstrate valid registration and insurance to be allowed to park their vehicle in site parking area or otherwise drive a vehicle anywhere on the site.

SYSTEMS FOR DATA COLLECTION

CONTRACTOR shall utilize the following approved systems for data collection and reporting, as well as participant and program assessment and evaluation.

HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)

1. CONTRACTOR shall utilize HMIS as the agreed upon collaborative system for program and participant data collection and reporting.
2. CONTRACTOR shall complete HMIS data entry for each participant that includes information sharing authorization, new client entry if needed, program intake, SMART PATH VI-SPDAT assessment, participant update information, participant referral information, and participant exit information.

REFERRALS, ELIGIBILITY AND PRIORITY CRITERIA**BASIC REFERRAL CRITERIA**

1. CONTRACTOR shall accept referrals of participants from the City. Contractor shall prioritize referrals from the City, but may also accept referrals from the SMART PATH Coordinated Entry System (CES) or from County agencies in the event there are available beds.
2. CONTRACTOR shall ensure that all participants are provided information about the Homeward Bound program and offered Homeward Bound as a diversion option at program intake.

BASIC ELIGIBILITY CRITERIA FOR SHELTER SERVICES

The basic eligibility for entry into the program, as established by City, is that participants are individuals 18 or older and are experiencing homelessness (literally homeless, unsheltered).

REPORTING AND COORDINATION REQUIREMENTS

1. CONTRACTOR shall immediately notify CITY of any significant issues with program participants; time is of the essence. Significant issues include but are not limited to disciplinary or safety issues that impact participants' shelter stay.
2. Training: CONTRACTOR shall ensure that personnel listed under "Exhibit B – Budget" are appropriately trained in Housing First, HMIS, SMART PATH CES, Trauma Informed Care, Harm Reduction, to facilitate their ability to utilize evidence-based Housing First and other best practices.

INVOICES

1. CONTRACTOR shall provide monthly invoices, using a template provided by the CITY, to document services costs based on the budget detailed in this scope of work and the attached Exhibit B - Budget document.
2. Monthly invoices shall be submitted via email to CITY authorized staff (Megan Bunch mbunch@cityofsantacruz.com) within 10 calendar days following the end of the month in which the services were provided.

BACK UP DOCUMENTATION AND REPORTING

1. CONTRACTOR shall provide required backup documentation on monthly contracted activities along with monthly invoices when submitted.
2. CONTRACTOR shall utilize the HMIS to enter, track and measure data on each participating individual, based on the Performance Measurement outcomes stated in this scope of work.
3. CONTRACTOR shall utilize monthly reports and other reports as needed, to enter, track and measure data not already captured within HMIS, based on the Performance Measurement outcomes stated in this scope of work.
4. CONTRACTOR is responsible for providing monthly reports, by the 15th of the subsequent month, to include:

- Census of participants (number of new and returning, and days of stay)
- Participant demographics (age, gender, race & ethnicity,
- Location of last permanent housing (City, zip code)
- Identified needs
- Bed capacity/utilization (with specifics for “overnight reservation” beds)
- Staffing capacity
- Number of participants exiting the program and reason for exiting
- County services (and non-profit organization) that have provided services onsite
- List of incident reports (if any)

SCOPE OF WORK OR BUDGET MODIFICATION

1. Changes to the budget, including transfers between budget categories within a specific fiscal year may be made only through a budget modification, which must be requested to the CITY in writing by the CONTRACTOR in advance of the modification, providing the transfer is less than 30% (cumulative), is within a single budget suffix of the approved budget, and is within the total original fiscal year budget.
2. Budget modification requests must be received no later than May 15th of the fiscal year in which the budget modification is applicable and must have prior approval by CITY authorized staff to be approved.

ADDITIONAL TERMS AND CONDITIONS

1. Corrective Action: CONTRACTOR shall perform the agreed upon services detailed in this scope of work, submit timely invoices and reports, and work to meet agreed upon outcomes as detailed herein. CONTRACTOR failure to provide any of these agreed upon terms may result in a Corrective Action request. Corrective Action requests will specify ongoing problems in the performance of these contract terms and a deadline by which to rectify problems and will also require the CONTRACTOR to submit a brief Corrective Action Plan detailing how ongoing problems will be resolved. Failure to adequately address steps outlined in the Corrective Action Plan may result in the withholding of payment on invoices and/or termination of the contract.
2. Federal Funding: CONTRACTOR certifies they are not suspended, debarred or proposed for debarment from receiving federal funds; declared ineligible to receive federal funds; or voluntarily excluded from participation in covered transactions by any federal department or agency.
3. Uninterrupted Provision of Services: In order to maintain uninterrupted services under this agreement, the CONTRACTOR shall ensure that the budgeted staffing for the contracted services are maintained, which includes providing coverage for staff vacancies or leaves of more than two weeks. Additionally, CONTRACTOR program and direct service staff must be replaced within 90 days of the start of staffing vacancies.

4. Notification of Personnel Changes: In the event of key personnel changes or leaves of more than two weeks for positions funded by this agreement (e.g., program manager or assistant program manager), the CONTRACTOR shall report changes to the CITY within 10 business days of occurrence.
5. Instruction: The CONTRACTOR shall provide this Scope of Work to all of its employees who conduct activities under this contract, so that CONTRACTOR staff clearly understands expected activities per this agreement. The CONTRACTOR will train any new employees who work in any capacities related to the provisions of this contract, in the requirements of this contract.
6. Publicity and Outreach: The CONTRACTOR agrees to obtain CITY approval prior to use for all contracted program marketing materials, including but not limited to flyers, brochures, written success stories, social media posts, and website information. The CONTRACTOR shall ensure that the CITY logo and name are included on all contracted program marketing materials and will obtain these directly from CITY authorized staff for approved uses.
7. Media Inquiries: Should the CONTRACTOR receive press/media inquiries regarding the services provided through this contract, the CONTRACTOR shall notify the CITY's Public Information Officer (PIO) of the inquiry, at esmith@cityofsantacruz.com or at 831-420-5016. Press/media may also be referred directly to the PIO for additional information.

EXHIBIT B: EXHIBIT B: FEE SCHEDULE

The approved Program budget (See Exhibit E) provides both annual costs and 6-month costs. This contract is for a term of 6 months (January 2022 through June 2022), therefore claimed expenses should not exceed one-half of the amount of the annual costs for any individual budget line item. The total amount payable under this agreement shall not exceed **\$1,071,561**.

Program participation will vary due to a number of factors. This variation in Program participation will impact the costs associated with Program operation. The approved Program budget (Exhibit E) is based on maximum participation of 75 beds. Should participation be lower, the Program costs, and therefore, Contractor invoices, will also be lower. (For example, food service is primarily based on a per person cost, excluding kitchen rental fees.) It is therefore necessary that the Contractor provide accurate monthly reports and invoice monthly based on the associated costs incurred.

Contractor will invoice the City on or before the 15th of each month. Monthly invoices should include the following information and costs:

- Average number of Program participants for the invoicing month
- Payroll costs with staff levels/hours for the invoicing month
- Supply costs with list of supplies purchased to support the Program during the invoicing month

EXHIBIT C: WORK SCHEDULE

[REMOVED]

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, 333 Front Street., Suite 200, 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, agents, and volunteers as additional insureds, and
- Coverages must be maintained during the term of the Agreement with the City, Unless a longer duration is required.

B. MINIMUM SCOPE AND LIMITS OF INSURANCE

Contractor acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. If Contractor maintains broader insurance coverage and/or higher limits than the minimums shown below, the City of Santa Cruz requires and shall be entitled to the broader insurance coverage and/or higher limits maintained by Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City of Santa Cruz. Coverage will be at least as broad as:

- **COMMERCIAL GENERAL LIABILITY (CGL): \$1,000,000 PER OCCURRENCE; \$2,000,000 AGGREGATE**
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.**

Contractor will maintain insurance appropriate to Contractor'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, Contractor 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 Contractor 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.**
The Worker's Compensation policy must be **endorsed** with a waiver of subrogation in favor of the City for all work performed by the Contractor and its employees.
 - **DATA SECURITY AND PRIVACY LIABILITY:**

1. Consultant shall maintain one or more insurance policies - Privacy, Technology and Data Security Liability, Cyber Liability, or Technology Professional Liability Insurance coverage in the amount of \$5,000,000 per occurrence or claim, \$5,000,000 aggregate. Coverage shall be sufficiently broad to respond to the duties and obligations undertaken by Consultant in this contract.
2. The policy(ies) shall include coverage for claims involving security breach, system failure, data recovery, business interruption, cyber extortion, social engineering, infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, and alteration of electronic information.
3. The policy(ies) shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations.
4. The policy(ies) shall include, or be endorsed to include, property damage liability coverage for damage to, alteration of, loss of, or destruction of electronic data and/or information “property” of the City in the care, custody, or control of the Consultant.

OTHER INSURANCE PROVISIONS

The insurance policies are to comply with the following provisions:

- **ADDITIONAL INSURED STATUS**
The City, its officers, officials, employees, agents, and volunteers are to be covered as additional insureds on the CGL [,CPL, and automobile insurance (if transporting hazardous materials] policy(ies) with respect to liability arising out of work or operations performed by or on behalf of Contractor 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 Contractor’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 CG 20 26, CG 20 33, or CG 20 38; **and** CG 20 37 (if a later edition is used).
- **PRIMARY COVERAGE**
For any claims related to this Agreement, Contractor’s insurance coverage will be **primary** insurance as respects the City, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents, or volunteers will be excess of Contractor’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**
Contractor hereby grants to the City a waiver of any right to subrogation, except as otherwise not applicable, which any insurer of said Contractor may acquire against the City by virtue of the payment of any loss, including attorney’s fees under such insurance. Contractor agrees to obtain any endorsement that may be necessary to effectuate 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.
- **EXCESS LIABILITY/UMBRELLA INSURANCE POLICIES**

The excess/liability policies will provide similar coverage as the primary CGL policy with no new exclusions - Excess liability insurance must **follow form** the terms, conditions, definitions, and exclusions of the underlying CGL insurance. The excess/umbrella policy must also be written on a primary and noncontributory basis for an additional insured, and that it will apply before any other insurance that is available to such additional insured which covers that person or organization as a named insured, and we will not share with that other insurance.

The policy regarding Limits of Insurance regarding Aggregates must provide that the aggregate limits if applicable shall apply in the same manner as the aggregate limits shown in the Schedule of the Underlying Insurance.

- **SELF-INSURED RETENTIONS**

Self-insured retentions must be declared to and approved by the City. City may require Contractor 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 City.

- **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 Contractor must purchase "extended reporting" coverage for a minimum of *five (5)* years after completion of contract work.

- **VERIFICATION OF COVERAGE**

Contractor will furnish the City with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL [CPL, and automobile] Policy(ies) listing all policy endorsements to be approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning will not waive the Contractor'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.

- **C. SUBCONTRACTORS**

Contractor 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.

- **D. SPECIAL RISKS/CIRCUMSTANCES**

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances and provide notice to Contractor.

EXHIBIT E: APPROVED PROGRAM BUDGET

[INSERT APPROVED PROGRAM BUDGET DOCUMENT]



LICENSE NUMBER	349
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LICENSE TO USE STATE MILITARY PROPERTY

BETWEEN

CALIFORNIA MILITARY DEPARTMENT

AND

THE CITY OF SANTA CRUZ

FOR

USE OF READINESS CENTER IMPROVEMENTS AND GROUNDS

This AGREEMENT, dated for reference the 19th day of October, 2021, by and between the California Military Department (CMD), hereinafter called STATE, and the City of Santa Cruz, 809 Center Street, Room 10, Santa Cruz, CA 95060, hereinafter called LICENSEE, without distinction as to number or gender, and effective upon execution by STATE. STATE and LICENSEE are sometimes referred to individually as a “party” and collectively as the “parties”.

RECITALS

WHEREAS, the STATE has under its jurisdiction, certain real property known as the Santa Cruz Armory located at 301 Armory Rd., Santa Cruz, CA 95065-2101, hereinafter called PREMISES identified in **Exhibit "B"**, consisting of two (2) pages and attached hereto and incorporated herein by this reference.; and,

WHEREAS, it is essential that STATE have a secure facility and surrounding grounds; and,

WHEREAS, it is consistent with Governor’s Executive Order N-23-20 that STATE shall support programs to provide shelter for homeless California citizens; and,

WHEREAS, PREMISES may be made available to meet the needs of the local civil authority when not required to meet immediate operational requirements;

NOW THEREFORE, STATE and LICENSEE agree as follows:

WITNESSETH

I.

GENERAL PROVISIONS

1. AGREEMENT is for non-exclusive weekday or weekend use throughout the

license term.

2. Upon declaration of emergency by the STATE or federal government, STATE reserves the right to reoccupy PREMISES, including all parking areas, with twenty-four (24) hours written or electronic (voice or email) notice to LICENSEE at the notification address/number below.
3. LICENSEE shall comply with all applicable statutes, laws, ordinances and rules or regulations adopted by the Federal, State or any City, City and County, County or other body politic and which pertains to the use of said premises or any provisions of the License.
4. LICENSEE shall comply with such reasonable rules and regulations as may be prescribed by STATE for the reasonable use and occupation of State Facilities.
5. LICENSEE understands and agrees the California Legislature may impose additional restrictions, limitations or conditions affecting AGREEMENT provisions or terms; however, any such changes become effective no sooner than 30 days after the legislature has acted.
6. This agreement shall not be assigned or sublet or otherwise encumbered, in whole or in part, without STATE'S prior written consent.
7. LICENSEE acknowledges STATE infrastructure may not be fully capable of supplying all PREMISES utilities and assumes full responsibility for renovating or otherwise making utilities capable of safe operation consistent with requirements of the State Fire Marshal or Building Official with local jurisdiction.
8. LICENSEE shall have use of the entire facility limited only by environmental restrictions on use of the grounds surrounding the armory building or mandates of the State Fire Marshal or Building Official with local jurisdiction over PREMISES use.
9. STATE is not responsible for losses or damage to personal property, equipment or materials of LICENSEE, its employees or agents and all losses shall be reported to STATE immediately upon discovery.
10. LICENSEE shall not drive any nails, tacks, pins or other objects into the walls, ceilings, partitions, windows, woodwork, or other part of PREMISES nor change in any manner or move any fixture on PREMISES or make any alterations or changes to PREMISES without prior written consent of the STATE.
11. Upon completion of use, LICENSEE shall remove all decorations, display, signs or equipment on PREMISES.
12. Upon expiration or termination of this license, LICENSEE will surrender PREMISES to STATE with appurtenances and fixtures in good order, condition, and repair, reasonable use and wear thereof and Acts of God excepted.
13. LICENSEE shall not permit any alcoholic beverage to be offered for sale, stored, given away or otherwise disposed or consumed on any part of PREMISES, nor shall LICENSEE permit any use of tobacco products on any part of PREMISES or within twenty (20) feet of entrances, doorways or opening windows, and then only in a controlled area under LICENSEE supervision.
14. LICENSEE acknowledges PREMISES may not be fully ADA compliant and agrees

to implement or improve, at its sole cost and expense, those necessary compliance measures required for the duration of its use. Furthermore, LICENSEE agrees to provide any and all required temporary emergency lighting required by State, County or City laws or ordinances.

II.

AUTHORIZED ACTIVITIES

1. In order to provide a variety of health, medical or other services to homeless citizens, LICENSEE may provide on-site program management through either LICENSEE employees, agents, volunteers or contracted services.
2. The armory facility will be available twenty-four (24) hours each day unless otherwise amended in writing by the STATE.
3. LICENSEE is solely responsible for protecting employees, patrons, agents, clients, or invitees from acts of third parties, and agrees to notify STATE and appropriate law enforcement agencies as required.
4. LICENSEE agrees to maintain PREMISES in a clean and habitable condition, which includes exterior landscape maintenance and removal of all litter, trash, cans, bottles, etc. from the site not less than once per day.
5. Any damage to PREMISES will be inspected by STATE representatives (CMD Area Coordinator) and LICENSEE to determine the character and extent of damage (with photographs). Repairs should be completed within twenty-four (24) hours if an emergency or seventy-two (72) hours if urgent.
6. The STATE Area coordinator will contract for necessary repair or restoration services using appropriate state or federal guidance, while coordinating and collaborating closely with LICENSEE. LICENSEE may not undertake repairs or restoration using its own forces or contract services without the prior written consent of STATE'S Area Coordinator.
7. Within thirty (30) days of being presented a demand (invoice) for payment, LICENSEE shall make STATE whole for the cost of repairing or restoring any improvement or utility damaged as a result of PREMISES use.
8. If significant plumbing issues occur due to continued actions of clients, LICENSEE will provide portable latrines, at its sole cost and expense, for the duration of the contract.
9. LICENSEE shall take all necessary steps to ensure clients do not constitute a nuisance in the immediate vicinity of the facility during hours of operation. If at any time the STATE is dissatisfied with the LICENSEE efforts, the LICENSEE and STATE shall meet to explore means and methods of compliance.
10. LICENSEE shall supply sanitary items and paper products necessary for the operation of the Emergency Shelter Program, to include, but not limited to: cleaning/sanitizing supplies and equipment, liquid soap, paper towel, and toilet paper. If requested (necessary), the County Health Department shall provide periodic health screenings and consultation on issues pertaining to sanitation
11. Pets of clients occupying PREMISES or participating in provided services are prohibited inside the PREMISES, with the exception of those meeting the definition of *service animal* in Section XIV below.

12. LICENSEE shall ensure that shelter clients demonstrate valid vehicle registration and insurance to be allowed to park their vehicle in PREMISES parking area.
13. Vehicles parked on PREMISES without appropriate approval shall be towed away by STATE's order and at LICENSEE's risk and expense.

III.

NOTIFICATION

All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered (including by means of professional messenger service) or sent by overnight courier, or sent by registered or certified mail, postage prepaid, return receipt requested to the addresses set forth below. All such notices or other communications shall be deemed received upon the earlier of (i) if personally delivered or sent by overnight courier, the date of delivery to the address of the person to receive such notice, (ii) if mailed as provided above, on the date of receipt or rejection, when received by the other party if received Monday through Friday between 6:00 a.m. and 5:00 p.m. Pacific Standard Time. so long as such day is not a State or Federal holiday and otherwise on the next day provided that if the next day is Saturday, Sunday, or a state or federal holiday, such notice shall be effective on the following business day.

To LICENSEE:

City of Santa Cruz
Attn: City Manager
809 Center Street, Room 10
Santa Cruz, CA 95060
(831) 420-5011

To STATE:

California Military Department
9800 Goethe Road, Box 18
Sacramento, CA 95826
(916) 854-3788

Notice of change of address or telephone number shall be given by written notice in the manner described in this section. LICENSEE is obligated to notice State offices listed above and the failure to provide notice to do so shall constitute a lack of notice. Nothing contained herein shall preclude the giving of any such notice by personal service.

IV.

INSURANCE REQUIREMENTS

1. LICENSEE is a public entity, which is self-insured and will be responsible for any damage caused to PREMISES. Additionally, LICENSEE shall indemnify STATE against any injuries caused by use of PREMISES. LICENSEE has furnished the necessary Certificate of Self-Insurance, **Exhibit "C"** attached hereto and incorporated herein by this reference, demonstrating the required insurance coverage will be in effect during the complete term of AGREEMENT, and shall include, but not be limited to:
 - Combined single limit liability of \$2,000,000, or
 - Special event coverage with a limit of \$2,000,000, and
 - A statement naming the United States, State of California, its officers, agents, employees, and servants as additional insured, but only with respect

to the activities of the named insured.

2. STATE is to be free from all liability and claims for damages by reason of any injury to any person or persons, including LICENSEE or property of any kind whatsoever and to whomsoever belonging, including LICENSEE, from any cause or causes whatsoever while in, upon, or in any way connected with PREMISES during the term of this license or any occupancy hereunder, except those arising out of the sole negligence of the STATE.
3. LICENSEE agrees to indemnify and defend STATE in the event if any claim, demand, cause of action, judgments, obligations or liabilities, and all reasonable litigation and attorney's expenses which said party may suffer as a direct and proximate result of the violations of any law, breach of any terms of AGREEMENT, negligence or other wrongful act by a party to this license or such party's employees, representatives, contractors, or any other person or persons acting within the direct control or authority of such party or its employees.

V.

HOLD HARMLESS INDEMNIFICATION

The PREMISES are provided in "AS-IS" and "WITH ALL FAULTS" condition, and STATE and its employees, representatives and agents disclaim all warranties, expressed or implied, regarding the PREMISES, including, but not limited to, all implied warranties of merchantability or fitness for a particular purpose or compliance with Applicable Law. LICENSEES acknowledges and agrees that STATE and its employees, representatives and agents have made no representations or warranties for the PREMISES, including, without limitation, any representations or warranties regarding, (a) the condition or repair of the PREMISES, (b) whether such PREMISES are sufficient for the purposes of LICENSEE, or (c) whether the PREMISES comply with Applicable Laws (as defined below), including without limitation the Americans with Disabilities Act (ADA) or other accessibility laws, (d) whether there are any facts or conditions affecting the PREMISES that might, individually or in the aggregate, interfere with the use or occupancy of the PREMISES or any portion thereof by LICENSEE.

The use of the PREMISES by LICENSEE shall be conclusive evidence that LICENSEE accepts the same "AS IS and WITH ALL FAULTS" and that the PREMISES are suited for the use intended by LICENSEE and are in good and satisfactory condition at the time such possession was taken. LICENSEE represents and warrants to STATE that (a) its sole intended use of the PREMISES is for temporary sheltering (the "Permitted Use") and (b) prior to using the PREMISES it has made such investigations as it deems appropriate with respect to the suitability of the PREMISES for its intended use and has determined that the PREMISES are suitable for such intended use.

LICENSEE shall comply with all applicable statutes, laws, ordinances and rules and regulations adopted by the Federal, State or any City, City and County, County or other body politic, including without limitation all building codes, the ADA or other accessibility laws ("Applicable Laws") and which pertains to use of the PREMISES or any provisions of the License, and will indemnify, defend and hold STATE free and harmless from and against any violations thereof and any and all liabilities, suits, causes of action, judgments, demands and claims for damages, including all reasonable costs of any litigation and attorney's fees and expenses, arising out or by reason of any such violation.

LICENSEE shall indemnify, defend and hold STATE its employees, representatives and

agents free and harmless from and against any and all suits, causes of action, demands, proceedings, claims, damages, judgments, obligations liabilities, liens, fines, costs, and expenses (including, but not limited to, attorneys' fees and costs) (collectively "Losses") which arise from or are related to (a) use or occupancy of the PREMISES by LICENSEE or its Representatives, including, but not limited to, damage to property of any kind whatsoever and to whomsoever belonging, including LICENSEE, from any cause or causes whatsoever during the term of this License or any occupancy hereunder, holdover periods or any other occupancy of the PREMISES during the term of this License, except (i) those Losses that are ultimately determined by a court or administrative tribunal of competent jurisdiction to be caused by sole gross negligence of the STATE or its employees, or (ii) to the extent any such Losses are ultimately determined by a court or administrative tribunal of competent jurisdiction to be caused by the willful misconduct of the STATE or its employees; provided, however, any condition of the PREMISES that is found to be in violation of any Applicable Law by a court or administrative tribunal of competent jurisdiction shall not be deemed gross negligence or willful misconduct on the part of the STATE or its employees; (b) breach of LICENSEE'S obligations under the AGREEMENT, (c) negligence or other wrongful act by LICENSEE or its Representatives, (d) violation of Applicable Law by LICENSEE or its Representatives, (e) any allegation that the PREMISES do not comply with Applicable Law. "Representatives" means LICENSEE'S agents, employees, representatives, contractors, or any other person or persons acting within the direct control or authority of such party or its agents, employees, representatives or contractors.

VI.

FEES

1. The fee for armory use is One Hundred Forty Dollars (**\$140**) for each day as agreed in this license.
2. The total number of days the armory was used will correspond to the number of calendar days in that month.
3. The number of days will be multiplied by \$140 to establish the total fee to be remitted to the STATE for monthly use. If this agreement is terminated for any reason, the fee to be remitted by LICENSEE for fractional monthly use will be calculated by multiplying \$140 by the number of days, or fractions thereof, through the date of termination.
4. Utility accounts will be transferred to LICENSEE , which will directly pay utility costs on an as-incurred basis.
5. Payment for armory use is due and payable the first business day of each month for the prior period of use and is considered delinquent after the fifteenth (15th) day of the month.
6. LICENSEE's check will display STATE'S License number, as shown on Page 1 of this document, and be made payable to the California Military Department. Payment will be remitted to the address in Section III – "Notification", and LICENSEE shall not require receipt of an invoice before issuance of payment due.

VII.

TERM

License shall take effect no earlier than January 1, 2022 or upon execution by STATE, whichever is later, and shall expire 1800 (6:00 P.M.) December 31, 2022 unless otherwise

extinguished through action of law.

VIII. AMENDMENT AND TERMINATION

AGREEMENT cannot be amended or modified in any way except by a written AGREEMENT duly executed by STATE and LICENSEE. Any proposal for amendment or modification must be delivered for review and approval by the Chief, Realty Operations or her/his delegatee.

AGREEMENT may be terminated by either party upon 30 days written notification to the other party at the addresses previously given. Upon termination, the activities of the parties shall be governed by the applicable provisions of the Military and Veterans Code. STATE is not obligated to reimburse LICENSEE any fees should it terminate this AGREEMENT before reaching its full term.

IX. ENTIRE AGREEMENT

AGREEMENT, along with any exhibits attached hereto, constitutes the entire covenant and understanding between STATE and LICENSEE for PREMISES. AGREEMENT supersedes all prior and contemporaneous routine activity agreements, representations or understandings, if any, whether oral or written.

X. DURATION & RENEWAL

AGREEMENT shall remain in effect through the termination date and may be extended, subject to any renegotiation required to protect the parties.

XI. RIGHT TO ENTER

During continuance in force of AGREEMENT, there shall be, and is hereby expressly reserved to STATE and to any of its contractors, agents, employees, representatives, or licensees, the right at any and all reasonable times, and any and all places to temporarily enter upon said PREMISES for inspection or other lawful STATE purposes.

XII. ENVIRONMENTAL LAWS AND REGULATIONS

LICENSEE must comply with all applicable local, State or Federal environmental provisions, requirements, ordinances, regulations or laws. AGREEMENT does not constitute any form of authorization, permit, or opinion with respect to the satisfaction thereof. LICENSEE agrees that it shall comply with all laws, federal, state, or local, existing during the term of this license pertaining to the use, storage, transportation, and disposal of any hazardous substance as that term is defined in such applicable law.

1. In the event STATE or any of its affiliates, successors, principals, employees, or agents should incur any liability, cost, or expense, including attorney's fees and costs, as a result of the LICENSEE'S illegal use, storage, transportation, or disposal of any hazardous substance, including any petroleum derivative, the LICENSEE shall indemnify, defend, and hold harmless any of these individuals against such liability.
2. Where the LICENSEE is found to be in breach of this Paragraph due to the issuance of a government order directing the LICENSEE to cease and desist any illegal action in connection with a hazardous substance, or to remediate a contaminated condition caused by the LICENSEE or any person acting under LICENSEE'S direct control and authority, LICENSEE shall be responsible for all

costs and expenses of complying with such order, including any and all expenses imposed on or incurred by STATE in connection with or in response to such government order.

XIII.

DEFAULT

LICENSEE shall make all required payments to the STATE without deduction, default or delay. In the event of the failure of LICENSEE to do so, or in the event of a breach of any of the other terms, covenants or conditions herein contained on the part of LICENSEE to be kept and performed, and if such default continues for a period of thirty (30) days after receipt of written notice from STATE to LICENSEE of such default, this License may, at the STATE'S sole discretion, be terminated.

In the event of termination of this License, it shall be lawful for STATE to reenter into and upon the PREMISES and every part thereof and to remove and store at LICENSEE'S expense all property therefrom and to repossess and occupy the PREMISES. In the event STATE terminates this License pursuant to this Paragraph, the STATE shall not be required to pay LICENSEE any sum or sums whatsoever.

XIV.

SERVICE ANIMALS

Service Animal Defined by Title II and Title III of the ADA: (from the ADA National Network)

Under Title II and III of the ADA, service animals are **limited to dogs** individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Emotional support animals, comfort animals, and therapy dogs are not service animals under Title II and Title III of the ADA. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals either. The work or tasks performed by a service animal must be directly related to the individual's disability. A doctor's letter does not turn an animal into a service animal.

Examples of animals fitting the ADA's definition of "service animal" because they have been **specifically trained to perform a task for the person with a disability:**

Guide Dog or Seeing Eye® Dog¹ is a carefully trained dog that serves as a travel tool for persons who have severe visual impairments or are blind.

Hearing or Signal Dog is a dog that has been trained to alert a person who has a significant hearing loss or is deaf when a sound occurs, such as a knock on the door.

Psychiatric Service Dog is a dog that has been trained to perform tasks that assist individuals with disabilities to detect the onset of psychiatric episodes and lessen their effects.

SSigDOG (sensory signal dogs or social signal dog) is a dog trained to assist a person with autism. The dog alerts the handler to distracting repetitive movements common among those with autism, allowing the person to stop the movement (e.g., hand flapping).

Seizure Response Dog is a dog trained to assist a person with a seizure disorder. The dog may stand guard over the person during a seizure or the dog may go for help. A few dogs have learned to predict a seizure and warn the person in advance to sit down or move to a safe place.

While Emotional Support Animals or Comfort Animals are often used as part of a medical treatment plan as therapy animals, **they are not considered service animals under the ADA**. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities and are not covered by federal laws protecting the use of service animals.

A public facility is not allowed to ask for documentation or proof a dog has been certified, trained, or licensed as a service animal. Staff on site may ask the following questions:

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

No further questions should be asked regarding the disability or the animal, nor is it permissible to ask that the dog perform the task that grants it to be a service animal.

CONCURRENCE

INSTALLATION COMMANDER

DATE:

CITY OF SANTA CRUZ

DATE:

FOR THE ADJUTANT GENERAL

DATE:

Enclosures:

- 1 Exhibit A Vicinity Map
- 2 Exhibit B Licensed Space
- 3 Exhibit C Certificate of Self-Insurance

Rosemary Balsley

From: Garrett <garrettphilipp@aol.com>
Sent: Monday, December 13, 2021 2:55 PM
To: City Council
Subject: 12/14/21 Agenda Item #28.3 Homeless Response Updates

12/14/21 Agenda Item #28.3 Homeless Response Updates

Dear Council,

I'm not sure if you will be disclosing the total cost per homeless individual for each of the services you intend to fund, but don't you think that is an important figure to disclose?

For example, you mention the possibility the Armory occupancy could drop below 75, but assuming that was an occupancy figure, at \$1,200,000 for six months , plus fees to the state , utilities is going to work out to ???

More than \$2,667 / individual / month or \$32,000/yr/individual from Salvation Army fees alone not counting all the other support services involved.

That's a pretty sweet deal for people who don't have to do anything for it.

It's actually more than someone working full time at \$15/hr minimum wage GROSS let alone take home.

Just thought I'd point that out.

Garrett Philipp - Westside

Implementation of Homelessness Response Programming

December 14, 2021
City Council Meeting



Safe Sleeping & Shelter

Armory City Overlook

- Lease extension with Cal Guard for 2022
 - County operation of Armory Building through FY '22
 - County operation of Pavilion through Jan/Feb '22
- The Salvation Army to operate 24/7 emergency shelter program for 75 people
 - *6-month contract; Includes shelter operation, meals, transportation service*
 - Salvation Army hiring and training of staff in early January for program start late January

Transitional Community Camps

- 1220 River St. slated to open late Dec. / first week of Jan. (30-35 participants)
- Managed by City staff, who are identifying initial participants from Benchlands
- Neighborhood outreach is underway
- Conducting site analysis for a second camp – potentially more later

Benchlands

- Continued operation, goal is to reduce size as this additional capacity becomes available
 - Ultimately working towards closure of camp, prioritizing lowest-lying areas to the south

Safe Parking

- Tier 1: Emergency (3 spaces), available at PD lot now
 - AFC one space at PD currently
- Tier 2: Overnight Parking (30 spaces, operational early 2022)
 - 3 lots identified for minimum 5-6 spots each (feasibility analysis underway)
 - Additional lots to be determined
- Tier 3: Operator Supported 24/7 Safe Parking Program (Spring 2022)
 - Site analysis is underway
 - Solicitation of potential contractors early 2022
- Oversize Vehicle Ordinance Implementation Steps
 - Permitting Process Development
 - Signage on new parking regulations
 - Coastal Development Permit Process
 - Zoning Administrator Hearing – Early January

Encampment Resolution Grant

- County of Santa Cruz as lead applicant with City collaboration
- Focus on encampments along San Lorenzo River
- Leverages new County grant funding for Outreach/Service Coordination
- Grant would provide flexible funds (“Housing Scholarships”) to support personalized plans to move unhoused persons in encampments towards more permanent housing
- Request would also assist in formalizing policies and protocols for a collaborative City & County response to encampments
- *Staff Recommends adoption of Resolution formally endorsing the County’s application*

Project Homekey

- Applications in Development in City of Santa Cruz
 - 801 River Street – 7 units – to be restricted for Extremely Low Income
 - 119 Coral Street – 120 Permanent Supportive Housing units
 - County will be co-applicant

Fiscal Impact & Funding

- The projected annual costs of the homelessness programming detailed in the agenda report is \$4.7 million.
- Funding Sources include
 - American Rescue Plan Act (ARPA) funds of \$4,243,659
 - CDBG Funds
 - \$14 million in the State appropriation (in collaboration with County)
 - City General Fund
- CA State Encampment Grant opportunity
- Continue to identify and develop new revenue sources to support homelessness response

Recommendations

- 1) Receive recommendations regarding Council directed homeless response programs and services, including but not limited to lease and sub-lease information regarding the National Guard Armory, and provide additional direction if desired.
- 2) Authorize and direct the City Manager to execute a six-month contract, in a form approved by the City Attorney, with the Salvation Army for shelter management at the Armory in an amount not to exceed \$1,200,000.
- 3) Resolution supporting the County of Santa Cruz's grant application to the California Homeless Coordinating and Funding Council (HCFC) for funding through the Encampment Resolution Funding Program and directing staff to collaborate with the County on implementation of the work outlined in the grant.




INFORMATION REPORT

COUNCIL MEETING
12, 14, 2021

DATE: November 16, 2021

TO: City Manager
DEPARTMENT: Finance
SUBJECT: Portfolio Management Report – Pooled Cash and Investments as of October 31, 2021

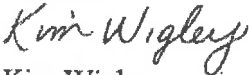
APPROVED:  DATE: 11-29-21

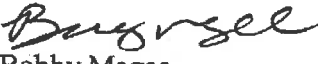
Attached is the Portfolio Management Report for the City's internal investment pool as of October 31, 2021. We will continue to provide a separate expanded summary report of market conditions and current investment activity at the end of each quarter.

The report provides information about how most funds held by the City are pooled and invested. It includes charts and graphs that reflect the investment distribution by issuer, pooled portfolio by detail, projected cash flow from maturing investments, historical portfolio yields for the investment pool, and yield comparisons with other investment benchmarks. Pooled investments reported here do not include certain unpooled City investments that are required by bond and loan covenants to be held separately. Those unpooled investments are described on a quarterly basis in a separate information report entitled "Portfolio Management Report – Unpooled Cash and Investments."

The majority of the pool is on deposit with the State of California Local Agency Investment Fund (LAIF), which provides a stable, liquid investment vehicle for the City. The City also invests in various federal agency securities. The attachments reflect an interest rate environment in which the City's average investment yields are fairly static from month to month and market rates have started to rise. The federal government continues to call higher yielding agency investments prior to maturity, and if not needed for current expenditures, these funds are reinvested in new lower rate investments consistent with market conditions. As of October 31, 2021, the City's rate of return, based upon yield to maturity for outstanding investments, is 0.314%.

The Finance Department will continue to review all investments in the pooled cash and investment accounts to ensure that the primary objectives of safety and liquidity are being met, consistent with the City's Investment Policy. Once those requirements are satisfied, staff will strive to maximize the yield on the City's investments.

Prepared by:

Kim Wigley
Finance Manager

Approved by:

Bobby Magee
Interim Director of Finance

Attachment: Pooled Investment Report

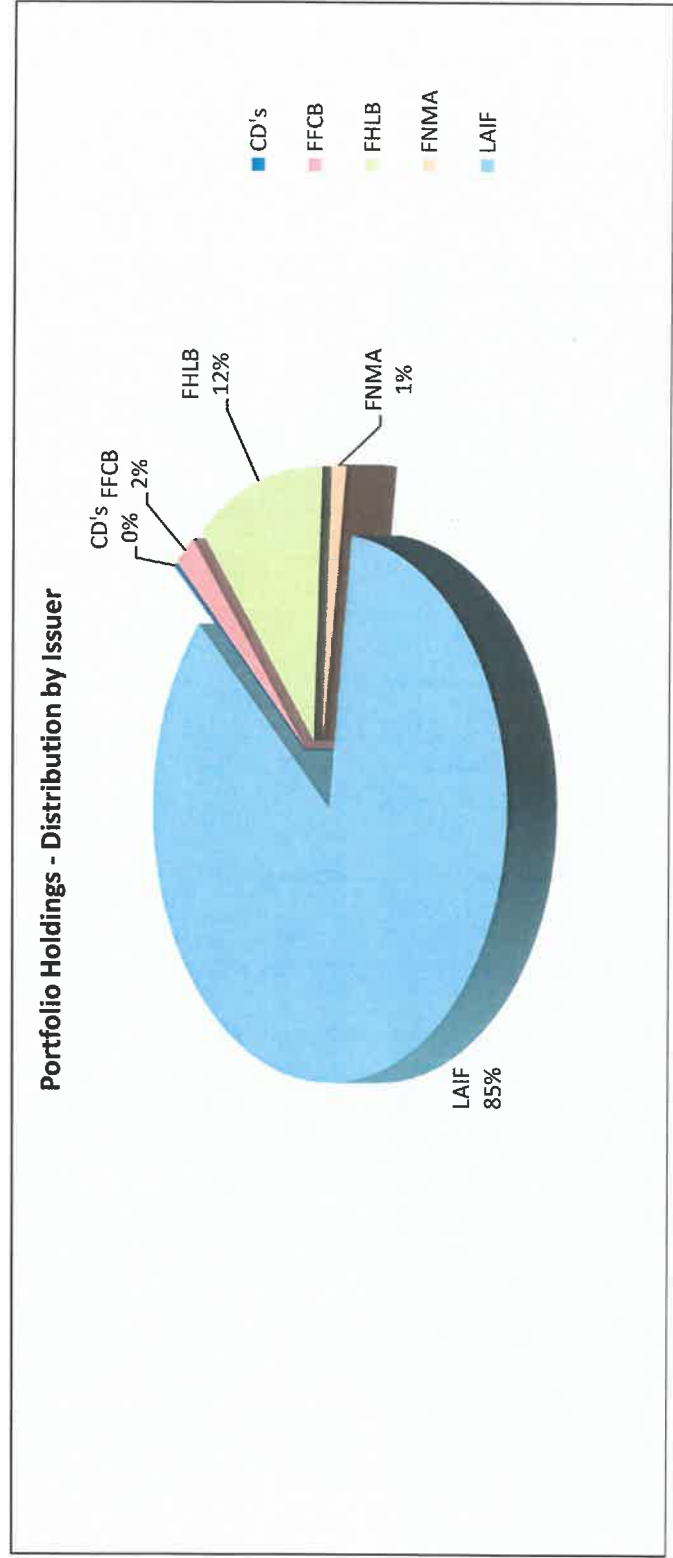
FN FYI Pooled Cash and Investments - Monthly

FN FYI 348

City of Santa Cruz
 Santa Cruz Pooled Portfolio Summary
 As of 10/31/2021

Issuer	Par Value	Market Value	Cost	Days To Call/ Maturity	Yield to Maturity @ Cost	% of Portfolio
Local Financial Institution Certificates of Deposit	306,513.59	306,513.59	306,513.59	403	0.538	0.20%
Federal Farm Credit Bank (FFCB Bond)	3,000,000.00	3,032,170.00	2,999,600.00	223	1.945	1.97%
Federal Home Loan Bank (FHLB Bond)	18,000,000.00	17,871,990.00	18,000,000.00	74	0.793	11.84%
Federal National Mortgage Association (FNMA Bond)	2,000,000.00	1,979,520.00	2,000,000.00	27	0.650	1.32%
Local Government Investment Pool (LAIF)	128,693,354.49	128,677,095.50	128,693,354.49	1	0.203	84.67%
Total / Average	151,999,868.08	151,867,289.09	151,999,468.08	15	0.314	100.00%

Earnings	Month Ending 10/31/21	Fiscal Year To Date
Interest/Dividends	122,525.90	352,320.76

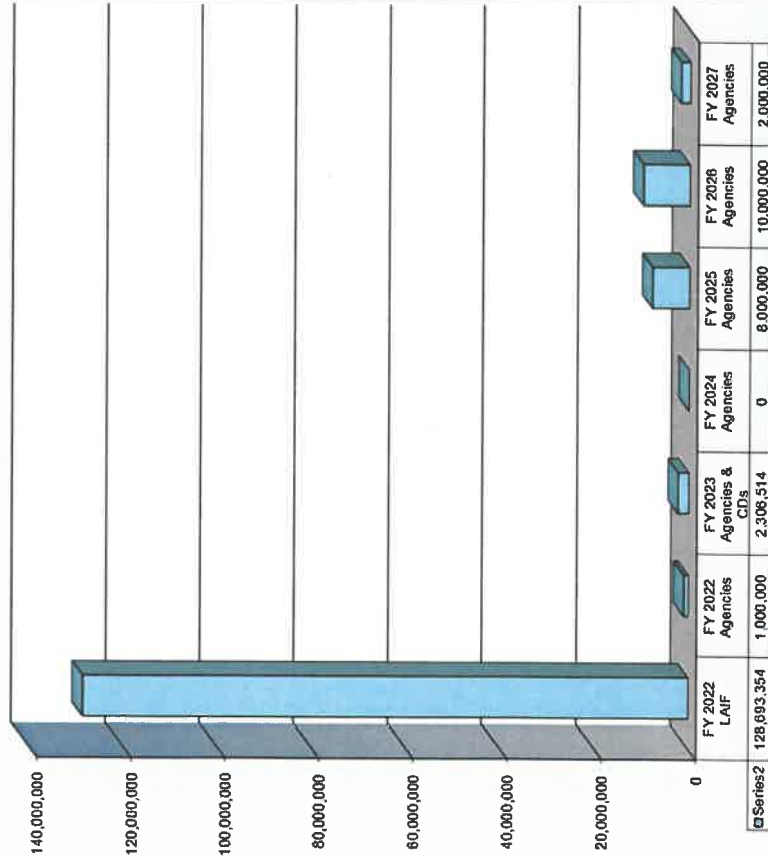


City of Santa Cruz
 Portfolio Holdings
 As of 10/31/2021

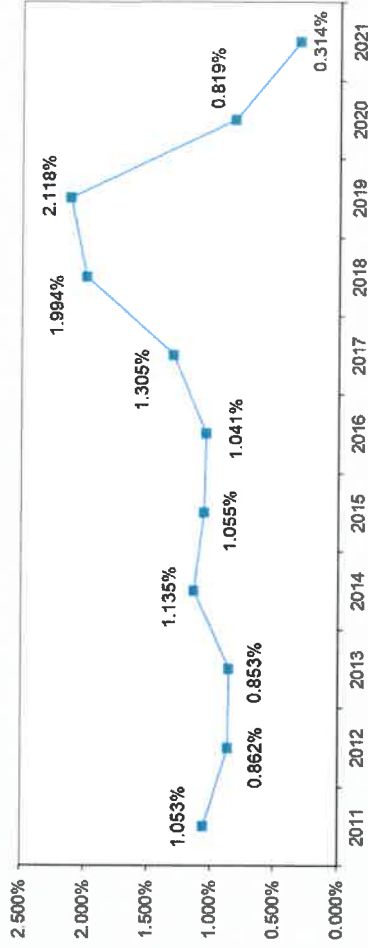
Issuer	Description	CUSIP/Ticker	Coupon Rate	Maturity Date	Next Call Date	Face Amount/Shares	Market Value	Cost Value	Days To Call/Maturity	YTM @ Cost
Certificate Of Deposit										
Comerica Bank	Comerica Bank 0.2 12/14/2022	CD-CB05	0.200	12/14/2022		100,807.21	100,807.21	100,807.21	409	0.200
Santa Cruz County Bank	Santa Cruz County Bank 0.4 12/11/2022	CD-SCCB05	0.400	12/11/2022		101,622.51	101,622.51	101,622.51	396	0.400
Santa Cruz County Bank	Santa Cruz County Bank 1 12/9/2022	CD-SCCB06	1.000	12/9/2022		104,083.87	104,083.87	104,083.87	404	1.000
Sub Total / Average	Certificate Of Deposit		0.538			306,513.59	306,513.59	306,513.59	403	0.538
FFCB Bond										
FFCB	FFCB 1.6 7/15/2022	3133ELHU1	1.600	7/15/2022		2,000,000.00	2,021,500.00	2,000,000.00	257	1.600
FFCB	FFCB 2.625 4/4/2022	3133EJMJ2	2.625	4/4/2022		1,000,000.00	1,010,670.00	999,600.00	155	2.636
Sub Total / Average	FFCB Bond		1.942			3,000,000.00	3,032,170.00	2,999,600.00	223	1.945
FHLB Bond										
FHLB	FHLB 0.45 8/26/2024-21	3130ANLQ1	0.450	8/26/2024	11/26/2021	2,000,000.00	1,989,180.00	2,000,000.00	26	0.450
FHLB	FHLB 0.56 1/29/2025-21	3130ANEV8	0.560	1/29/2025	1/29/2022	2,000,000.00	1,983,660.00	2,000,000.00	90	0.560
FHLB	FHLB 0.6 12/30/2024-21	3130AMY97	0.600	12/30/2024	12/30/2021	2,000,000.00	1,989,380.00	2,000,000.00	60	0.600
FHLB	FHLB 0.65 3/28/2025-21	3130AMXG2	0.650	3/28/2025	12/28/2021	2,000,000.00	1,987,540.00	2,000,000.00	58	0.650
FHLB	FHLB 0.7 8/26/2025-22	3130ANPE4	0.700	8/26/2025	8/26/2022	1,000,000.00	990,490.00	1,000,000.00	299	0.700
FHLB	FHLB 1 3/30/2026-21	3130ALLU85	1.000	3/30/2026	12/30/2021	5,000,000.00	4,966,400.00	5,000,000.00	60	1.000
FHLB	FHLB 1 6/30/2026-21	3130AMWU2	1.000	6/30/2026	12/30/2021	2,000,000.00	1,982,160.00	2,000,000.00	60	1.000
FHLB	FHLB 1.03 7/7/2026-22	3130AN3K4	1.030	7/7/2026	1/7/2022	2,000,000.00	1,983,180.00	2,000,000.00	68	1.030
Sub Total / Average	FHLB Bond		0.793			18,000,000.00	17,871,990.00	18,000,000.00	74	0.793
FNMA Bond										
FNMA	FNMA 0.65 8/27/2025-21	3136G4S87	0.650	8/27/2025	11/27/2021	2,000,000.00	1,979,520.00	2,000,000.00	27	0.650
Sub Total / Average	FNMA Bond		0.650			2,000,000.00	1,979,520.00	2,000,000.00	27	0.650
Local Government Investment Pool - Quarterly										
LAIF	LAIF LGIP-Quarterly	LAIFCOVID	0.203	N/A	N/A	7,003,382.61	7,002,497.81	7,003,382.61	1	0.203
LAIF	LAIF LGIP-Quarterly	LAIF	0.203	N/A	N/A	57,286,193.73	57,278,956.25	57,286,193.73	1	0.203
LAIF	LAIF LGIP-Quarterly	LAIFRDA	0.203	N/A	N/A	64,403,778.15	64,395,641.44	64,403,778.15	1	0.203
Sub Total / Average	Local Government Investment Pool - Quarterly		0.203			128,693,354.49	128,677,095.50	128,693,354.49	1	0.203
Total / Average			0.314			151,999,868.08	151,867,289.09	151,999,468.08	15	0.314

City of Santa Cruz
 Santa Cruz Pooled Portfolio Statistics & Performance
 As of 10/31/21

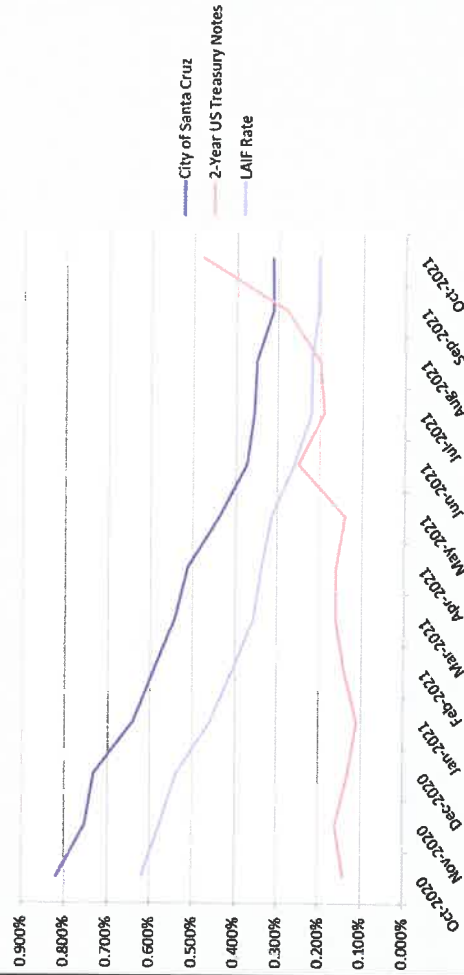
Projected Cash Flow from Maturing Investments



Historical Portfolio Yields At October Month End



Benchmark and Portfolio Yields





INFORMATION REPORT

COUNCIL MEETING

12/14, 2021

DATE: 12/1/21

TO: City Manager

DEPARTMENT: Library

SUBJECT: Santa Cruz Public Library 4th Qtr. 2020-2021 & 1st Qtr. 2021-2022
Incident Report

APPROVED:

DATE:

12.07.21

During 4th quarter 2020-2021 our reporting format was evaluated and streamlined. The 1st quarter 2021-2022 report reflects a more simplified reporting, showing the total number of incidents and suspensions by branch.

As expected, there were decreases across the board as a result of the ongoing COVID pandemic and branch closures due to Measure S facility improvements.

Submitted by:

Eric Howard
Interim Director of Libraries

Attachments: Santa Cruz Public Library 4th & 1st Quarter 2021-2022 Incident Report (3 pgs.)

LBFYI 012

SCPL Incident Report by Branch - FY 21/22

	QTR 1			QTR 2			QTR 3			QTR 4			YTD Totals		
	FY 20/21	FY 21/22	% Change	FY 20/21	FY 21/22	% Change	FY 20/21	FY 21/22	% Change	FY 20/21	FY 21/22	% Change	FY 20/21	FY 21/22	% Change
Aptos	19	Closed		2			5			0			#VALUE!		
Boulder Creek	0	Closed		0			0			0					
Branciforte	16	Closed		9			9			1					
Capitola	Closed	9		Closed	9		Closed			Closed			Closed		
Downtown	5	17	240%	6			5			14			42		
Felton	Closed	4		0			1			0			0		
Garfield Park	3	Closed		7			2			0					
La Selva Beach	Closed	0		Closed	0		Closed			Closed			Closed		
Live Oak	11	Closed		12			2			0			#VALUE!		
Scotts Valley	1	Closed		0			1			1			#VALUE!		
TOTAL	55	30	-45%	36			25			16			132		-100.0%

Suspensions by Branch

	QTR 1			QTR 2			QTR 3			QTR 4			YTD Totals		
	FY 20/21	FY 21/22	% Change	FY 20/21	FY 21/22	% Change	FY 20/21	FY 21/22	% Change	FY 20/21	FY 21/22	% Change	FY 20/21	FY 21/22	% Change
Aptos	2	Closed		1			0			0			#VALUE!		
Boulder Creek	0	Closed		0			0			0			#VALUE!		
Branciforte	5	Closed		0			0			0			#VALUE!		
Capitola	Closed	9		Closed	9		Closed			Closed			Closed		
Downtown	17	17	0%	2			1			6			26		
Felton	0	4		0			0			0			0		
Garfield Park	1	Closed		0			0			0			#VALUE!		
La Selva Beach	Closed	0		Closed	0		Closed			Closed			Closed		
Live Oak	1	Closed		0			0			0			#VALUE!		
Scotts Valley	0	Closed		0			0			0			#VALUE!		
TOTAL	26	30	15%	3			1			6			30		-100%

* Branch Closures due to COVID-19, effective 3/14/20, resulted in significant reductions along with closure due to Measure S Facility Improvements