

RESOLUTION NO. NS-29,971

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
ACKNOWLEDGING THE CEQA DETERMINATION AND APPROVING A LOT LINE
ADJUSTMENT, PLANNED DEVELOPMENT PERMIT, DESIGN PERMIT, AND COASTAL
PERMIT TO TRANSFER 4,054 SQUARE FEET OF LAND FROM APN 003-011-10 TO APN
003-011-06, REMOVE FOUR HERITAGE TREES, AND CONSTRUCT A 100 PERCENT
AFFORDABLE, 20 UNIT SRO (SINGLE ROOM OCCUPANCY) PROJECT WITH A
VARIATION TO ALLOWED USES TO ALLOW AN SRO USE AND VARIATIONS TO
DEVELOPMENT STANDARDS FOR BUILDING HEIGHT, SIDE YARD SETBACK, AND
NUMBER OF REQUIRED PARKING SPACES ON A VACANT LOT IN THE R-L/CZ-O/SP-
O/P-F (MULTIPLE RESIDENCE - LOW-DENSITY/COASTAL ZONE
OVERLAY/SHORELINE PROTECTION OVERLAY/PUBLIC FACILITIES) ZONE
DISTRICT (APPLICATION NO. CP21-0059)

WHEREAS, On July 20, 2021, the Housing Authority of the County of Santa Cruz submitted an application for the property at 415 Natural Bridges Drive for a Lot Line adjustment, Planned Development Permit, Design Permit, and Coastal Permit to transfer 4,054 square feet of land from APN 003-011-10 to APN 003-011-06, remove four heritage trees, and construct a 100 percent affordable, 20 unit SRO (Single Room Occupancy) project with a variation to allowed uses to allow an SRO use and associated parking and variations to development standards for building height, side yard setback, and number of required parking spaces on a vacant lot in the R-L/CZ-O/SP-O/PF (Multiple Residence - Low-Density/Coastal Zone Overlay/Shoreline Protection Overlay/Public Facilities) zone district; and

WHEREAS, the project site and its development is governed by the standards and guidelines contained in Municipal Code Title 23, the Subdivision Ordinance; Municipal Code Title 24, the Zoning Ordinance; Municipal Code Chapter 9.56 pertaining to Preservation of Heritage Trees and Shrubs; and the City of Santa Cruz General Plan/LCP; and

WHEREAS, the project requires no further review under CEQA pursuant to Public Resources Code CEQA Section 21083.3 and the analysis conducted pursuant to that section; and

WHEREAS, the Planning Commission conducted a public hearing on March 17, 2022 and, after hearing public testimony, voted 6-0-1 (one commissioner recusal) to acknowledge the environmental determination and recommend approval of the Lot Line Adjustment, Planned Development Permit, Design Permit, and Coastal Permit with the modification of one condition pertaining to the placement of electrical transformer boxes; and

WHEREAS, the City Council conducted a duly noticed public hearing on April 26, 2022 to consider the application; and

WHEREAS, the City Council now makes the following findings:

With Respect to the Environmental Determination

1. Public Resources Code Section 21083.3 allows a lead agency to avoid repeating analyses that were already provided in a certified general plan EIR for a development project that is consistent with the general plan. Public Resources Code section 21083.3 and its parallel CEQA Guidelines provision, section 15183, provide for streamlined environmental review for projects consistent with the general plan for which an EIR was certified. Subsection (d) further indicates that an effect of a project upon the environment shall not be considered “peculiar to the parcel or to the project...if uniformly applied development policies or standards” have been previously adopted by the city or county, with a finding based upon substantial evidence, that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards would not substantially mitigate the environmental effect. Under these provisions of CEQA, the project is consistent with the general plan, its certified EIR, and uniformly applied standards in the Santa Cruz Municipal Code and is therefore exempt from further CEQA analyses.

Lot Line Adjustment, Section 23.12.030.1b

2. **The lot line adjustment does not create a greater number of parcels than originally existed.**

The lot line adjustment results in two parcels, which is the same number of parcels originally existing before the lot line adjustment.

3. **The parcels resulting from the lot line adjustment conform to Title 24 of the City of Santa Cruz Municipal Code and to the California Building Codes.**

The parcels resulting from the lot line adjustment conform to the zoning ordinance in terms of lot size, lot width, street frontage, and building setbacks from the relocated property line. The lot line adjustment has been reviewed by the Building division and confirmed to meet California Building Codes.

Coastal Permit, Section 24.08.250

4. **The hearing body must find that the development is consistent with the General Plan, the Local Coastal Land Use Plan and the Local Coastal Implementation Program;**

The project is consistent with several general plan policies that call for affordable housing (LU3.1.1, LU3.8, Housing Element Policy 2.2, Housing Element Policy 2.3, Housing Element Policy 2.7, Housing Element Policy 4.8 promote partnering with nonprofits (Housing Element Policy 2.3, CC2.1.3) and promote infill development (Housing Element Policy 2.7, Housing Element Policy 5.3, LU1.1).

The majority of the project area has a general plan land use designation of Low-Medium Density Residential, which accommodates a range of residential uses including single family dwellings, apartments, condominiums, and townhomes. The proposed SRO development fits within this range of uses. The small portion of the site being acquired from the adjacent Toadal Fitness gym site has a general plan land use designation of Community Facilities, which accommodates community uses such as government buildings, schools, community centers, and utilities. The site was designated as such in 1994 in order to accommodate school district offices. The school district has since moved on to a different location, and the purpose for which the land use designation change was made therefore no longer exists. The site was subsequently utilized for offices by the Housing Authority of Santa Cruz County. The current use is a Toadal Fitness gym, which was approved as it is similar in nature to a community recreational facility while not strictly falling within that category. In addition, the portion of the site to be transferred to the project site is currently a portion of the parking lot, and this piece of land will continue to be used for parking although for the SRO use and not for the Toadal Fitness gym use. Finally, the Toadal Fitness site will have a resulting size of 120,515 square feet, which could comfortably accommodate a new Community Facilities use in the future should one be desired at that location. Therefore, the project site is consistent with the intent of the general plan land use designations.

The property is located in an area mapped as potentially sensitive for archaeological resources under the general plan. General plan policy HA1.2.2 requires a project within this mapped area to undergo an archaeological investigation that includes archival research and site reconnaissance. An archaeological report completed by Patricia Paramoure Archaeological Consulting on May 6, 2021 found a very low probability of encountering archaeological resources on the site. However, a standard condition of approval will require the applicant to stop work should soil-disturbing activities result in the discovery of an archaeological resource.

The project is consistent with LCP policies to protect heritage trees (CD 6.1.1 and CD 6.1.2), protect archaeological resources (CR 1.2.2), protect nearby streams and wetlands from erosion (EQ 3.1) and to utilize the environmental review process to ensure protection of other environmental resources (LU 1.4 and CR 1.2.2).

5. Maintain views between the sea and the first public roadway parallel to the sea;

The site is located on the inland side of Delaware Avenue, which is the first public road parallel to the sea, and therefore will not obstruct any views between the road and the sea.

6. Protect vegetation, natural habitats and natural resources consistent with the Local Coastal Land Use Plan;

The proposed development involves removal of four of the five heritage trees on site. The project will retain a 25 inch cedar tree, which is in the best condition of the existing trees. Coastal policy CD 6.1.1 requires the city to review plans with respect to Heritage trees and provide technical assistance to owners. Consistent with this policy, the City Urban Forester has reviewed the plans and concurs with the arborist report submitted for the project

recommending removal of the four trees. Since the trees are located in the Coastal Zone, replacement trees are required at a two-to-one ratio per coastal policy CD6.1.2. A condition of approval requires replacement trees at a ratio of two 24-inch box trees or six 15 gallon trees per tree removed, or payment of a comparable in-lieu fee, to meet replacement requirements under the Heritage Tree Ordinance as well as under the Local Coastal Program. The project is not located within an area mapped as sensitive for habitats or other natural resource under the Local Coastal Land Use Plan. However, a condition of approval will require a nesting bird survey to be completed prior to heritage tree removal. The site is located approximately 400 feet to the east of Moore Creek and approximately the same distance northeast of Antonelli Pond. Coastal policy EQ 3.1 requires site design and erosion control measures in areas adjacent to stream and wetland areas. To comply with this policy, the project has been reviewed for consistency with the City's storm water and construction best management practice standards.

7. Be consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan;

The site is not located within the focus area of any design or area plan; therefore, this finding does not apply.

8. Maintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan;

The site is located over half a mile from the coastline, is inland of Delaware Avenue, and does not presently include any public access pathways to the coast; therefore, the proposed project will not affect existing public access to the coast. Further, the site is within walking distance of commercial goods, services, recreation and public transportation and the development will include one bicycle parking space per unit, therefore, the development will not impact public street parking in the vicinity of project site.

9. Be consistent with the Local Coastal Land Use Plan goal of providing visitor-serving needs as appropriate;

The site is designated for residential development and not for development for visitor-serving needs, and visitor-serving uses are not proposed; therefore, this finding does not apply.

10. Be consistent with the Local Coastal Land Use Plan goal of encouraging coastal dependent uses as appropriate.

The project site is not located in an area designated for coastal dependent industries, and the project does not propose a coastal dependent use; therefore, this finding does not apply.

Shoreline Protection Overlay District Review Criteria, Section 24.10.2430

11. Protect trees and vegetation and sensitive wildlife habitat.

The proposed development involves removal of four of the five heritage trees on site. The project will retain a 25 inch cedar tree, which is in the best condition of the existing trees. A condition of approval will require replacement trees at a ratio of two 24-inch box trees or six 15 gallon trees per tree removed, or payment of a comparable in-lieu fee, to meet replacement requirements under the Heritage Tree Ordinance as well as under the Local Coastal Program. The site will cause some shading on the adjacent building to the north but will not shade the majority of the site and does not shade any residential use.

The site is not mapped under the general plan or LCP for sensitive vegetation or wildlife habitat. A condition of approval will require **protections for nesting birds that may be affected** by the removal of heritage trees.

12. Be consistent with the following criteria for bluff or cliff development:

- a. The development is sited and designed to assure stability and structural integrity of its expected economic life span and minimize alterations to natural land forms.**

The project site does not include any coastal bluffs or cliffs; therefore, this finding does not apply.

- b. The development will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.**

The site is not located on a cliff or bluff; therefore, this finding does not apply.

- c. The development minimizes alteration of cliffs, bluff tops, faces or bases, and will not interfere with sand movement.**

The project site is not located on a cliff, bluff top, face, or base, and is not located on the beach; therefore, this finding does not apply.

- d. The development which proposes use of retaining walls shall be allowed only to stabilize slopes. Sea walls at the toe of sea cliffs to check marine erosion shall be allowed only where there is no less environmentally damaging alternative.**

The proposed project does not include any retaining walls or sea walls; therefore, this finding does not apply.

- e. The development within one hundred feet of any cliff or bluff line shall follow the recommendations of an approved geologic report by a registered geologist.**

The area where such a report is required may be increased where the issue of slope stability requires a greater distance from any cliff or bluff line.

The proposed improvements are not within 100 feet of a cliff or bluff; therefore, this finding does not apply.

- 13. Provide maximum erosion protection, using accepted engineering practices and other methods and specifications set forth in this title.**

During construction, the project proposes and will be required to follow Best Management Practices with regard to erosion and storm water control.

- 14. Maintain public view corridors between the sea and the first public roadway parallel to the sea and maintain natural views of the coastline;**

The site is located inland from Delaware Avenue, the first public road parallel to the sea, and therefore will not obstruct any public views of the coastline.

- 15. Protect paleontological resources as prescribed in the Land Use Plan;**

A condition of approval requires the applicant to stop work and contact the proper authorities should any earth-disturbing work result in the discovery of a paleontological resource.

- 16. Protect and enhance free public access to or along the beach, and sign such access when necessary;**

The site does not provide access to the beach, and is located inland from Delaware Avenue, the first road parallel to the beach; therefore, this finding does not apply.

- 17. Include mitigation measures prescribed in any applicable environmental document;**

The project is utilizing Public Resources Code section 21083.3. The project is consistent with all standard measures to protect environmental resources required under the general plan and zoning ordinance.

- 18. Be compatible with the established physical scale of the area;**

The three story, 10,519 square foot building is compatible with the physical scale of the area, which includes large, mostly two story industrial and commercial buildings.

- 19. Be consistent with the design review guidelines of this title and the policies of any applicable area plan;**

The site meets the findings for a Design Permit in that the site plan places ample landscaping at the front and parking, trash room, and utility meters at the rear of the site, creating a

visually pleasing view from the street; the proposed building has well-articulated walls and roofline, especially on the elevations facing Natural Bridges Drive and the railroad right of way; the mix of stucco and vertical siding provides quality exterior materials that add further interest; details such as metal balcony railings, sheet metal coping, and slightly curved parapet roofline features complete a detailed design that blends in well with the surrounding area; the proposed building would not block any significant public views identified in the general plan; the building does not create any privacy issues for adjacent properties; and the building does not cast shade on any residential uses. The site is not within the focus area of any area plan.

20. Be consistent with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act.

The project is consistent with LCP policies to protect heritage trees (CD 6.1.1 and CD 6.1.2), protect archaeological resources (CR 1.2.2), protect nearby streams and wetlands from erosion (EQ 3.1) and to utilize the environmental review process to ensure protection of other environmental resources (LU 1.4 and CR 1.2.2).

The project is consistent with several general plan policies that call for affordable housing (LU3.1.1, LU3.8, Housing Element Policy 2.2, Housing Element Policy 2.3, Housing Element Policy 2.7, Housing Element Policy 4.8 promote partnering with nonprofits (Housing Element Policy 2.3, CC2.1.3) and promote infill development (Housing Element Policy 2.7, Housing Element Policy 5.3, LU1.1).

The majority of the project area has a general plan land use designation of Low-Medium Density Residential, which accommodates a range of residential uses including single family dwellings, apartments, condominiums, and townhomes. The proposed SRO development fits within this range of uses. The small portion of the site being acquired from the adjacent Toadal Fitness gym site has a general plan land use designation of Community Facilities, which accommodates community uses such as government buildings, schools, community centers, and utilities. The site was designated as such in 1994 in order to accommodate school district offices. The school district has since moved on to a different location, and the purpose for which the land use designation change was made therefore no longer exists. The site was subsequently utilized for offices by the Housing Authority of Santa Cruz County. The current use is a Toadal Fitness gym, which was approved as it is similar in nature to a community recreational facility while not strictly falling within that category. In addition, the portion of the site to be transferred to the project site is currently a portion of the parking lot, and this piece of land will continue to be used for parking although for the SRO use and not for the Toadal Fitness gym use. Finally, the Toadal Fitness site will have a resulting size of 120,515 square feet, which could comfortably accommodate a new Community Facilities use in the future should one be desired at that location. Therefore, the project site is consistent with the intent of the general plan land use designations.

The property is located in an area mapped as potentially sensitive for archaeological resources under the general plan. General plan policy HA1.2.2 requires a project within this mapped area to undergo an archaeological investigation that includes archival research and

site reconnaissance. An archaeological report completed by Patricia Paramoure Archaeological Consulting on May 6, 2021 found a very low probability of encountering archaeological resources on the site. However, a standard condition of approval will require the applicant to stop work should soil-disturbing activities result in the discovery of an archaeological resource.

The project is consistent with the California Coastal Act.

Design Permit, Section 24.08.430

- 21. The site plan and building design are consistent with design and development policies of the General Plan, any element of the General Plan, and any area plan, specific plan, or other city policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.**

The project is consistent with several general plan policies that call for affordable housing (LU3.1.1, LU3.8, Housing Element Policy 2.2, Housing Element Policy 2.3, Housing Element Policy 2.7, Housing Element Policy 4.8 promote partnering with nonprofits (Housing Element Policy 2.3, CC2.1.3) and promote infill development (Housing Element Policy 2.7, Housing Element Policy 5.3, LU1.1).

The majority of the project area has a general plan land use designation of Low-Medium Density Residential, which accommodates a range of residential uses including single family dwellings, apartments, condominiums, and townhomes. The proposed SRO development fits within this range of uses. The small portion of the site being acquired from the adjacent Toadal Fitness gym site has a general plan land use designation of Community Facilities, which accommodates community uses such as government buildings, schools, community centers, and utilities. The site was designated as such in 1994 in order to accommodate school district offices. The school district has since moved on to a different location, and the purpose for which the land use designation change was made therefore no longer exists. The site was subsequently utilized for offices by the Housing Authority of Santa Cruz County. The current use is a Toadal Fitness gym, which was approved as it is similar in nature to a community recreational facility while not strictly falling within that category. In addition, the portion of the site to be transferred to the project site is currently a portion of the parking lot, and this piece of land will continue to be used for parking although for the SRO use and not for the Toadal Fitness gym use. Finally, the Toadal Fitness site will have a resulting size of 120,515 square feet, which could comfortably accommodate a new Community Facilities use in the future should one be desired at that location. Therefore, the project site is consistent with the intent of the general plan land use designations.

The property is located in an area mapped as potentially sensitive for archaeological resources under the general plan. General plan policy HA1.2.2 requires a project within this mapped area to undergo an archaeological investigation that includes archival research and site reconnaissance. An archaeological report completed by Patricia Paramoure Archaeological Consulting on May 6, 2021 found a very low probability of encountering archaeological resources on the site. However, a standard condition of approval will require

the applicant to stop work should soil-disturbing activities result in the discovery of an archaeological resource.

The project site is not located within the focus area of any area or specific plan.

As conditioned, and except for variations to parking, building height, and side yard setback with a Planned Development permit, the project is consistent with the development standards of the R-L zone district, the SRO development standards, and parking standards under the zoning ordinance. A condition of approval requires the area north of the four westernmost parking spaces to be fully landscaped in order for the site to meet the 10 percent of parking area in landscaping requirement.

The project is consistent with LCP policies to protect heritage trees (CD 6.1.1 and CD 6.1.2), protect archaeological resources (CR 1.2.2), protect nearby streams and wetlands from erosion (EQ 3.1) and to utilize the environmental review process to ensure protection of other environmental resources (LU 1.4 and CR 1.2.2).

- 22. For non-residential projects, the project's location, size, height, operations, and other significant features and characteristics are compatible with and do not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, safety, and welfare. For residential projects, the project complies with the objective standards and requirements of the zoning district in which it is located, as well as any objective standards of any area plan or other regulatory document that applies to the area in which the project is located.**

The proposal is a residential project. As conditioned, and except as modified by the requested variations to building height, setback, and number of parking spaces under the Planned Development Permit, the project complies with the applicable objective standards of the R-L zone district, the objective standards of the SRO regulations, and the objective standards of the parking regulations under the zoning ordinance. In order to meet the parking design standard requiring at least 10 percent of the parking area to be in landscaping, a condition of approval requires the area north of the four westernmost parking spaces to be fully landscaped. The project site is not located within an area plan.

- 23. For non-residential projects, the project provides for an arrangement of uses, buildings, structures, open spaces, and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.**

The proposal is a residential use; therefore, this finding does not apply.

- 24. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.**

The property is located on the lower west side of Santa Cruz in an area that includes a mix of commercial and industrial uses and does not have an established architectural character worthy of preservation. The exterior design of the building has a scale, form, and material palate that is compatible with the surrounding area.

25. **Design of the site plan respects design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious, and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures takes into account maintenance of public views; rooftop mechanical equipment is incorporated into roof design or screened from public rights-of-way to the extent possible. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters are accessible and screened.**

The 10,519 square foot, three story building has a compatible scale to the mostly two story, larger commercial and industrial buildings in the surrounding area. The site plan places ample landscaping at the front of the site and places parking, trash room, and utility meters at the rear of the site, creating a visually pleasing view from the street. The proposed building has well-articulated walls and roofline, especially on the elevations facing Natural Bridges Drive and the railroad right of way. The mix of stucco and vertical siding provides quality exterior materials that add further interest. Details such as metal balcony railings, sheet metal coping, and slightly curved parapet roofline features complete a detailed design that blends in well with the surrounding area. The proposed building would not block any significant public views identified in the general plan. To ensure rooftop screening is compatible with the building design, a condition of approval requires rooftop screening to have the same color as the proposed stucco siding. A condition of approval requires all utility installations and mechanical equipment to be accessible and screened.

26. **Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan shall take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.**

The project site is surrounded by a gym, office building, and railroad right of way. The proposed residential use does not include any nuisance features that would affect the surrounding uses.

27. **To the extent feasible, the orientation and location of buildings, structures, open spaces and other features of the site plan maintain natural resources including significant trees and shrubs, minimize impacts to solar access of adjacent properties, and minimize alteration of natural land forms; building profiles, location, and orientation must relate to natural land forms.**

The proposed development involves removal of four of the five heritage trees on site. The project will retain a 25 inch cedar tree, which is in the best condition of the existing trees. A condition of approval will require replacement trees at a ratio of two 24-inch box trees or six

15 gallon trees per tree removed, or payment of a comparable in-lieu fee, to meet replacement requirements under the Heritage Tree Ordinance as well as under the Local Coastal Program. The site will cause some shading on the adjacent building to the north but will not shade the majority of the site and does not shade any residential use. The project site is generally flat, and the proposed development will not change that landform.

- 28. The site plan ensures that the scale, bulk, and setbacks of new development preserves important public views along the ocean and of designated scenic coastal areas. Where appropriate and feasible, the project shall restore and enhance visual quality of visually degraded areas.**

There are no views of the ocean from or through the project site, and the site is not located in a scenic coastal area. As the site is currently vacant, development of the site with the proposed quality design will enhance the visual quality of the area.

- 29. The site plan shall reasonably protect against external and internal noise, vibration and other factors which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.**

Any noise or vibrations that may occur as a result of construction are temporary; once constructed, the proposed SRO development will not cause any noise, vibrations, or other factors beyond those normally associated with a multi-family development that would make the environment less desirable. The site is not adjacent to a residential use.

- 30. Building and structures shall be designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling, ventilation, and lighting.**

The new building includes windows on all four elevations to allow light and air to pass through the building. Ample landscaping in the front yard provide a natural cooling effect for the project site and new trees provide shading.

Planned Development, Section 24.08.770

- 31. Is consistent with the General Plan, the Local Coastal Land Use Plan, and adopted area plans.**

The project is consistent with several general plan policies that call for affordable housing (LU3.1.1, LU3.8, Housing Element Policy 2.2, Housing Element Policy 2.3, Housing Element Policy 2.7, Housing Element Policy 4.8 promote partnering with nonprofits (Housing Element Policy 2.3, CC2.1.3) and promote infill development (Housing Element Policy 2.7, Housing Element Policy 5.3, LU1.1).

The majority of the project area has a general plan land use designation of Low-Medium Density Residential, which accommodates a range of residential uses including single family dwellings, apartments, condominiums, and townhomes. The proposed SRO development fits

within this range of uses. The small portion of the site being acquired from the adjacent Toadal Fitness gym site has a general plan land use designation of Community Facilities, which accommodates community uses such as government buildings, schools, community centers, and utilities. The site was designated as such in 1994 in order to accommodate school district offices. The school district has since moved on to a different location, and the purpose for which the land use designation change was made therefore no longer exists. The site was subsequently utilized for offices by the Housing Authority of Santa Cruz County. The current use is a Toadal Fitness gym, which was approved as it is similar in nature to a community recreational facility while not strictly falling within that category. In addition, the portion of the site to be transferred to the project site is currently a portion of the parking lot, and this piece of land will continue to be used for parking although for the SRO use and not for the Toadal Fitness gym use. Finally, the Toadal Fitness site will have a resulting size of 120,515 square feet, which could comfortably accommodate a new Community Facilities use in the future should one be desired at that location. Therefore, the project site is consistent with the intent of the general plan land use designations.

The property is located in an area mapped as potentially sensitive for archaeological resources under the general plan. General plan policy HA1.2.2 requires a project within this mapped area to undergo an archaeological investigation that includes archival research and site reconnaissance. An archaeological report completed by Patricia Paramoure Archaeological Consulting on May 6, 2021 found a very low probability of encountering archaeological resources on the site. However, a standard condition of approval will require the applicant to stop work should soil-disturbing activities result in the discovery of an archaeological resource.

The project is consistent with LCP policies to protect heritage trees (CD 6.1.1 and CD 6.1.2), protect archaeological resources (CR 1.2.2), protect nearby streams and wetlands from erosion (EQ 3.1) and to utilize the environmental review process to ensure protection of other environmental resources (LU 1.4 and CR 1.2.2).

The project is not within the focus area of any area plan.

32. Is consistent with the purpose of this chapter and other applicable sections of this title.

The purpose of the Planned Development Permit under Chapter 24.08, Part 8 is to provide an avenue for developments that serve public objectives more fully than a development permitted under conventional zoning regulations. The project is consistent with this purpose in that it provides a 100 percent affordable housing development that also includes a dignified level of livability through comfortable floor to ceiling heights, a visually pleasing architectural design, and substantial useable open space. Except as allowed with variations under this permit, the project as conditioned is consistent with the applicable development standards of the R-L zone district, the SRO development standards, and the parking regulations.

33. Includes planned variations to underlying district regulations which serve public purposes to an equivalent or higher degree than would underlying district regulations.

Planned variations to district regulations include use variations to the R-L and P-F zone districts to allow the SRO use. Since SROs may exceed the density range for the general plan land use designation, allowing the SRO use provides the opportunity to create substantially more affordable units than would be allowed were the project constructed as an apartment project consistent with the R-L zone district. Variations to reduce the northern side yard setback from 12 feet to just over seven feet and to reduce required on-site parking from 20 spaces to the proposed 12 allows the project to dedicate more space to construction of units and useable open space for the residents. The requested variation to building height enables the project to provide comfortable floor to ceiling heights within the units, enhancing the livability of those units, and allows for an articulated parapet roofline. The proposed affordability level of the units provides a community benefit that balances the variations requested. A condition of approval requires the applicant to enter into an affordable housing agreement with the City to memorialize the affordability level of the units. Overall, these variations create more affordable units with a better amenity level than would be possible under the standard development regulations.

34. Can be coordinated with existing and proposed development of surrounding areas.

The project site is a vacant lot surrounded by developed land. The proposed SRO development is compatible with the surrounding uses that include office, a gym, and industrial uses in the general area. The location for the SRO use is suitable adjacent to the railroad right of way, as residents will be directly adjacent to the future rail trail.

35. Overall, the amenity level of the development and the amount of open space shall be greater than what would have been permitted by the underlying district regulations.

The use variation to allow the SRO use in an R-L zone district allows the use where strict application of the allowed uses in this district would not have allowed it. Similarly, allowing the portion of the site zoned P-F to be utilized for parking for the SRO units allows a use that is not specifically listed in the zone district. Reducing the amount of parking below the required amount and reducing the northern side yard setback allows the building to be set back further on the lot, maximizing the amount of open space useable to residents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby acknowledges the CEQA determination and the Lot Line adjustment, Planned Development Permit, Design Permit, and Coastal Permit to transfer 4,054 square feet of land from APN 003-011-10 to APN 003-011-06, remove four heritage trees, and construct a 100 percent affordable, 20 unit SRO (Single Room Occupancy) project with a variation to allowed uses to allow an SRO use and associated parking and variations to development standards for building height, side yard setback, and number of required parking spaces on a vacant lot in the R-L/CZ-O/SP-O/PF (Multiple Residence - Low-Density/Coastal Zone Overlay/Shoreline Protection Overlay/Public Facilities) zone district subject to the Findings listed above and the Conditions of Approval listed in Exhibit "A," attached hereto and made a part hereof.

RESOLUTION NO. NS-29,971


PASSED AND ADOPTED this 26th day of April 2022, by the following vote:

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

NOES: None.

ABSENT: None.

DISQUALIFIED: Mayor Brunner.

APPROVED: 
Sonja Brunner, Mayor

ATTEST: 
Bonnie Bush, City Clerk Administrator

RESOLUTION NO. NS-29,971
EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

415 Natural Bridges Dr. – CP21-0059

Lot Line Adjustment, Planned Development Permit, Design Permit, and Coastal Permit to transfer 4,054 square feet of land to/ from APN 003-011-10 and construct a 100% affordable, 20 unit SRO (Single Room Occupancy) project with a variation to allowed uses to allow an SRO use and variations to development standards for building height, side yard setback, and number of required parking spaces on a vacant lot in the R-L/CZ-O/SP-O (Multiple Residence - Low-Density/Coastal Zone Overlay/Shoreline Protection Overlay) zone district. This project involves the removal of four Heritage trees.

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. This permit shall be exercised within three (3) years of the date of final approval or it shall become null and void.
4. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
5. 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.
6. The applicant and contractor who obtains a building permit for the project shall be required to sign the following statement at the bottom of these conditions, which will become conditions of the building permit:

"I understand that the subject permit involves construction of a building (project) with an approved Design Permit. I intend to perform or supervise the performance of the work allowed by this permit in a manner that results in a finished building with the same level of detail, articulation, and dimensionality shown in the plans submitted for building permits. I hereby acknowledge that failure to construct the building as represented in the building permit plans, may result in delay of the inspections process and/or the mandatory reconstruction or alteration of any portion

of the building that is not in substantial conformance with the approved plans, prior to continuation of inspections or the building final.”

Signature of Building Contractor

Date

7. 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. Major modifications to plans or exceptions to completion may be granted only by the City authority which approved the project.
8. 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.
9. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
10. 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.
11. Plans submitted for building permit issuance shall include electric vehicle charging stations as required per Section 24.12.241 of the Zoning Ordinance.
12. 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.
13. 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.
14. All landscaping shall be installed prior to final utility release or issuance of occupancy permits.
15. All trees shall be a minimum 15-gallon size.

16. Bicycle parking shall be provided in accordance with Section 24.12.250-252 of the City's Zoning Ordinance.
17. All utilities shall be placed underground in accordance with the provisions of Section 24.12.700 through 24.12.740 of the Zoning Ordinance. Transformer boxes shall be placed underground to the extent feasible. Any transformer boxes placed above ground shall be shown on final building permit plans with a location and visual screening approved by the Planning Department.
18. A drainage plan shall be submitted in conjunction with application for building permits.
19. The following text shall be included on the building permit plans and followed during any site work:

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.
20. The plan for erosion control approved as part of this application shall be submitted and all work installed by November 1.
 21. 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.
 22. Prior to site grading or any disturbance all trees and/or tree stands indicated for preservation or approved plans shall be protected through fencing or other approved barricade. Such fencing shall protect vegetation during construction and shall be installed to the satisfaction of the Director of Planning and Community Development.
 23. 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.

24. Applicant shall comply with the inclusionary housing requirements set forth at SCMC Chapter 24.16 Part 1, and shall enter into and record an affordable housing development agreement prior to issuance of a building permit for any structure in the residential development. The affordable housing development agreement shall run with the land and bind all future owners and successors in interest.
25. Prior to issuance of a building permit, the applicant shall enter into an affordable housing agreement with the City to memorialize the affordability level of all units in the development at the very low income level in perpetuity.
26. The property owner and/or project applicant agree(s) as a condition and in consideration of the approval of this discretionary 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.
27. Prior to the issuance of a building permit, the applicant shall pay the Park and Recreation Facility Tax pursuant to Chapter 5.72 of the City of Santa Cruz Municipal Code based on the final building permit plans.
28. Building permit plans shall show screening for all rooftop mechanical equipment with a color to match the exterior building stucco color.
29. Building permit plans shall show the area north of the four westernmost parking spaces to be fully landscaped with low-growing plants.
30. Applicant shall submit a finalized SRO management plan, which shall be subject to approval by the Planning Director prior to building permit issuance.
31. Applicant shall follow all recommendations from the arborist report prepared by Maureen Hamb dated June 2021 as well as any additional direction provided by the project arborist

and approved by the City Arborist. Final building permit plans shall include a note stating that the project shall follow all recommendations from the arborist report prepared by Maureen Hamb dated June 2021 2021 as well as any additional direction provided by the project arborist and approved by the City Arborist.

32. Applicant shall submit evidence of a contract with a consulting arborist. The new project arborist shall be approved by the City Arborist.
33. The four trees approved for removal shall be replaced at a ratio of either two 24-inch box trees or six 15 gallon trees per tree removed, or by payment of a comparable in-lieu fee as approved by the City Arborist. The species, size, and location of all replacement trees shall be shown on final building permit plans and are subject to approval of the City Arborist.
34. If work is scheduled between March and late July, a pre-project nesting survey shall be conducted by a qualified wildlife biologist to determine if nesting raptors or other nesting species protected under the Migratory Bird Treaty Act are within the vicinity of the project site. If no nesting birds are observed, no further action is required during project work. If nesting birds are observed, the biologist shall establish a buffer zone around the nest where construction work shall be postponed until the biologist has confirmed that the nest is no longer in use. Said survey, including any follow-up work by the project biologist, shall be reviewed and approved by City Planning staff prior to commencement of tree removal.
35. Final building permit plans shall show the type of paving used for driveway and parking areas. Paving shall be consistent with the surfacing standard under Zoning Ordinance section 24.12.280.6.