

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

831 Water Street – CP20-0121

Density Bonus Request for an Affordable Housing Project Proposed Pursuant to SB 35 (Planning and Zoning: Affordable Housing: Streamlined Ministerial Approval Process). The Proposed Project Includes Demolition of Existing Commercial Buildings and Construction of a Five-story Mixed-use Building and a Four-story Residential Building Consisting of Approximately 5,012 Square Feet of Ground Floor Commercial and 140 Residential Units (With 50% of the Base Units as Affordable per SB35) with Shared Underground Parking.

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. The following expiration of approval timelines apply to SB35 projects:
 - a. If the project includes public investment in housing affordability, beyond tax credits, where 50 percent of the base units are affordable to households making at or below 80 percent of the area median income (AMI), then that approval shall not expire.
 - b. If the project does not include public investment in housing affordability (including local, state, or federal government assistance) beyond tax credits, and at least 50 percent of the base units are not affordable to households making at or below 80 percent of the AMI, that approval shall remain valid for three years from the date of the final action establishing that approval, or if litigation is filed challenging that approval, from the date of the final judgment upholding that approval. Approval shall remain valid for the project provided that vertical construction of the development has begun and is in progress. "In progress" means one of the following:
 - i. The construction has begun and has not ceased for more than 180 days.
 - ii. If the development requires multiple building permits, an initial phase has been completed, and the project proponent has applied for and is diligently pursuing a building permit for a subsequent phase, provided that once it has been issued, the building permit for the subsequent phase does not lapse.
 - c. The development may receive a one-time, one-year extension if the project proponent provides documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application. The local government's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and processes set forth in this section.
4. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.

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5. The property owner and/or project applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Modifications to the building permit may be permitted as described in the SB35 legislation and HCD SB35 Guidelines. Any errors or discrepancies found therein that are not permitted pursuant to SB35 legislation or HCD SB35 Guidelines may result in the revocation of any approval or permits issued in connection therewith.
6. All refuse and recycling activities during construction shall be done in accordance with Chapter 6.12 of the Santa Cruz Municipal Code. Be aware that private companies offering refuse or debris box services are not allowed to operate within the City limits, except under certain limited circumstances detailed in Chapter 6.12.160.
7. If the project is not a public work, the property owner and/or project applicant shall be required to comply with the prevailing wage requirements pursuant to SB35 legislation and HCD SB35 Guidelines, including:
 - a. The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work.
 - b. All contractors and subcontractors shall pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.
 - c. All contractors and subcontractors shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided therein.
8. Pursuant to Gov. Code §65913.4(a)(8)(B)(i) as it existed on the project approval date, , a skilled and trained workforce shall be used to complete the development.
9. The property owner and/or project applicant shall be required to comply with all of the requirements of the *Agreement Between the Indian Canyon Mutsun Band of Costanoan Ohlone and the City of Santa Cruz Regarding Project at 831 Water Street (PLN CP 20-0121)*.
10. The owner shall retain a professional property management agent and resident services provider (Management Agent) approved by the City in its reasonable discretion. The Project will, at all times, be managed by an experienced Management Agent with demonstrated ability to operate residential facilities like the Project in a manner that will provide decent, safe, and sanitary housing. The owner shall submit, for the City's information and approval, the identity of any proposed Management Agent and such additional information regarding the background, experience, and financial condition of any proposed Management Agent as is reasonably necessary to review such agent. The City may require the replacement of the Management Agent if the terms of the affordable housing agreement are violated.

PRIOR TO BUILDING PERMIT ISSUANCE:

11. The property owner and/or project applicant shall consult with the Tribal representative(s) who are signatories to *Agreement Between the Indian Canyon Mutsun Band of Costanoan Ohlone and the City of Santa Cruz Regarding Project at 831 Water Street* relative to developing and presenting statements on the project website about the tribal cultural heritage and history of the land developed as the project and the territorial lands in the proximity of the project site. Such messaging will advocate support for indigenous peoples' movements and efforts to inform the public about the local and present-day indigenous community. Such messaging shall be posted on the Project website prior to building permit issuance.
12. An easement for emergency vehicle access shall be recorded on the property that extends from the existing easement to North Branciforte.
13. The owner shall enter into a Participation Agreement with the City establishing compliance with affordable housing requirements, prior to building permit issuance. The agreement shall include the following requirements:
 - (a) The project shall include 55 affordable units for households with incomes not exceeding 80 percent of area median income for Santa Cruz County as published and periodically updated by the state of California pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision. In conformance with Health & Safety Code Section 50053, rent, as defined in the California Code of Regulations, Title 25, Section 6918, shall not exceed 30 percent of 60 percent of area median income, divided by 12, and adjusted for assumed household size (one person for a studio, two persons for one bedroom, and one additional person for each additional bedroom).
 - (b) Twenty-two of the affordable units shall also meet all other requirements of the City's inclusionary housing ordinance (Santa Cruz Municipal Code Chapter 24.16, Part One) and density bonus ordinance (Chapter 24.16, Part Three), including but not limited to dispersion throughout the project, affordability in perpetuity, and standards for quality, size, and number of bedrooms.
 - (c) The remaining 33 units shall remain affordable for 55 years or more. To comply with Section 402(f) of the Updated Streamlined Ministerial Approval Process Guidelines adopted March 30, 2021 by the Department of Housing and Community Development, these units shall be distributed throughout the project, unless, prior to issuance of a building permit or approval of any final or parcel map, the property owner and/or project applicant provides substantial evidence that, for the project to be eligible for a state or local funding program, it is necessary that the units not be distributed throughout the project.

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- (d) Residents of the affordable units shall have access to the same common areas and amenities as the market rate units in the project, in compliance with Section 402(f) of the Guidelines as it existed on the project approval date.
14. All building permits for affordable units shall be issued concurrently with, or prior to, issuance of building permits for the market rate units. All affordable units shall be constructed concurrently with, or prior to, construction of the market rate units
15. All final working drawings shall be submitted to the Zoning Administrator for review and approval in conjunction with building permit application. The plans submitted for building permits shall have the same level of articulation, detailing, and dimensionality as shown in the approved plans. All approved exterior finishes and materials shall be clearly notated on the building permit plans.
16. The development of the site shall be in substantial accordance with the approved plans submitted and on file in the Department of Planning and Community Development of the City of Santa Cruz. All aspects of construction must be completed prior to occupancy. Modifications to the plans shall be granted in the circumstances described in the Government Code section 65913.4 and HCD SB35 Guidelines as they existing on the project approval date unless the project is modified such that new local and state law standards would apply to the modified project.
17. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
18. Adequate provisions shall be made to supply water to each of the premises covered by this application. The design of water facilities shall be to standards of the Water Department, and plans therefore must be submitted to the Water Department Director for review and approval prior to the issuance of a building permit.
19. Plans submitted for building permit issuance shall include electric vehicle charging stations as required per Section 24.12.241 of the Zoning Ordinance. Based on 144 spaces provided on site, eighteen (18) electric vehicle charging stations will be required to be provided on site.
20. Plans submitted for building permit issuance shall show all exterior site lighting locations and fixture details. All exterior building lighting shall be shielded and contained in a downward direction. No exterior lighting shall produce off-site glare. Exterior site lighting shall be provided along pedestrian pathways and in the vehicle parking area. Security lighting shall be motion sensor only.
21. Landscape and irrigation plans shall be submitted at the time of the building permit application and will be reviewed by both the Planning Department and Water Department. The landscape and irrigation plans shall demonstrate compliance with all requirements of the City's Water-Efficient Landscaping Ordinance in Chapter 16.16 of the Santa Cruz Municipal Code prior to issuance of the building permit.

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22. The building permit plans shall include a construction plan that indicates site access areas, staging areas, and parking areas for construction vehicles during all phases of construction. The hours of construction shall comply with Chapter 9.36 of the Municipal Code, which permits construction between the hours of 8:00am and 10:00pm.
23. Prior to building or grading permit issuance or in any case any ground disturbance, including but not limited to grubbing, demolition, excavation, and utility-line trenching, the property owner and/or project applicant shall submit a copy of a signed contract with a qualified archaeologist (based on the city's list of approved consultants or as previously authorized by the Planning Department) and a Native American monitor indicating that the archaeologist and Native American monitor will be present on the site to observe and monitor all grading and subsurface excavations and that they will provide a follow-up letter to the Planning Department with the results of the monitoring prior to commencement of further construction activities. Improvements that are installed prior to the city's receipt of a letter from the archaeologist and Native American monitor may be required to be removed at the cost of the property owner and/or project applicant if the letter indicates that resources may be present and additional investigation is recommended in the area of the improvement.
24. A Professional Archaeologist shall be retained to provide a pre-construction briefing to supervisory personnel of any excavation contractor as well as to comply the requirements under the City's accidental discovery program (such as the need to stop excavation in the event of a discovery, the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team) as set forth in Section 24.12.430 of the Municipal Code. The pre-construction briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team. The training shall also meet the following requirements specified in the *Agreement Between the Indian Canyon Mutsun Band of Costanoan Ohlone and the City of Santa Cruz Regarding Project at 831 Water Street*.
 - a. The Tribe and the City agree to require the property owner and/or project applicant's construction contractor, sub-contractors and construction-related crews and workers to participate in, and complete, at least 1 (one) hour of Native American tribal cultural resources sensitivity training prior to commencement of ground-disturbance activities. The Native American tribal cultural resources sensitivity training will be conducted by a Native American monitor acceptable to the Parties.
 - b. Such sensitivity training shall focus, in particular, on California Native American tribal cultural resources, shall include descriptions and photographic examples of Native American tribal cultural resources, and what to do when a potential cultural or archaeological resource is identified by site personnel.
 - c. The property owner and/or project applicant shall be required to submit a certification attesting to the completion of such sensitivity training to the City. That includes the names and work affiliations of all those who received training to ensure compliance with the requirements of this Section 2 prior to building permit issuance.
25. All trees shall be a minimum 15-gallon size.

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26. Bike parking shall be provided in accordance with Section 24.12.250-252 of the Santa Cruz Municipal Code.
27. All utilities and transformer boxes shall be placed underground in accordance with the provisions of Section 24.12.700 through 24.12.740 of the Santa Cruz Municipal Code.
28. A drainage plan shall be submitted in conjunction with application for building permits.
29. The Project shall demonstrate compliance with Chapter 6B of the City's Best Management Practices Manual- Storm Water BMPs for Private and Public Development Projects and the applicable RWQCB Post-Construction Requirements (PCRs) tiers.
30. The Project shall meet and the property owner and/or project applicant shall confirm that it meets the Project Eligibility Criteria for the storm water Urban Sustainability Area (USA) Designation for reduced retention requirements and alternative compliance. In order to be eligible, the Project shall meet the following criteria:

Projects on small parcels (less than 1 acre)

1. Be located within the USA Boundaries.
2. Include no surface parking, except for incidental surface parking. Incidental surface parking is allowed only for emergency vehicle access, Americans with Disabilities Act (ADA) accessibility, and passenger and freight loading zones.
3. Have at least 85% coverage for the entire project site by permanent structures. The remaining 15% portion of the site is to be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping, and stormwater treatment.
4. Within 0.25 miles of a local transit stop.

Confirmation of compliance with the Eligibility Criteria shall be included in the Storm Water Control Plan report and shall be indicated on applicable plan sheets.

31. The property owner and/or project applicant shall submit the following as part of the Project Building Permit application:
 - a. Storm Water Control Plan (SWCP) Report: A final SWCP report shall be submitted demonstrating that the project meets the requirements in Chapter 6B of the City's Best Management Practices Manual- Storm Water BMPs for Private and Public Development Projects and the applicable RWQCB Post-Construction Requirements (PCRs) tiers. The SWCP report shall follow the outline in Chapter 6B, Appendix B.
 - b. Operations and Maintenance Plan (O&M Plan): A final O&M Plan shall be submitted and include at a minimum: 1) site plan showing the location of drainage structures and structural control measures; 2) O&M procedures, timing, and maintenance frequency for the LID features and drainage systems, and include applicable BMPs from Chapter 6B of the City's Storm Water BMPs for

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Development Projects; 3) cost estimates for maintenance; and 4) BMPs for any Special Site Conditions (see pages 30-31), e.g. trash enclosure, parking, etc. The O&M Plan shall be submitted in an 8 ½ x 11 inch report format, and can be included as a SWCP appendix.

- c. Maintenance Agreement: Prior to issuance of the Building Permit, the property owner and/or project applicant shall sign and submit a BMP maintenance agreement ensuring that they will provide long-term operation and maintenance of structural storm water control measures (see template in Appendix C of Chapter 6B Storm Water BMPs for Private and Public Development Projects). The signed maintenance agreement should be attached to the O&M Plan.

32. The final Storm Water Control Plan report shall include the following revisions:

- a. Section IV. B, first paragraph: correct typo re number of SCMS, e.g. two not four.
- b. Section, IV. B, third paragraph: confirm that the site meets the USA Eligibility Criteria including that there is at least 85% coverage for the entire project site by permanent structures. Also, clarify wording that there is no increase in impervious surfaces from the pre-project site, therefore onsite runoff retention is not required.

33. Storm Water Source Control: Additional source control measures are required if the Project will include any of the following site conditions: commercial/industrial facilities, material storage areas, vehicle fueling/maintenance/wash areas, equipment and accessory wash areas, parking garages, outdoor parking areas, pools/spas/water features, trash storage areas, and food service or food processing facilities.

Please include such control measures/BMPs in the site plan, the storm water control plan and operation and maintenance plan, and please check the appropriate boxes in Appendix A-SW LID Checklist, Section F. b (on page 3). Please see the City Storm Water BMPs for Private and Public Development Projects (available at www.cityofsantacruz.com/lid) for additional information.

34. The property owner and/or project applicant shall demonstrate Project compliance with Chapter 4 of the Best Management Practices Manual for the City's Storm Water Management Program, Construction Work. The Project has submitted an Erosion Control Plan sheet, and shall submit a final ECP sheet as part of the Building Permit application.

35. State Construction General Permit (CGP): If the Project will disturb one acre or more of soil (or is less than one acre but part of a larger development), a Notice of Intent (NOI) must be filed with the State Water Resource Control Board (SWRCB) to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) prior to commencing work. The property owner and/or project applicant is responsible for filing a Notice of Intent and for developing a Storm Water Pollution Prevention Plan (SWPPP).

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If subject to the CGP, prior to issuance of a demo, grading or building permit, the property owner and/or project applicant shall provide the City with proof of coverage under the State Construction General Permit, including a copy of the letter of receipt and Waste Discharger Identification (WDID) number issued by the SWRCB that acknowledges the property owner and/or project applicant's submittal of a complete Notice of Intent (NOI) package. Please submit an electronic copy of the site's Storm Water Pollution Prevention Plan (SWPPP) submitted to the State. For information on the Construction General Permit, please see the State Water Board website:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml

36. Handicap access shall be provided in accordance with California Building Code.
37. All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. visible from the public way and from adjacent properties, shall be screened with material compatible with the materials of the building and shall be subject to the approval of the Zoning Administrator.
38. The owner shall comply with the inclusionary housing requirements as outlined in Section 24.16 of the Santa Cruz Municipal Code.
39. Landscaped areas shall be separated from paved parking areas by a six-inch continuous concrete curbing, or other permanent landscape feature including fencing, gravel, or rigid landscape edging. Parking facilities that incorporate landscaped storm water treatment or retention areas in conformance with adopted city best management practices for low impact development shall be exempt from this requirement adjacent to those areas used for treatment or retention.
40. The grade level parking facility shall include a minimum of ten percent of area devoted to parking in permanent landscaping. Landscaping shall be installed in areas used to channel the flow of traffic within parking rows, at the entry to aisles, and at other locations specified by the approving body. Required landscaping shall include appropriate vegetation including trees which shall be provided in sufficient size and quality to adequately screen and soften the effect of the parking area, within the first year.
41. The findings and recommendations identified in the memorandum "*Site Ingress/Egress Evaluation and Conceptual Engineering Drawing 831 Water Street*" dated November 3, 2021 and prepared by Kimley-Horn and Associates Inc. shall be included in the building permit drawings and implemented into the project. The recommendation for establishment of a neighborhood permit parking program excluding 831 Water residents will be dependent upon the administrative procedure for adding permit parking described in Municipal Code Section 10.41.040 which involves input from the participating neighborhood areas.
42. A noise study shall be submitted as part of the building permit application that demonstrates that the project's noise generating equipment meets the City property line noise standards and that the indoor and outdoor noise levels for residential units of multi-family projects do not

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exceed decibel levels pursuant to the California Building Code, CALGreen Code, and City Noise Standards.

43. Prior to issuance of a building permit, the property owner and/or project applicant shall provide the legal descriptions for the new lot(s) reflecting the new lot line configuration. Following City ministerial approval, the lot line adjustment shall be reflected in a deed, which shall be approved and recorded prior to building permit issuance.
44. Existing Sewer Lateral Connections – Final building plans shall indicate that all of the existing sewer lateral connections will be abandoned at the City sewer main by method of factory cap or mechanical plug.
45. Traffic Impact Fee - A Traffic Impact Fee will be assessed by the Public Works Department and shall be paid prior to issuance of the building permit. The fee is estimated to be approximately \$59,560.00, but will be calculated at the time of building permit issuance.
46. Utility Locations – Final building plans shall show locations of all existing and proposed underground utilities and points of connection for sewer lateral, gas, electrical, and water lines on the plans.
47. Utility Undergrounding - When providing new electrical service to a parcel, it shall be undergrounded. Final building plans shall indicate the location and the point of connection to the nearest Pacific Gas & Electric (PG&E) facility for the underground power to the property.
48. A Sidewalk Easement Deed will be required in order for the developer to construct the right-turn lane on Branciforte, southbound consistent with the approved civil drawings (C1.0-C5.0). Work shall require relocation and installation of new traffic signal poles and equipment, and storm drain improvements as required per new intersection configuration.
49. Barrier Device (Water Street) – Final building plans shall indicate that bollards, gate or some type of barrier device behind the ADA compliant driveway approach located on Water St. at the East end of the frontage will be installed. These device(s) will be placed in the Emergency Vehicle Easement to not allow any vehicles to pull into the development site which would impede the Emergency Vehicle Easement. Final building plans shall also include a Knox Box for emergency vehicle egress at the barrier.
50. Electronic/Actuated Warning Device – Final building plans shall include an electronic warning device that will emit light and sound on the wall at the egress of the parking structure. This device shall warn east and westbound pedestrians, and westbound cyclists and vehicles of a vehicle exiting the parking garage.
51. Parking Garage Gates – Final building plans shall include a rapid open-close gate system to minimize vehicle queuing on Water Street as vehicles enter the garage.

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52. Warning Signs – Final building plans shall include warning signs along Water Street due to retaining wall screening vehicles entering and existing the driveway.
53. Transportation Demand Management: Submit a trip reduction checklist prior to the issuance of a building permit.

DURING CONSTRUCTION:

54. As specified in the *Agreement Between the Indian Canyon Mutsun Band of Costanoan Ohlone and the City of Santa Cruz Regarding Project at 831 Water Street*, the property owner and/or project applicant shall be required to adhere to all of the protective measures set forth in Santa Cruz Municipal Code section 24.12.430 in the protection and preservation of tribal cultural resources.
55. The property owner and/or project applicant shall provide for a qualified archaeologist and Native American monitor acceptable to the City and the property owner and/or project applicant to be present during ground-disturbance activities at the project site which the City determines has the potential to detect tribal cultural resources to ensure that such resources are protected from potential damage or destruction. The cost for this service shall be paid by the property owner and/or project applicant.
56. Any person exercising a development permit or building permit who, at any time in the preparation for or process of excavating or otherwise disturbing earth, discovers any human remains of any age or any artifact or any other object which reasonably appears to be evidence of an archaeological/cultural resource or paleontological resource, shall:
 - a. Immediately cease all further excavation, disturbance, and work on the project site;
 - b. Cause staking to be placed completely around the area of discovery by visible stakes not more than ten feet apart forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking;
 - c. Notify the Santa Cruz County sheriff-coroner and the city of Santa Cruz planning director of the discovery unless no human remains have been discovered, in which case the property owner and/or project applicant shall notify only the planning director;
 - d. Grant permission to all duly authorized representatives of the sheriff-coroner and the planning director to enter onto the property and to take all actions consistent with this section.
57. All measures included in the plan for erosion control approved as part of this application shall be installed by November 1.
58. Grading shall be done during periods of dry weather and protective measures shall be incorporated during grading to prevent siltation from any grading project halted due to rain.

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59. Final building plans shall include security cameras to be provided in the parking garages, stairwells, and plazas. Recordings shall be accessible to police within 24 hours with a 30-day retention capability.
60. Final building Plans shall indicate that ground floor glass shall not be reflective, tinted, mirrored or otherwise screened from public view.

PRIOR TO BUILDING PERMIT FINAL/OCCUPANCY:

61. All landscaping shall be installed prior to final utility release or issuance of occupancy permits.
62. Occupancy permits and final inspections for affordable units shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.
63. Subsequent to occupancy of the premises, all landscaping shall be permanently maintained. Such maintenance shall be secured through an 18-month bond prior to occupancy.
64. The property owner and/or project applicant shall prepare a signage plan for the project and submit it for design permit review and ministerial approval before occupancy of the structure.
65. Prior to a final inspection of the building permit, the approved project archaeologist shall provide a follow-up letter to the Planning Department confirming that they were present on the site to monitor all grading and subsurface excavations and the results of the monitoring. If the property owner and/or project applicant fails to comply with the full extent of on-site monitoring requirements, the property owner and/or project applicant shall be subject to the Archaeological Monitoring Non-compliance Guidelines which includes supplemental archaeological investigation and monetary administrative civil penalties which could delay final inspections and occupancy.
66. The property owner and/or project applicant shall create a commemorative plaque or mural to be placed on the project site prior to issuance of Certificate of Occupancy which acknowledges and expresses respect for the lands upon which the Project is constructed and which acknowledges and expresses respect for the tribal cultural heritage and history of the indigenous peoples who populated the lands of Santa Cruz. The property owner and/or project applicant shall include the Tribal representative or representatives who are signatories to the *Agreement Between the Indian Canyon Mutsun Band of Costanoan Ohlone and the City of Santa Cruz Regarding Project at 831 Water Street (PLN CP 20-0121)* in the design, construction and implementation of the commemorative plaque or mural.

OPERATIONAL CONDITIONS:

67. The project shall maintain emergency vehicle access on the property from the end of Belvedere Terrace to N. Branciforte Ave.

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68. The property owner and/or project applicant shall be responsible for the on-going maintenance of the building and site in good condition including maintenance of exterior materials, landscaping, sidewalks, street furniture, lighting, open space areas, upper floor balconies free of clutter, appropriate window treatments, and the parking garages.
69. This permit does not allow for the service of alcohol or live entertainment with future commercial uses. Any proposed alcohol or live entertainment uses shall obtain approval of a separate Use Permit and/or entertainment permit.
70. Prior to commercial/business use of a building or site, owners or tenants shall obtain a Zoning Clearance/Occupancy Permit from the City Planning Department and a Business License from the City Finance Department.
71. No outdoor storage, display or sales shall be permitted.
72. The property owner and/or project applicant shall make open space features in the project available to Native American peoples, on a reservation-based system, for gathering at a discounted rate no less than two (2) times per year.
73. The property owner and/or project applicant agree(s) as a condition and in consideration of the approval of this development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the City of Santa Cruz or its agents, officials, officers and employees from any claim, action or proceeding against the City or its agents, officials, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner and/or project applicant will reimburse the City for any court costs and attorney's fees, which the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve the property owner and/or project applicant of these obligations under this condition. An agreement to this effect shall be recorded upon demand of the City Attorney or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The City shall promptly notify the property owner and/or project applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. If the City fails to promptly notify the property owner and/or project applicant of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner and/or project applicant shall not thereafter be responsible to defend, indemnify or hold the City harmless.
74. These conditions of approval and the agreements contained herein shall be binding upon the property owner and/or project applicant and upon all of their respective heirs, executors, successors, and assigns.