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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
809 Center Street • Room 206 • Santa Cruz, CA 95060 • www.cityofsantacruz.com
Lee Butler, Director

October 14, 2021

Iman Novin
Novin Development
30 W Beach St., Suite 105
Watsonville, CA 95076

RE: 831 Water Street CP20-0121 APN 009-212-30, -31, -38

Affordable Housing Project Proposed Pursuant to SB 35 (Planning and Zoning: Affordable Housing: Streamlined Approval Process). 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 SB 35) with Shared Underground Parking.

Dear Mr. Novin,

The City received an application for a development project proposed pursuant to Government Code Section 65913.4 (Senate Bill [SB] 35) and State and Local Density Bonus Law. On October 12, 2021, the City of Santa Cruz City Council determined that the application as submitted does not qualify for ministerial approval because several components of the application are either inconsistent with SB 35 streamlining criteria or because more information is needed in order to demonstrate consistency. Additionally, the City Council was not able to make the findings for one of the requested Density Bonus incentives/concessions due to the potential for public health and safety impacts and the violation of state and federal laws as contemplated under Government Code section 65915(d). The motion that was passed by the City Council is as follows and is expanded further in this letter:

- Deny the 831 Water Street SB 35 application for its 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 our 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; and
- 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 AMI levels and density bonus unit locations.

Density Bonus

The project proposed to restrict 50 percent of the total units to be affordable to lower income households. In order to access two incentives/concessions per State Density Bonus Section 65915, the applicant must provide 17 percent of the base units at 60 percent of Area Median Income or below. The remaining 33 percent of units can be affordable to households at 80 percent of Area Median Income to meet the total of 50 percent project affordability required to qualify for SB 35 approval within the City of Santa Cruz. Under the state Density Bonus Law, this level of affordability allows the project applicant to acquire and use up to three (3) incentives/concessions that provide actual and identifiable cost reduction for the development of affordable units. One the applicant’s three requested incentives/concessions is proposed to locate all affordable units together in a single building, which is contrary to SCMC 24.16.025(2) and SCMC 24.16.260(2), both of which require that inclusionary units shall be dispersed throughout the residential development to prevent the creation of a concentration of affordable units within the project. The applicant has indicated that the request to locate all affordable units together was due to financing requirements for state affordable housing tax credits, however, it is not clear at this time that funding requires the affordable units to be placed on a separate parcel. In order for the City to support this incentive/concession request, applicant would need to provide evidence of the specific financing mechanism that requires such separation and evidence that the project has been awarded or received a conditional commitment for such funding.

For the City to validly deny the grant of an incentive/concession under the state Density Bonus Law, the City would have to make the necessary findings as outlined in Government Code section 65915(d)(1). The applicant has applied for tax credit financing for special needs communities and has asked for an incentive and concession under the state Density Bonus Law to segregate all of those special needs and other affordable units into a single “affordable” section of the proposed project. This density bonus incentive request is contrary to the City’s affordable housing ordinance (SCMC 24.16.025(2)) and density bonus ordinance (SCMC 24.16.260(2)) that require affordable units to be reasonably dispersed throughout the housing development. While this incentive request is made to accommodate the recording of a deed restriction against the affordable housing units as required by the state’s affordable housing grant funding mechanism, it may be possible that this grant funding requirement could also be accomplished by filing a condo map and recording the deed restrictions against the dispersed units.

The City finds that the segregation of units violates state and federal laws within the meaning of Government Code section 65915(d)(1)(C). On September 28, 2021, Governor Newsom signed AB 491 which is effective retroactively as declarative of existing state law. AB 491 was chaptered into the Health and Safety Code at Section 17929. Section 17929(a)(2) requires that, “A mixed-income multifamily structure shall not isolate the affordable housing units within that structure to a specific floor or an area on a specific floor.” The applicant has proposed to construct two connected structures and the building architect has characterized them during public presentations as a single interconnected building with shared entries and common areas. While this characterization satisfies Section 17929(a)(1)’s requirement for open access to all occupants to entrances and common areas, the applicant also proposes to locate all affordable units in the portion of the interconnected building designated as “Building B.” This segregation of affordable units into one area of the proposed project is in direct violation of AB 491’s

anti-segregation policies, would have a specific, adverse impact as contemplated in the Housing Accountability Act, and would violate state law.

Further, the City has denied this density bonus incentive grant request because it believes that the applicant’s request to segregate all of the affordable housing units (including units supported by the U.S. Department of Housing and Urban Development Project Based Vouchers) is not only a request to vary from the City’s affordable housing and density bonus ordinances as allowed by the Density Bonus Law, but is also contrary to other state and federal laws within the meaning of Government Code section 65915(d)(1)(C)). The City’s approval of this density bonus incentive/concession grant would be a violation of the City’s affirmative duty to affirmatively further fair housing within its jurisdiction under Government Code section 65008 by allowing the project to discriminate against affordable housing.

California’s Unruh Civil Rights Act also specifically prohibits intentional and unintentional housing discrimination against people with disabilities and other protected classes of individuals who would be affected by the housing segregation that would result if this density bonus incentive/concession were granted. California’s Fair Employment and Housing Act specifically prohibits housing discrimination based on a variety of protected classes, including source of income, which prohibits discrimination against low income families using Section 8 vouchers among other forms of payment, to pay all or part of their rent. (See Government Code section 12955.) This proposal to segregate affordable units also violates federal laws including the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the federal Fair Housing Act, and the federal Rehabilitation Act of 1973.

The below table identifies the SB35 streamlining criteria and objective planning standards which conflict with your project application or for which compliance is impossible to determine without additional information.

Objective City of Santa Cruz Standards Applicable to the 831 Water Street Project

Municipal Code	City Analysis of Compliance with Standards
Chapter 6.02 Health In All Policies	
<p>6.02.050 Implementation 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) 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</p>	<p>The application is not consistent with this objective.</p> <p>The project proposes to separate the affordable housing units from the market rate units which is not consistent with the city’s adopted policies to provide the same opportunities to everyone in the community regardless of need or circumstance.</p>

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 differences that are created when systemic barriers prevent individuals and communities from reaching their full potential.

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.

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.

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.

Chapter 24.04 Administration

24.04.050 PERMIT APPLICATION, SUBMITTAL AND PROCESSING.

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 is not consistent with this requirement in that the following documents have not been submitted:

- Storm Water Control Plan Report

the application form.

Chapter 24.14 Environmental Resource Management

Part 1: Conservation Regulations

24.14.030 SLOPE REGULATIONS.

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.

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](#).

g. No development except minor development on parcels of one-half acre or less, such as walkways, fences, retaining walls less than three feet high above existing grade, planter boxes and similar features, will be allowed to encroach on thirty-percent slopes without an exception listed in Section [24.14.040](#).

2.d. Driveways within slopes that are thirty percent or greater shall require an exception listed in Section [24.14.040](#).

The application is not consistent with this requirement.

1. The subject site is mapped for slopes of 30 percent or greater on Map EQ-7 of the General Plan. The Zoning Ordinance reference to Map EQ-7 refers to the General Plan 1990 through 2005 map. The current map is on page 99 of General Plan 2030. Both maps show the site as including 30%+ slopes.

1.c. Plans shall identify areas of 30% or greater slope and shall deduct this area from the net lot area.

1.d. The underground garage constitutes a “building” per SCMC 24.22.154 and must comply with slope setbacks. Plans must delineate area of 30% or greater slope and must indicate building setbacks from slope. If the building is located within 20-feet of the slope, then the project must comply with the following objective standards per SCMC section 24.08.820:

1. Measures have been included within the design of the project to mitigate impacts on environmental constraint areas identified in the Environmental Quality Element of the General Plan and the Local Coastal Program.
3. Usable open space is proposed in an amount equal to that normally required.
4. To conform with existing land forms and topography, streets, buildings, and other manmade structures have been designed by a registered civil engineer or other qualified professional.
5. Adequate fire safety measures as required by the city fire department have been incorporated into the design of the proposed development, when located in a designated fire hazard area.
(#2, #6 & #7 are not objective)

1.g. Plans shall identify and delineate areas of 30% or greater slope and shall show setbacks of all site features from slope. Only minor development shall be allowed to encroach onto

30% slopes without complying with the above listed findings.

2.d. Plans must show the locations of all 30% or greater slopes on the property. If the driveway is located within a 30% or greater slope, then the application must comply with the following objective slope exception findings per SCMC 24.08.820:

1. Measures have been included within the design of the project to mitigate impacts on environmental constraint areas identified in the Environmental Quality Element of the General Plan and the Local Coastal Program.
 3. Usable open space is proposed in an amount equal to that normally required.
 4. To conform with existing land forms and topography, streets, buildings, and other manmade structures have been designed by a registered civil engineer or other qualified professional.
 5. Adequate fire safety measures as required by the city fire department have been incorporated into the design of the proposed development, when located in a designated fire hazard area.
- (#2, #6 & #7 are not objective)

24.14.030 SLOPE REGULATIONS.

- (2) Driveway Design Standards
 (b) Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight.

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		Design Speed (km/h)	Brake Reaction Distance (m)	Braking Distance on Level (m)	Stopping Sight Distance	
			Calculated (ft)	Design (ft)				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.

The application is not consistent with this requirement.

The proposed Driveway on Water Street shall be located a minimum of 250 feet from the western crosswalk at the Water/Branciforte intersection. The proposed driveway on N. Branciforte shall be located at 115 feet distance from the intersection as indicated on the site plan.

Sight distance along Branciforte Avenue exceeds the AASHTO minimum requirement of 250 feet. However, this will require the removal of on-street parking and maintenance of landscaping from the Project driveway to Belvedere Terrace. Plans must be updated to note these changes which are required in order to meet the applicable standards.

Sight distance along Water Street is met based on AASHTO requirements.

The City has engaged the services of a traffic

Table 3-2. Stopping Sight Distance on Grades

Design Speed (mph)	U.S. Customary						Design Speed (km/h)	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	158	165	173	147	143	140	40	50	50	53	45	44	43
30	205	215	227	200	184	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	378	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	194	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	1070	1149	1246	949	902	862							

consultant to review the proposed development and recommend certain measures that would ensure traffic, pedestrian and cyclist safety which may include, but not be limited to, installation of warning signs along Water Street due to the retaining wall screening vehicles entering and exiting the driveway and an electronic/actuated warning device that will emit light and sound when vehicles exit the driveway on Water Street.

24.14.050 DRAINAGE CONTROL.

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.

The application is not consistent with this requirement.

- b. Drainage plan shall include details on roof drains.
- c. Drainage plan indicates that site runoff will be hard-piped to Branciforte Creek; therefore the drainage plans shall include methods to safeguard or enhance existing water quality.
- d. Drainage plan indicates that the on-site retention requirements are limited to the level of existing retention provided on the site which is zero and that no on-site retention is required per Special Circumstances section I of the City’s Stormwater BMP Manual. Application must include a SWCP Report which shall include confirmation that project meets eligibility criteria for the USA reduced retention requirements.
- d. Drainage plan indicates that site is located within an urban sustainability area and qualifies for certain reductions and exemptions from on-site retention and detention requirements. Application must include a SWCP Report which shall include confirmation that project meets eligibility criteria for the USA reduced retention requirements and confirmation that the project meets the Tier 4 Special Circumstances requirement.
- e. Drainage plan indicates that treatment of

e. Surface Water. All surface water shall be directed to a public or private street, driveway, public right-of-way, drainage easement, or watercourse.

3. Large Project Drainage Plan.

a. Requirements. A drainage plan, pursuant to Section [24.14.050](#), subsection (3)(b), prepared by a licensed civil engineer or other qualified licensed professional, shall be required of projects which involve:

- (1) Residential subdivisions or cluster developments when development potential exceeds four units;
- (2) Residential, commercial, public or quasi-public or industrial development or additions thereto, if constructed on lands with slope in excess of ten percent and parking lots of more than five spaces;
- (3) Any development adjacent to an environmental constraint area identified in the Environmental Quality and Safety Elements of the General Plan or the Local Coastal Program;
- (4) Projects for which the planning director determines that such a plan is warranted by existing site conditions.

b. Contents. Drainage plans for large projects shall be prepared by a qualified professional and shall contain at least the following:

- (1) A site plan indicating existing and proposed contours;
- (2) The direction of water flow;
- (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;
- (4) Erosion control methods as outlined in Section [24.14.060](#).

runoff from impervious surfaces (DMA-B) will be provided via a mechanical filtration unit located in the parking garage prior to discharge to the city's underground storm drain line in Water Street. Application must include a SWCP Sheet which includes the location of the mechanical filtration unit.

3.a. Drainage plan is required per subsection (1) below and must include the following elements:

3.b.1. Proposed contours must be shown.

3.b.2. Plans must show direction of water flow throughout the site.

3.b.3. Plans must show location of treatment system in garage and any other drainage control facilities that are proposed.

<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 Remodeling Projects (Chapter 6B Storm Water BMPs for Development Projects). (e.g. on plan set and related documents)</p> <p>Per Chapter 6B Storm Water BMPs for Development projects, the project shall submit: Appendix A Worksheet: The Storm Water and Low-Impact Development BMP Requirement Worksheet (Appendix A Worksheet) is available in Chapter 6B of the City's Best Management Practices Manual Storm Water BMPs for Private and Public Development Projects (please see www.cityofsantacruz.com/LID).</p> <p>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.</p> <p>Operations and Maintenance Plan (O&M Plan) and Maintenance Agreement: The O&M Plan must include at a minimum:</p> <ol style="list-style-type: none"> 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. <p>5.1 State Construction Storm Water General Permit Please be aware that the State of California requires that</p>	<p>The application is not consistent with this requirement.</p> <ul style="list-style-type: none"> -Project is subject to PCR Tiers 1-4 requirements. A SWCP Report demonstrating compliance chapter 6B must be submitted. -An O&M Plan and signed Maintenance Agreement will be required as conditions of approval prior to building permit issuance. -NOI and SWPPP will be required as conditions of approval prior to building permit issuance. -Project includes outdoor parking areas and trash storage areas therefore application must include additional stormwater source control measures.
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construction activity resulting in land disturbance of one acre or more, or less than one acre but part of a larger common plan of development or sale obtain coverage under the state's Construction Activities Storm Water General Permit. Construction activity includes clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement. The landowner is responsible for filing a Notice of Intent (NOI) with the State Regional Water Quality Control Board (RWQCB) and for developing a Storm Water Pollution Prevention Plan (SWPPP) prior to commencement of any soil disturbing activities. For more information about the Construction Activities Storm Water General Permit, please refer to the State Water Quality Control Board website at: <http://www.swrcb.ca.gov/stormwtr/construction.html>.

In order to obtain a construction or building permit from the City for a construction site that falls into this category, an applicant must provide the City with proof of coverage under the state's Construction Activities Storm Water General Permit. Proof of coverage shall include a copy of the letter of receipt and Waste Discharger Identification (WDID) number issued by the State Water Quality Control Board (SWQCB) that acknowledges the property owner's submittal of a complete Notice of Intent (NOI) package. Therefore, 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.

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.

24.14.060 EROSION HAZARD AREAS.

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

The application is not consistent with this requirement.

1. 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 30%+ slopes, therefore an Erosion

development adjacent to streams and wetland areas. When required, an erosion control plan shall be prepared in accordance with subsection (4) of this section.

2. General Provisions.

- 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 increment period.
- g. All on-site erosion-control facilities, both temporary and permanent, shall be properly maintained by the owners so that they do not become nuisances with stagnant water, odors, insect breeding, heavy algae growth, debris, and/or safety hazards.
- h. Prior to final planning department

Control Plan is must be submitted and the plan shall be consistent with the General Provisions and include all of the information required under subsection 4 of this section.

clearance for occupancy of the development project, all approved permanent erosion control measures shall be installed.

i. In the Coastal Zone grading periods shall be consistent with LUP Policy EQ 3.1.2.1. (page 64).

3. Erosion Control Plan. For major development proposals as defined below, the erosion control plan shall be prepared by a registered civil engineer, professional forester, qualified soil scientist or other qualified erosion control specialist. Major proposals include, but are not limited to:

- a. Residential development with four or more units;
- b. Grading in excess of one thousand cubic yards;
- c. Nonresidential development with floor area greater than ten thousand square feet, when constructed on slopes in excess of ten percent; or
- d. Additions to residential, commercial, or industrial developments when constructed on slopes in excess of ten percent;
- e. Any development within an erosion hazard area as identified in Map EQ-6 of the Environmental Quality Element or the Local Coastal Program.

4. Contents and Preparation. Two sets of erosion-control plans shall be submitted for each application. The plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed. Erosion control plans shall include the following information:

- a. Location and assessor's parcel number of the proposed site.
- b. North arrow, scale, and the name and location of the nearest public road intersection.
- c. Existing contours of the site, as well as

finished contours to be achieved by grading. Contours shall be at two-foot intervals for ground slope areas of twenty percent or less; and/or at five-foot intervals for ground slope areas of more than twenty percent. Such contours shall relate to the bench mark system established by the city engineer.

d. Detailed plans of all surface and subsurface drainage devices, dams, and other erosion control measures to be constructed with, or as a part of, the proposed work.

e. Delineation of areas to be cleared during development activities.

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.

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:

a. Change of use where there would be no expansion of land-disturbing activities.

b. Construction within an existing structure.

Part 2: Performance Standards

24.14.220 GENERAL PROVISIONS.

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

The application is not consistent with this requirement.

The project does not propose any uses that would result in the nuisance factors listed with the

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.

exception of temporary construction and noise. The application must include a noise study to demonstrate compliance with the Land Use-Noise Compatibility Standards in the General Plan and the Performance Standards in SCMC 24.14.260 and include recommendations for mitigations that will be required as conditions of approval.

24.14.260 NOISE

At the points of measurement specified in this part, the maximum sound level shall not exceed the following limits:

The application is not consistent with this requirement.

The application must include a noise study to demonstrate compliance with the Land Use-Noise Compatibility Standards in the General Plan and the Performance Standards in SCMC 24.14.260 and include recommendations for mitigations that will be required as conditions of approval.

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. The allowable noise level will be adjusted as follows for unusual noise:

- 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

* By adding to the measured noise, the unusual noise is penalized 5dBA.

24.16.265 Submittal of Application for Affordable Housing Plan

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.

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.

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.

The application is not consistent with this requirement.

The application must include the submittal of an affordable housing plan which includes the information listed in Section 24.16.265(3). The application indicates that 50 percent of the units will be provided at 80 percent AMI however, the density bonus affordable units must be provided at 60 percent AMI.

General Plan	City Analysis of Compliance with Standards
<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>	<p>The application is not consistent with this requirement.</p> <p>The applicant shall submit a project noise study to demonstrate compliance with the Land Use-Noise Compatibility Standards and include recommendations for mitigations that will be required as conditions of approval.</p>

If you have any questions, please contact Ryan Bane at (831) 420-5141 or Samantha Haschert at (831)420-5196 or via email at rbane@cityofsantacruz.com or shaschert@cityofsantacruz.com.

Sincerely,

Lee Butler
 Director of Planning and Community Development