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 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.
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:

“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 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.”

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Signature of Building Contractor Date

1. Prior to issuance of the first building or grading permit, the applicant’s team (including property ownership representatives, architect, civil engineer, geologist, geotechnical engineer, contractor, and project arborist) shall meet with City Staff to ensure that all parties understand and agree to the Conditions of Approval.
2. 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.
3. 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.
4. All requirements of the Building, Fire, Parks, Public Works and Water Departments shall be completed prior to occupancy and continuously maintained thereafter.
5. 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.
6. Plans submitted for building permit issuance shall include electric vehicle charging stations as required per Section 24.12.241 of the Zoning Ordinance, and accessible parking as required under state law.
7. 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.
8. 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.
9. All landscaping, including all replacement trees, shall be installed prior to issuance of occupancy permits (including temporary occupancy).
10. 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.
11. 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.
12. Throughout construction, the applicant shall implement all recommendations of the Arborist report prepared by Kurt Fouts dated November 2021 and follow-up Arborist letter dated February 2022.
13. A qualified arborist must conduct an inspection of the site upon installation of tree protection fencing, prior to issuance of the first grading permit, and prior to pouring of the foundation to ensure tree protection measures and maintenance care are provided. A copy of the inspection letter, including recommendations for modifications to tree care or construction activity to maintain tree health, shall be provided to the Director of Planning and Community Development or his/her designee following each inspection. If the Planning Department receives complaints that tree protection measures are not implemented throughout the construction process, additional inspection(s) from the project arborist may be required.
14. In the event one or more of the preserved heritage tree(s) are not maintained and damage has occurred due to construction activity, a stop work order will be issued on the subject property. Prior to commencement of construction, the applicant must submit an arborist report describing any measures necessary to restore the health of the impacted tree(s) to the Department of Planning and Community Development and City Arborist for review and approval.
15. During pre-construction and construction activities, any removal of additional heritage trees due to changes in the proposed plan or failure to implement appropriate tree protection measures shall require approval of a Heritage Tree Removal Permit pursuant to the requirements of Chapter 9 of the Santa Cruz Municipal Code, Preservation of Heritage Trees and Heritage Shrubs, and shall be replaced at an enhanced ratio of either four 15-gallon trees or two 24-inch sized trees.
16. During pre-construction and construction activities, should any heritage tree experience decline and require removal due to causes unrelated to construction activities (as determined by the City Arborist), a heritage tree removal permit shall be obtained pursuant to the requirements of Chapter 9 of the Santa Cruz Municipal Code, Preservation of Heritage Trees and Heritage Shrubs, and the tree(s) shall be replaced at the City’s standard replacement ratio of one 24-inch sized or three 15-gallon tree for each Heritage tree removed.
17. 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.
18. 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.
19. 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.
20. A drainage plan shall be submitted in conjunction with application for building permits.
21. Storm drain and stormwater retention facilities that span both the proposed lots 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.
22. 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:
23. Immediately cease all further excavation, disturbance, and work on the project site;
24. 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;
25. 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;
26. 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.
27. The plan for erosion control approved as part of this application shall be submitted and all work installed by November 1.
28. 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.
29. Handicap access shall be provided in accordance with California Building Code.
30. 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 mechanical equipment comply with the City’s noise standards.
31. 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.
32. 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. In addition to complying with the City’s inclusionary ordinance, which restricts affordability of units in perpetuity, the Participation Agreement shall also document and require the affordability restrictions associated with the granting of the applicant’s density bonus request, as specified in the staff report, including the applicant’s voluntary offer to provide one of the low-income units at a very-low-income level for the initial 50% density bonus and including the applicant’s voluntary offer to provide one additional very low-income unit beyond that needed for the project’s supplemental density bonus under AB1287, as described in the staff report.
33. 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.
34. 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 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.
35. Applicant’s/Property Owner’s Duty to Defend, Indemnify, and Hold Harmless.
36. Applicant and Property Owner agree to defend, indemnify, and hold harmless the City, its officials, officers, employees, attorneys, and agents (the “City Parties”) from and against all liabilities, losses, liens, damages, judgments, costs, and expenses, including, without limitation, reasonable attorney’s fees (“Losses”), arising in any way related to this Project.
37. Applicant and Property Owner agree to defend, indemnify, and hold harmless City, its officials, officers, employees, attorneys, and agents (“City Parties”) from and against any and all claims, demands, actions, and proceedings (collectively, “Actions”) brought against the City, its officials, officers, employees, attorneys, or agents to attack, set aside, void, or otherwise modify the decision on the Project, permit decision, or environmental review related to the Project; or Actions alleging failure to comply with the requirements of any federal, state, or local laws, including, but not limited to, CEQA, general plan, or zoning requirements related to the Project. The defense and indemnification obligation includes reimbursing the City for any and all costs incurred in connection with such Actions, including but not limited to, costs of suit, expenses, payment of attorney’s fees, City staff costs, court costs, damages, liabilities, judgments, and settlement costs.
38. Applicant and Property Owner shall also defend, indemnify and hold harmless City Parties for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, general plan amendment, or ordinance) if made necessary by said Actions and if the Applicant or Property Owner seeks to pursue securing such approvals and/or clearances, after initiation of the Actions, which are conditioned on the approval of these documents.
39. City shall notify Applicant and Property Owner of any such Actions and City agrees to cooperate in the defense of the Actions. Upon receipt of such notification, Applicant and/or Property Owner shall assume the defense of the Actions, including the employment of counsel reasonably satisfactory to the City. In the event of a conflict of interest, City may employ separate counsel to represent the City; and Applicant and/or Property Owner agrees to pay for the reasonable attorneys’ fees and costs of the City’s separate counsel.
40. Applicant and Property Owner agree that City may, at its sole discretion, participate in the defense of such Actions; but such participation shall not relieve Applicant or Property Owner of any of the obligations herein to defend, hold harmless, and indemnify the City Parties. If the City Attorney’s Office participates in the defense, all of the City Attorney’s Office fees and costs, and City staff costs, shall be paid by the Applicant and/or Property Owner.
41. In the event that Applicant and/or Property Owner is required to defend City in connection with any Actions, City shall retain the right to reasonably approve: the counsel to so defend City; all significant decisions concerning the manner in which the defense is conducted; and any and all settlements, which approval shall not be unreasonably withheld but which is contingent on the approval of the City council.
42. Applicant and Property Owner agree to reimburse and indemnify the City for all of City’s costs, fees, including attorney’s fees and costs, staff costs, and damages incurred in enforcing these provisions to defend, hold harmless, and indemnify the City Parties.
43. Applicant’s and Property Owner’s duty to indemnify and hold harmless shall not apply to the extent such Actions or Losses are caused by the gross negligence or willful misconduct of the City Parties. Applicant’s and Property Owner’s obligation to defend shall arise regardless of any claim or assertion that City Parties caused or contributed to the Losses.
44. The obligations of Applicant and Property to defend, indemnify, and hold harmless the City Parties, are joint and several.
45. The obligations in this section shall survive the expiration or termination of these Conditions of Approval.
46. Prior to the issuance of a building permit, the applicant shall pay park dedication fees based on the final building permit plans.
47. 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.
48. Pursuant to the recommendations of the project biologist, EcoSystems West Consulting Group, 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.
49. Pursuant to the recommendations of the project biologist, EcoSystems West Consulting Group, all project site work, including tree removal, shall occur outside of the monarch butterfly and western red bat roosting reasons (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 issuance of the first grading or building permit associated with the project. The survey shall be completed no more than seven days before the start of any construction activities on the site (including tree removal, clearing, and 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.
50. 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 the building permit’s final inspection) and will be activated automatically after five years.
51. All civil plan sheets of the building permit submittal be stamped by a licensed civil engineer.
52. Prior to issuance of the first building or grading permit, the applicant shall submit to the City a letter from the project Geotechnical Engineer of Record, Becky Dees of Dees and Associates, Inc. indicating that all geotechnical recommendations have been addressed and incorporated into the building permit plan submittal. Additionally, prior to issuance of a certificate of occupancy for the first unit, the applicant shall submit to the City a letter from project Geotechnical Engineer of Record indicating that the project has been constructed in accordance with all geotechnical recommendations. If the Geotechnical Engineer of Record is unable to complete this work, the Director of Planning and Community Development or his/her designee shall have the authority to review the qualifications and approve of an alternative Geotechnical Engineer to complete the required work.
53. Prior to issuance of the first building or grading permit, the applicant shall submit to the City a letter from the project Geologist of Record, Erik Zinn of Pacific Crest Engineering indicating that all geological recommendations have been addressed and incorporated into the building permit plan submittal. Pursuant to the recommendations of the Geological Plan Review Letter prepared by Pacific Crest Engineering, dated June 29, 2023, a qualified geologist from Pacific Crest Engineering shall be present onsite to observe any excavations performed as part of the construction activities. Additionally, prior to issuance of a certificate of occupancy for the first unit, the applicant shall submit to the City a letter from project Geologist of Record indicating that the project has been constructed in accordance with all geological recommendations. If the Geologist of Record is unable to complete this work, the Director of Planning and Community Development or his/her designee shall have the authority to review the qualifications and approve of an alternative Geologist to complete the required work.
54. Prior to building permit issuance, the applicant shall pay Traffic Impact Fees (TIF) as required by the Public Works Department.
55. All diesel-fueled off-road construction equipment greater than 75 horsepower shall be zero-emissions or equipped with California Air Resources Board (CARB) Tier 4 Final or Interim compliant engines. Alternatively, CARB Tier 2 or 3 compliant engines may be used if CARB Level 3 Verified Diesel Emissions Control Strategy (VDECS) filters are added to each piece of off-road diesel-fueled equipment.
56. A construction management and access plan shall be submitted to the Department of Planning and Community Development and Public Works prior to issuance of the building permit. The construction management and access plan shall show proposed staging areas of construction equipment and include information as to how construction vehicles will access and exit the site. To reduce impacts to the adjacent Westlake Elementary, the eastern driveway shall be used to provide construction access to and from the site whenever possible. To minimize traffic impacts along High Street and other residential streets in the vicinity, construction vehicles shall prioritize the use of Bay Drive to access the site when possible.
57. The applicant shall identify a “Neighbor Liaison” to provide a single point to field any construction-related questions, concerns, or complaints. The “Neighbor Liaison” contact information shall be posted onsite, near the project frontage visible from the public right-of-way for the duration of construction activities. Prior to issuance of the building permit, the applicant shall: (1) provide a draft “Neighbor Liaison” contact information to the Department of Planning and Community Development; and (2) provide evidence that the “Neighbor Liaison” sign has been posted onsite.
58. Access to Lot 1 consistent with what is shown on the Tentative Map, Sheet C0.1, of the approved plans, shall be maintained and cannot be substantially modified without prior approval of the Director of Planning and Community Development or his/her designee.

Conditions of Approval Related to the Minor Land Division

In accordance with the State Subdivision Map Act, the City Council has imposed the following 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. The following conditions are applied in addition to the aforementioned conditions specified for application no. CP22-0164.

1. 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.
2. 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.
3. 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.

1. Appropriate permit(s) shall be obtained to complete necessary onsite and offsite improvements including but not limited to, installation of sewer lines, water systems, and fire hydrants. Testing must also be conducted to satisfy the requirements of the Fire, Public Works, and Water Departments, prior to the issuance of building permits to construct the building(s).