

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

900 High Street, Application No. CP22-0164

Minor Land Division, Design Permit, Slope Development Permit, Density Bonus Request, and Heritage Tree Removal Permit to divide a lot into two lots and construct a 40 unit (including four Low Income units and five Very Low Income units), four-story apartment building within 20 feet of a 30 percent slope and to remove 14 heritage trees on a site with an existing church in the R-1-10 (Single Family Residence) zone district.

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. When a building permit is required, a zoning permit shall be considered exercised following the issuance of a valid building permit. When only an occupancy permit is required, a zoning permit shall be considered exercised when the occupancy permit is issued.
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.
5. 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.
6. 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, and consistent with the approved plans. Any deviations from the approved materials palette must be specifically called out (clouded) in the building permit plan set and approved by the Planning Department prior to issuance of the building permit.
7. 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:
 - a. "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 which results in a finished building with the same level of detail, articulation, and

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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.”

b. Signature of Building Contractor

Date

8. 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.
9. 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.
10. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
11. 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.
12. Plans submitted for building permit issuance shall include electric vehicle charging stations as required per Section 24.12.241 of the Zoning Ordinance.
13. 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.
14. 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.
15. All landscaping, including all replacement trees, shall be installed prior to issuance of occupancy permits (including temporary occupancy).

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16. 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.
17. All trees shall be a minimum 15-gallon size. The fourteen heritage trees to be removed shall be replaced by either three 15-gallon or one 24-inch size tree, pursuant to Santa Cruz City Council Resolution No. NS-30,072. Building permit plans shall be revised to demonstrate compliance with heritage tree replacement requirements.
18. The final building permit plans shall show the number, size, location, and species of the replacement trees subject to approval by the City Urban Forester.
19. The project shall provide 96 bike parking spaces, including 60 Class 1 spaces and 36 Class 2 spaces. Bike parking shall be provided in accordance with Section 24.12.250-252 of the City's Zoning Ordinance.
20. 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 Zoning Ordinance.
21. A drainage plan shall be submitted in conjunction with application for building permits.
22. Storm drain and stormwater retention facilities that cross the span both the proposed Lots 1 and 2 shall be covered by easement(s). These easements shall be shown on the final map and easement language shall be approved by the Planning, Public Works, and Water Departments prior to final map recordation. Easements encompassing storm drain or stormwater retention facilities that cross property lines shall be recorded at the time of final map recordation.
23. 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;

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- 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.
24. The plan for erosion control approved as part of this application shall be submitted and all work installed by November 1.
25. 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.
26. 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.
27. Handicap access shall be provided in accordance with California Building Code.
28. 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. Prior to issuance of a building permit, the applicant shall provide documentation confirming that all heat pumps comply with the City's noise standards.
29. Final colors shall be approved by the Director of Planning and Community Development prior to application for building permits, provided there are no substantial deviations from the final colors as proposed in the Project submittal and application materials.
30. The owner shall comply with the inclusionary housing requirements as outlined in Section 24.16.010 of the Zoning Ordinance. A Participation Agreement establishing compliance with inclusionary housing requirements shall be entered into prior to recordation of the final subdivision map and recorded prior to final occupancy of the first unit.
31. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger common plan of development or sale must obtain the [Construction Activities Storm Water General Permit \(2009-0009-DWQ Permit\)](#). Construction activity includes clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement. Construction activity does not include routine maintenance such as maintenance of original line and grade, hydraulic capacity, or original purpose of the facility.
32. The applicant shall be 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 at the site. Prior to issuance of a building permit, the applicant shall provide

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the City with proof of coverage under the state's Construction Activities Storm Water General Permit, including a copy of the letter of receipt and Waste Discharger Identification (WDID) number issued by the State Regional Water Quality Control Board (SWQCB) that acknowledges the applicant's submittal of a complete Notice of Intent (NOI) package.

33. 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.
34. Prior to the issuance of a building permit, the applicant shall pay park dedication fees based on the final building permit plans.
35. If project site work occurs anytime between February 1 and August 31, the applicant shall submit documentation of a pre-construction nesting bird survey by a qualified biologist prior to the start of work. The survey shall be completed no more than seven days before the start of any project construction activities on the site (including tree removal, clearing, and excavation) and shall include observations of any nesting activities on the site. Site work may commence once the Planning Department has accepted the report and confirmed that there are no nesting birds on the site or that an appropriate buffer zone around any active nests has been recommended by the biologist and physically established on the site.
36. All project site work, including tree removal, shall occur outside of the monarch butterfly and western red bat roosting seasons (September 15 through November 15). The applicant shall submit documentation of a pre-construction roosting of monarch butterflies, dusky-footed woodrats, and western red bats on site prepared by a qualified biologist prior to the start of work. The survey shall be completed no more than seven days before the start of any project construction activities on the site (including tree removal, clearing, and

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excavation) and shall include observations of any roosting activities on the site. Site work may commence once the Planning Department has accepted the report and confirmed that there are no roosting or nesting monarchs, dusky-footed woodrats, or western red bats on the site, or that an appropriate buffer zone around any active roosting/nesting areas has been recommended by the biologist and physically established on the site.

37. All best management practices noted in the June 2019 Biotic Assessment, prepared by EcoSystems West Consulting Group shall be implemented for the duration of the construction period.
38. Prior to final inspection of a Building Permit, all rental units in the project shall be enrolled in the City of Santa Cruz Residential Rental Inspection Program. The units are exempt from inspections and annual registration fees for the first five years of occupancy (based on the date of building permit's final inspection) and will be activated automatically after five years. If the project consists of ownership units, each individual property owner is responsible for enrolling in the Rental Inspection Program prior to renting their unit(s).
39. Prior to issuance of the building permit, a deed restriction shall be recorded against both Lots 1 and 2 to limit the combined base residential density on the two lots to the maximum residential density allowed under the current General Plan for the entire 5.9-acre site, encompassing both the proposed 3.9-acre Lot 2 and 2.0-acre Lot 1. The deed restriction shall not prevent future additional density on top of the maximum current General Plan base density allowed under state law or amended/future General Plan.
40. All civil plan sheets of the building permit submittal be stamped by a licensed civil engineer.
41. Prior to issuance of the building permit, the applicant shall submit to the City a Phase 2 geotechnical study focused on additional subsurface exploration of the marble/karst formation and to provide recommendations on the appropriate foundation type, per the recommendations of the Geotechnical Investigation prepared by Dees & Associates, Inc, dated March 2023.
42. Prior to issuance of the building permit, the applicant shall submit to the City a letter from a licensed geotechnical engineer indicating that all geotechnical recommendations have been addressed and incorporated into the building permit plan submittal.
43. Prior to issuance of a certificate of occupancy for the first unit, the applicant shall submit to the City a letter from a licensed geotechnical engineer indicating that the project has been constructed in accordance with all geotechnical recommendations.
44. Prior to building permit issuance, the applicant shall pay Traffic Impact Fees (TIF) as required by the Public Works Department.

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45. A copy of the recorded deed of the new parcel shall be submitted to the Department of Planning and Community Development of the City of Santa Cruz.
46. A parcel map showing the original parcel and the parcels being created by the resubdivision, with pertinent supporting data, shall be filed with the Planning Department with the appropriate recording fees as set by the County Recorder. Said parcel map shall be a reproducible tracing prepared by a licensed land surveyor or a registered civil engineer.
47. This permit shall be exercised within twenty-four (24) months of the date of final approval, unless extended by city ordinance or state law, or it shall become null and void.
48. Prior to recordation of the parcel map, the applicant shall submit improvement plans for review and approval as required by the Department of Public Works, or an improvement agreement shall be entered into with the City Council, together with the necessary improvement security as set forth in Chapter 23.24 of the Subdivision Ordinance. The plans shall include but not be limited to:
 - Undergrounding of utilities.
 - Installation or repair of curbs, gutters and sidewalks.
 - Streetlights as necessary along the project frontage.
49. Installation and testing of the sewer lines, water systems, and fire hydrants must also be conducted to satisfy the requirements of the Fire, Public Works, and Water Departments, prior to the issuance of building permits.
50. In accordance with the State Subdivision Map Act, the Zoning Administrator has imposed the foregoing requirements, because it finds that such construction is necessary for reasons of public health and safety and/or because the required construction is a necessary prerequisite to the orderly development of the surrounding area.
51. These conditions are in addition to those specified by application no. CP22-0164
52. Prior to the issuance of a building permit, the applicant shall pay park dedication fees based on the final building permit plans.