



ZONING ADMINISTRATOR AGENDA REPORT

DATE: September 29, 2023
AGENDA OF: October 4, 2023
ITEM NO: CP22-0164 900 High St.

RECOMMENDATION: That the Zoning Administrator acknowledge the environmental determination and approve the Minor Land Division, Design Permit, Slope Development Permit, Density Bonus Request, and Heritage Tree Removal Permit based on the findings listed below and the Conditions of Approval listed in Exhibit “A”.

PROJECT DATA

Property Owner: Peace United Church of Christ APN: 001-022-40

Project Applicant: Workbench Built, Diana Alfaro

Application Type: 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), five-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.

Zoning: R-1-10 (Single Family Residence)

Project Consistency: Consistent with the above listed zone district

General Plan: L (Low Density Residential)

Project Consistency: Consistent with the General Plan designation

Land Use - existing: Church with preschool and dwelling

- proposed: 40-unit apartment building; church with preschool and dwelling

- surrounding: UCSC housing (north) quarry, single family homes, city owned land, church (east), single family homes (south), elementary school (west)

Lot Area: 5.9 acres (258,825 square feet)

Lot Dimensions: Irregular

Coastal Review: Not in Coastal Zone

Environmental Review: Statutory Exemption per section 21083.3 of the Public Resources Code (Sec. 15183 of the CEQA Guidelines)

Planning Staff: Brittany Whitehill

PROJECT DESCRIPTION & HISTORY

The project site is a 5.9-acre lot located on the north side of High Street immediately to the northeast of its intersection with Moore Street. The site is surrounded by UCSC campus housing to the north; a quarry, single family homes, city owned land, and a church to the east; single family homes across High Street to the south; and Westlake Elementary School to the west. The property is developed with a church that was constructed in 1957. The church campus hosts a preschool as well as a dwelling. The site slopes upward from north to south, and the unimproved north end of the site comprises open grassland and trees.



Figure 1: Site and Surrounding Uses

The project proposes to split the lot into two lots. The lower lot will be 3.9 acres and will retain the existing church campus. The upper lot will be 2.0 acres. On the upper lot, the project proposes to construct a 40-unit, five-story residential apartment building. The project requires approval of a Minor Land Division permit to approve the tentative map for the lot split. In addition, the project requires approval of a Design Permit as it involves the construction of three or more units. The applicant has applied for a Density Bonus Request to allow for concessions/incentives and waivers to development standards. Because the building is proposed on a slope of 30 to 50 percent, the project requires approval of a Slope Development Permit. Finally, the project proposes to remove 14 heritage trees, requiring approval of a Heritage Tree Removal Permit. Because the project involves a Minor Land Division and a Density Bonus Request, the project must be heard at a public hearing with the Zoning Administrator.

The applicant submitted a preapplication for this project in 2022, and the preapplication was deemed complete on January 11, 2023 for consistency with the preapplication submittal requirements under SB330. The project is locked into all standards and policies in place at the time it was deemed complete under SB330, including standards in place prior to the effective date of the objective standards ordinance.

RESOURCES AND CONSTRAINTS

- **Archaeology:** The site is located within areas mapped in the General Plan as sensitive and highly sensitive for archaeological resources. Albion Environmental prepared an initial archaeological investigation in June 2019, and subsequent Extended Phase I Study in March, 2023. The reports did not indicate the presence of any intact archaeological resource but recommended that the applicant stop work and contact the appropriate authorities should earth-moving work result in discovery of an intact resource. This recommendation is consistent with a standard condition of approval that is included for this project.

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- **Historic:** The site contains a church that was constructed in 1957 and is described as a property that is eligible, but has opted out, for listing on Volume III of the Santa Cruz Historic Building Survey. The church will remain as part of the development.
- **Geotechnical:** A geotechnical investigation prepared by Dees and Associates dated August 11, 2021, found the soils suitable for residential development with implementation of recommendations in the report, which have been included as conditions of approval.
- **Sensitive Habitat:** The northeastern portion of the site contains a eucalyptus grove that is identified in the General Plan as potentially containing monarch butterfly habitat. A report prepared by Ecosystems West Consulting Group dated May 20, 2020, and a follow-up report, dated January 4, 2023, concluded that the eucalyptus grove was not providing fall or winter roosting habitat, and was unlikely to provide suitable habitat in the future. The reports recommended a preconstruction survey be conducted in the fall prior to the commencement of construction, and that tree removal occur outside of the fall roosting period. Both recommendations are included as conditions of approval.
- **Heritage Trees:** An Arborist report prepared by Kurt Fouts dated September 25, 2022, inventoried the trees in the project area, including 33 heritage trees. The report recommended removal of 14 heritage trees, six that are in poor condition and eight that are within the project footprint. An addendum letter dated February 3, 2023, evaluated whether an alternative building location would enable preservation of additional heritage trees, but did not identify a superior alternative.
- **Bird-Safe Development:** Not mapped.

ANALYSIS

General Plan Consistency

The project site has a General Plan land use designation of Low Density Residential, which accommodates single family residential neighborhoods typically comprising detached homes and with a density range of 1.1 to 10 dwellings per acre. However, the General Plan also supports clustering of residential development, with units closer together or attached, to respond to a site's topography, environmental constraints, or adjacent uses. The existing church campus on the site limits the buildable area to the vacant land above the campus, which comprises the new 2.0-acre Lot 1. This layout, in addition to constraints stemming from City policy to maximize retention of heritage trees and a steep slope that limits access to the upper part of the site, supports the clustering of the units into a single apartment building.

The General Plan defines residential density as the “number of permanent dwelling units per acre over the entire project or development site.” In this case, the entire project site is 5.9 acres, and the new 40-unit building plus the existing unit within the church complex results in a density of 6.9 dwellings per acre, in the middle of the density range. To ensure future development does not exceed the density range, conditions of approval require limitations to be recorded on both new parcels to limit the overall site density to the maximum allowed under the General Plan.

The project is consistent with and serves to implement several General Plan goals and policies promoting the development of housing and especially affordable housing. These policies include:

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- Housing Element Policy 2.2 – Facilitate the development of affordable housing through the provision of regulatory concessions, financial incentives and assistance, density bonuses, and other means.
- Housing Element Policy 2.7 – Encourage more fully integrated neighborhoods through the development of mixed income and affordable infill housing and through the placement of other affordable housing projects in neighborhoods that do not already have high levels of low income housing.
- Housing Element Policy 4.8 – Support the development of a variety of housing types, specifically smaller units and single-room occupancy units that address the needs of extremely low income households.
- Housing Element Policy 5.3 – Ensure that the character and design of both infill development and remodel/rehabilitation projects promote the vitality of existing neighborhoods.
- General Plan Policy LU1.1 – Relate residential, commercial, and industrial land use intensities to the capability and location of the land while ensuring optimum utilization of infill parcels.

Land Division Standards: New Lots

Santa Cruz Municipal Code (SCMC) Section 23.24.030.6(a) requires new lots to meet the minimum area and dimension requirements of the underlying zone district. Section 23.24.030.6(c) requires new lots to have a street frontage of at least 35 feet, and Section 23.24.030.6 (i) allows for the creation of flag lots with a minimum 20-foot frontage to respond to unusual lot patterns or physical constraints on a site. The following table and discussion describe the minor land division’s consistency with subdivision ordinance and R-1-10 zone district lot standards:

	Required	Lot 1 (flag lot)	Lot 2 (front lot)
Lot area (net)	10,000 s.f. min.	72,140	171,705
Street frontage	35 feet min. (20 feet min. for flat lot)	Approx. 24’ (flag lot)	Approx. 530’
Lot width	70 feet min.	Approx. 204’	Approx. 454’
Lot depth	95 feet min.	Approx. 274’	Approx. 354’

The lots must also be created to maintain required setbacks for existing buildings. The new lot lines along the east (side) and north (rear) of the new Lot 1 provide for a 12’6” side yard setback and 39’6” rear foot setback to the existing church buildings, consistent with the 10- and 30-foot respective setbacks required in the R-1-10 zone district.

Site Design

As shown in the proposed tentative parcel map, the subject property would be divided into two new lots. The front lot, labeled as Lot 2 on the proposed tentative parcel map, would be a 171,714 square foot (approximately 3.9-acre, irregular-shaped lot and would retain the existing church campus and surface parking. Lot 1 is proposed as an 87,120 square foot (2-acre) irregular flag lot behind Lot 2, with an approximately 24-foot-wide flagpole fronting onto High Street at the southeast corner of the project site.

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The project will improve the existing driveway onsite, ultimately providing two access points from High Street (an “entrance only” at the southwest corner and an “entrance and exit” at the southeast corner). This driveway will lead to surface level parking on Lot 2 and continue onto Lot 1 to provide access to the new apartment complex. A private access easement would encompass the driveways and surface parking area to provide parking and vehicular access to both Lots 1 and 2.

The new apartment building features a V-shaped footprint, positioned north of (behind) the existing church. Landscaping comprised of existing trees and naturalized grasses, as well as new landscaping, will soften the appearance of the new building, and provide a buffer for nearby uses. At the northern edge of the site, a resident amenity area including a paved path, seating areas, barbeque areas, trellises, and enhanced landscaping is proposed.

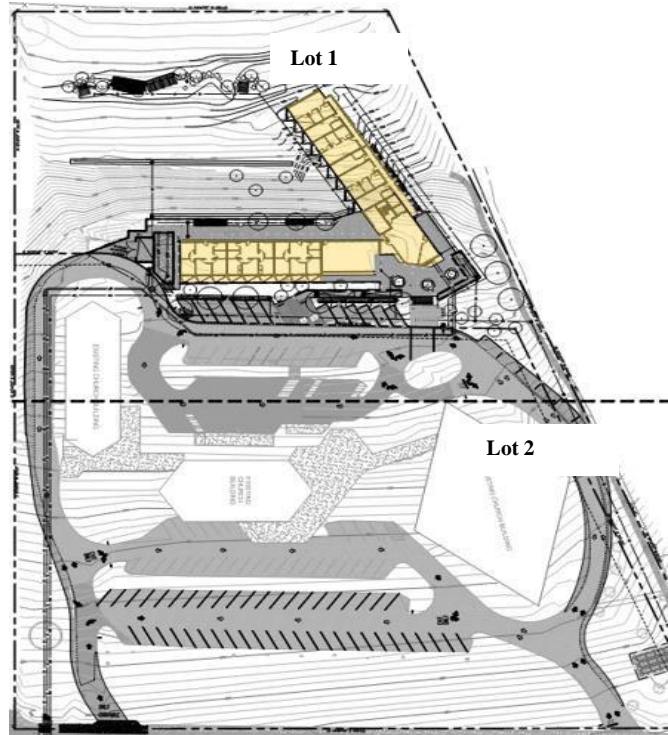


Figure 2: Site Configuration
(Building shown in yellow, circulation shown in grey)



Figure 3: Site Landscaping

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Building Massing and Materials

The building ranges in height from three stories to five stories at its tallest point. The majority of the building is three to four stories, however a small portion of the building containing the elevator overrun, stair tower, a small trash room, and circulation space does reach five stories. Although the building is taller than the one- and two-story single-family homes, schools and churches in the nearby vicinity, the site has been configured such that the new building will be substantially screened from public view by the existing buildings on site. The height of the building steps down to mimic the sloped topography of the site.



Figure 4: View from rear (north)

The V-shaped building features a modern architectural style, incorporating neutral beige cement panel or stucco as the main body material. Accent materials include a corrugated metal roof screen, wood or faux-wood soffits and balcony side walls. The design features a multitude of windows, glass doors and balconies to punctuate the façade such that there are no large, blank building walls. The proposed plans include notes indicating that similar materials could be utilized in lieu of the materials shown on the plans. A condition of approval will require the building permit submittal to adhere to the materials indicated on the approved entitlement plan set unless the Planning Department approves a variation from the approved materials.



Figure 5: View from entry (south)

Zoning Ordinance Consistency

The project site is located in the R-1-10 zone district, which primarily provides for single family residential uses. While the R-1-10 zone district does not provide for multi-family residential development, California Government Code Section 65589.5(j)(4) states that a project shall not be considered inconsistent with applicable zoning standards if it meets the General Plan density. A prohibition of multi-family development on the site would preclude development at the allowed density under the General Plan, and thus be inconsistent with California Government Code Section

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65589.5(j)(4). In this case, the R-1-10 zone district allows one single family home on a lot, which directly conflicts with the General Plan density range of up to 10 units per acre. Therefore, the zoning standard must be waived, allowing a multiple unit project that meets the General Plan density range.

The following table describes consistency of the new development on Lot 2 with the R-1-10 zone district development standards and zoning ordinance parking standards:

	Zoning Standard	Proposed
Building Stories and Height	2.5 stories and 30 feet	5 stories and 54' height (incentive/concession #1 requested)
Accessory height and stories	15 feet and 1 story	14'9.5" and 1 story
Front setback	25 feet	17'10.75" (incentive/concession #2 requested)
Side yard setback	10 feet	125'6" (west), 44'8" (east)
Rear yard setback	30 feet	65'11"

Section 24.12.140.2 of the municipal code prohibits an accessory building from being in the front yard. In this case, the proposed trash enclosure is adjacent to the main building and within the front setback of Lot 1. The applicant has requested a density bonus waiver to allow this location. The Density Bonus Request section of this report discusses this request as well as the concession/incentive requests noted in the above table.

Parking

State laws enacted by AB1851 and AB2097 supersede parking ratios required in the zoning ordinance and dictate the number of spaces required for this project. AB1851 added California Government Code section 65913.6, which allows up to 50 percent of existing church parking to be eliminated to accommodate a new housing development and allows the remaining church parking to be double counted toward the housing parking requirement. Furthermore, AB2097 modified California Government Code Section 65863.2 to eliminate any parking requirement for a site within half a mile of an existing or planned major transit stop. The project site is within half a mile of a planned major transit stop, and therefore parking is not required. While new parking is not required, and the existing parking serving the church can be eliminated without replacement, the project proposes new driveways leading to and from the building and 15 new parking spaces adjacent to the new building.

	Zoning Standard	Proposed
Parking space dimensions	Standard: 8.5' x 19' min Compact (up to 50% of required parking): 7.5' x 16' min	7 standard stalls: 9' x 19' 6 compact stalls: 9' x 16'
Driveway width	12' minimum	20'
Paving	Concrete, asphalt, or other approved surface	asphalt

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Traffic

A Traffic Impact Study is required for any project that is estimated to generate 50 or more vehicle trips during the PM peak hour. A Trip Generation Memo dated December 12, 2022, was prepared for the project. The Trip Generation Memo estimated that the new apartment complex could generate between 20 and 26 PM peak hour trips. The trip generation estimation of 20 trips utilized ITE Land Use Code 220 for Multifamily Housing. The 26-trip estimation was based on Land Use Code 225 for Off-Campus Student Apartments, due to the site's proximity to UCSC and potential for students to rent units onsite. Because both trip generation estimations were below 50 vehicle trips during the PM peak hour, a traffic impact study was not required to be prepared.

Density Bonus

The project proposes to provide five low income units and four very low income units, amounting to 22.5 percent of the 40 total units at the low income or lower level. This level of affordability exceeds the minimum 10 percent lower-income threshold to qualify the project for a density bonus. The density bonus request does not include a request for density bonus units but does request concessions/incentives and a waiver from development standards. Per municipal code Section 24.16.225, the project qualifies for two incentives/concessions since it provides at least 20 percent of units to lower-income households.

The project requests concessions for increased building height and stories to allow a building that is five stories and 54 feet tall at its highest point and for a reduced front yard setback of 17'10.75" to the new building on Lot 1. Per municipal code Section 24.16.225.3, the project qualifies for such concessions when the applicant provides reasonable documentation showing that the requested concession results in actual and identifiable cost savings to the project to provide for affordable rents. The applicant has provided justification that the greater building height will reduce the project footprint, thus reducing costs associated with excavation, grading, and soil engineering. With regard to the front yard setback, the applicant has provided justification that the reduced front setback enables the building to be shifted away from the significantly sloped portion of the lot, thus reducing costs associated with grading, soil engineering, and overall construction.

SCMC Sec. 24.16.255.4 allows a density bonus project to qualify for waivers from development standards if it is shown that the standards will physically preclude the proposed housing development. The project is requesting a waiver to allow an accessory building, the trash enclosure, to be placed in front of the building and within the front yard setback of Lot 1. This is the only possible location for the trash enclosure that complies with meets Public Works refuse service standards and that avoids constraints such as steep slopes and heritage trees.

Community Outreach

The Community Outreach Policy for Planning Projects considers this project to be a large development project since it adds more than 25 new housing units. The outreach policy requires large projects to post the site upon project submittal and to hold a community meeting. The applicant completed the new application site posting on December 9, 2022. The applicant had submitted a preapplication for an earlier concept of the project in 2019 and held a community meeting on May 30, 2019. Approximately 100 community members attended the meeting and voiced questions and concerns regarding the number of new residents planned for the project, potential party houses, the church doing business with a developer, fair housing rules, and potential

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fire hazards given the site's location. Upon formal submittal of the current application, the applicant held a second community meeting on February 8, 2023. A total of 96 community members attended the virtual meeting. Participants raised questions and concerns about parking, traffic, bicycle parking, safety for schoolchildren at the adjacent Westlake Elementary School, open space, affordable housing, preferences for types of renters, project density and scale, location in the wildland urban interface, removal of trees, garbage management, construction noise, development of the meadow at the northern end of the site, and habitat for animals.

Environmental Review

The project has been determined to be exempt from the California Environmental Quality Act (CEQA) under a Statutory Exemption pursuant to Public Resources Code Section 21083.3 and its parallel State CEQA Guidelines Sections 15183 (Projects Consistent with General Plan, Community Plan or Zoning).

Public Resources Code Section 21083.3 allows a lead agency to avoid repeating analyses that were already provided in a certified general plan EIR for a development project that is consistent with the general plan. Public Resources Code section 21083.3 and its parallel CEQA Guidelines provision, section 15183, provide for streamlined environmental review for projects consistent with the general plan for which an EIR was certified. Subsection (d) further indicates that an effect of a project upon the environment shall not be considered “peculiar to the parcel or to the project...if uniformly applied development policies or standards” have been previously adopted by the city or county, with a finding based upon substantial evidence, that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards would not substantially mitigate the environmental effect. Under these provisions of CEQA, the project has been found to be consistent with the General Plan. It has been determined that the City's General Plan 2030 EIR has adequately addressed most environmental issues related to the project, and some site-specific project impacts have been analyzed and determined to be less than significant due to substantial mitigation resulting from General Plan policies, zoning regulations and/or development standards that are uniformly applied to development projects throughout the City. Therefore, no further environmental review is required pursuant to Public Resources Code section 21083.3 and section 15183 of the CEQA Guidelines, and the project is exempt from further CEQA review. An environmental checklist is attached that provides the explanations and support for this determination.

SUMMARY

The project is consistent with the General Plan and meets all the required site development standards except as modified by density bonus waivers and concessions. Staff recommend approval of the Minor Land Division, Design Permit, Slope Development Permit, Density Bonus Request, and Heritage Tree Removal Permit based on the Findings listed below and the Conditions of Approval in the attached Exhibit A.

FINDINGS

Tentative Parcel Map, Section 23.16.050

1. The proposed subdivision, together with provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city of Santa Cruz.

The proposal to divide the 258,825 square foot (5.9-acre) project site into two parcels is consistent with the density requirements, goals, and policies of the L (Low Density Residential) General Plan designation and is consistent with the development standards of the R-1-10 zone district. The land division will result in the two parcels exceeding the minimum 10,000 square foot parcel size and 70-foot minimum lot width required in the R-1-10 zone district.

Santa Cruz Municipal Code Sec. 23.24.030.6 (i) allows for the creation of a flag lot where warranted by physical conditions of land form, existing lot pattern, or unusual size and shape of parcels. The strip of land connecting the main portion of a flag lot to the street must be at least 20-feet wide and provide practical vehicular access; but it shall not be used to help satisfy the minimum lot area requirement of the zoning district.

The proposed subdivision results in a flag lot configuration that complies with the requirements of the Code and allows for infill development on the site while preserving the existing church and associated uses. The flag lot configuration allows for the proposed residential development to be located on a portion of the site with relatively low slope and minimal impacts to Heritage trees.

The project is also consistent with the goals and policies in the General Plan and the current Housing Element in that the project will maximize development on an underutilized infill parcel (Policy LU3.7.1) in a way that is consistent with surrounding single-family land uses (GP Policy LU4.1.2; Housing Element Policy 1.4). The subdivision and development have been configured to maximize preservation of heritage trees on the site (Policy LU2.3.6).

2. The site is physically suitable for the type of development proposed.

The subdivision and development have been designed to consolidate residential density on a portion of the site most suitable for development. The proposed subdivision and building configuration results in a site plan which preserves the existing church use onsite and allows for reuse of existing vehicular circulation areas. The building will be constructed on a portion of the site with a relatively low degree of slope and high soil stability, thereby minimizing grading associated with the project and potential geological hazards.

The newly created lot where the housing development will be sited will be physically suitable for the development of the residential use. The developable portion of the lot meets the minimum net lot area requirements for the R-1-10 zone district. The project site is surrounded by other residential uses and will have access to public utilities including sewer and water.

The design and improvements of the proposed land division are consistent with the applicable policies of the General Plan in that the applicant is required to make streetscape

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improvements including the construction of a new sidewalk with curb and gutter improvements at each frontage (CD4.3.5, M.4.1.7-M4.1.9) and all utilities serving future development will be required to be placed underground (CD4.2.3). The parcel is not located within a specific plan area.

3. The site is physically suitable for the proposed density of development.

The newly created lot where the housing development will be sited will be physically suitable for the development of the residential use. The developable portion of the lot meets the minimum net lot area requirements for the R-1-10 zone district. The project site is surrounded by other residential uses and will have access to public utilities including sewer and water.

The site's General Plan land use designation of Low Density Residential accommodates single family residential neighborhoods typically comprising detached homes and with a density range of 1.1 to 10 dwellings per acre. The project site, in its entirety, is 5.9 acres in size, therefore the General Plan land use designation would accommodate up to 59 units on the site. The project proposes 40 units, which is consistent with the residential density that was studied and anticipated in the 2030 General Plan.

The residential development will be placed entirely on Lot 1, comprising 2 acres. General Plan Policy LU3.7.1 supports clustering of residential development, with units closer together or attached, to respond to a site's topography, environmental constraints, or adjacent uses. In this case, the existing church campus on the site limits the buildable area to the vacant land above the campus, which comprises the new 2.0-acre Lot 1. This layout, in addition to constraints associated with City policy to maximize retention of heritage trees and a steep slope that limits access to the upper part of the site, supports the clustering of the units into a single apartment building.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The northeastern portion of the site contains a eucalyptus grove that is identified in the General Plan as potentially containing monarch butterfly habitat. An analysis prepared by Ecosystems West Consulting Group concluded that the eucalyptus grove was not providing fall or winter roosting habitat and was unlikely to provide suitable habitat in the future. The reports recommended a preconstruction survey be conducted in the fall prior to the commencement of construction, and that tree removal occur outside of the fall roosting period. Both recommendations are included as conditions of approval with the project to avoid potential adverse impacts to wildlife habitats.

The project includes a standard condition of approval that, if project site work occurs anytime between February 1 and August 31, the applicant shall submit documentation of a preconstruction nesting bird survey by a qualified biologist prior to the start of work. Preconstruction surveys of nesting birds and roosting monarchs will minimize any potential adverse impact to wildlife or their habitat on the site.

5. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The design of the subdivision will not cause serious public health problems in that the applicant will be required to make site and utility improvements in accordance with City Standards and Public Works design criteria. Storm water treatment and retention facilities designed for the proposed Lot 1 and residential development comply with City standards. The new residential development on the proposed Lot 1 will be required to meet all requirements of the California Building Code and all applicable City Ordinances.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or the use of, property within the proposed subdivision.

The site does not contain any existing public easements that would be impacted by the project or subdivision.

Design Permit, Section 24.08.430

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

Although the site's General Plan land use designation Low Density Residential General Plan Land Use Designation and R-1-10 zone district envisions primarily single-family development, Senate Bill 330 (SB330), and the amendments it made to the Housing Accountability Act, identifies the General Plan as superseding any inconsistent zoning designation and requires an agency to permit residential development on a particular site at the density allowed under the General Plan. In this case, the density proposed is within the density range envisioned in the General Plan.

The entire project site is 5.9 acres, and the new 40-unit building plus the existing unit within the church complex results in a density of 6.9 dwellings per acre, in the middle of the density range. To ensure future development does not exceed the density range envisioned in the General Plan, conditions of approval require limitations to be recorded on both new parcels to limit the overall site density to the maximum allowed.

The project bolsters several policies of the existing Housing Element related to facilitating the development of affordable housing through density bonus and other means (HE2.2), encouraging fully integrated neighborhoods with new affordable residential development featuring a variety of housing types in areas of the City low concentrations of affordable housing (HE 2.7 and 4.8), and ensuring that the character and design of both infill development and remodel/rehabilitation projects promote the vitality of existing neighborhoods (HE 5.3). This is consistent with General Plan Policy LU1.1 by optimizing

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development intensity of an infill parcel that is adequately served by public utilities, and located near community amenities, including several religious facilities, elementary and higher education facilities, existing public transit service.

The site is located within areas mapped in the General Plan as sensitive and highly sensitive for archaeological resources. Archeological assessments of the site during did not indicate the presence of any intact archaeological resource but recommended that the applicant stop work and contact the appropriate authorities should earth-moving work result in discovery of an intact resource. This recommendation is consistent with a standard condition of approval, which aims to identify and protect archeological resources throughout the construction process. This condition of approval is included in the recommended conditions of approval.

General Plan policy HZ3.2.3 requires interior noise in all new multifamily housing does not exceed 45 dBA. An initial noise assessment letter prepared by Edward L Pack Associates Inc. dated August 9, 2022, noted that the only possible source of significant noise at the site would be the playgrounds at the adjacent Westlake Elementary School. Given the distance between the playgrounds and the proposed building footprint (approximately 400 feet), noise impacts on residents are expected to be minimal and consistent with the General Plan policy.

The project is not located in the focus area of any area plan. The project is not located in the Coastal Zone.

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

The project complies with all development standards of the R-1-10 zone district and all other applicable sections of Chapter 24 (Zoning) of the Santa Cruz Municipal Code, that were in effect at the time the project’s SB330 preapplication was deemed complete, except as modified by density bonus concessions and waivers. An SB330 preapplication associated with the project was deemed complete prior to the City’s adoption of the citywide Objective Design Standards for Multifamily Housing (Objective Standards), therefore the project is not subject to the Objective Standards.

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

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

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

The project complies with all applicable objective development and design standards of Chapter 24 (Zoning) of the municipal code, except as modified by the density bonus request. The site contains a church that was constructed in 1957 and is described as a property that is eligible, but has opted out, for listing on Volume III of the Santa Cruz Historic Building Survey. The church will remain as part of the development; therefore, the new residential development will have no impact on the existing building. Additionally, the new apartment is sited to be largely screened from public view. The proposed development incorporates angled massing, as well as colors and materials, that are compatible with the existing church building. Therefore, any portions of the proposed building that are visible from the street will be compatible with the existing church building and will not adversely impact the church campus's context.

The site is not located within a historic district or within an area plan that seeks to preserve an established architectural style. Although there are several listed historic resources along High Street, the new development is set back substantially from High Street and will not result in any visual impacts affecting the context of any historic resource in its vicinity.

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

The project maintains a balance of scale, form and proportion by breaking up the building massing into a V-shaped configuration and stepping the building height to mimic the sloped topography of the site. The site is designed such that the new building will be substantially screened from view from public right of way and surrounding properties. The site design includes significant setbacks from surrounding property lines, which allow for a landscape buffer comprised of existing trees and naturalized grasses, as well as a varied palette of new plants.

The design features a multitude of windows, glass doors and balconies to punctuate the façade such that there are no large, blank building walls. The plans include a proposed material palette but indicate that similar alternative materials may be proposed during the building permit phase. To ensure that the materials will be of high quality and compatible with the existing and surrounding development, a condition of approval will require that any

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deviation from the proposed materials be approved by the Planning Department prior to issuance of the building permit.

The trash enclosure will be screened from public view by the existing church campus to remain onsite. Existing trees to remain along the Western property line will provide a visual screen between Westlake Elementary and the trash enclosure. A condition of approval requires any rooftop mechanical equipment or utility installations to be screened from public view and requires utility installations to be accessible. The site does not include or contribute to a viewshed of any significant public views identified in the General Plan.

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

The project site does abut several different land uses, including UCSC campus housing to the north; a quarry, single family homes, city owned land, and a church to the east; single family homes across High Street to the south; and Westlake Elementary School to the west. Because the proposed residential development is consistent with the allowed densities in the General Plan, the project will not affect the use High Street beyond the expected increase in bicycle, pedestrian, and vehicle usage as anticipated under the city buildout projected in the General Plan. The residential use is located within a predominately residential neighborhood and is not anticipated to result in adverse noise or operational impacts to adjacent school and church uses, or single family homes.

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

The report recommended removal of 14 heritage trees, six that are in poor condition and eight that are within the project footprint. An addendum letter dated February 3, 2023, evaluated whether an alternative building location would enable preservation of additional heritage trees, but did not identify a superior alternative. The orientation and location of the building on the site maximizes preservation of heritage trees while avoiding highly sloped areas. The building has been designed to be significantly screened from view from the street and surrounding properties, and to step down in height with the hillside, thereby minimizing its perceived height, as well as required grading and alteration of natural land forms. The proposed landscape plan incorporates a variety of native plants while maintaining much of the site in a natural state. A shadow study was submitted by the applicant indicating that the proposed building is not expected to significantly worsen shading impacts to adjacent properties beyond current conditions.

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

The nearest vantage points from which the coast may be viewable where the project could conceivably impact coastal views are located along Hagar Court, west (uphill) from the project. These vantage points are obstructed by existing buildings; therefore, the proposed project would not create any new impact on important public views or designated scenic coastal areas.

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

Any noise or vibrations that may occur as a result of construction are temporary; once constructed, the residential apartment building will generate noise typical of a residential neighborhood. An initial noise assessment letter prepared by Edward L Pack Associates Inc. dated August 9, 2022, noted that the only possible source of significant noise impacting the project site would be the playgrounds at the adjacent Westlake Elementary School. Given the distance between the playgrounds and the proposed building footprint (approximately 400 feet), noise impacts on residents are expected to be minimal and consistent with the General Plan policy.

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

The new building has windows on all elevations that will allow natural light and ventilation into the building. The balconies and terraces provide each unit with private outdoor space to access sunlight and fresh air. The site plan retains several heritage trees throughout the site and includes new landscaping that will provide cooling and shading. The flat roof provides a space where solar photovoltaic equipment could be installed.

Slope Development Permit, Section 24.08.820

- 17. Measures have been included within the design of the project to mitigate impacts on environmental constraint areas identified in the Natural Resources and Conservation Element and the Safety Element of the General Plan and the Local Coastal Program.**

The northeastern portion of the site contains a eucalyptus grove that is identified in the General Plan as potentially containing monarch butterfly habitat. To identify and mitigate any adverse impacts to monarch butterfly habitat onsite, the project application submittal included a report prepared by Ecosystems West Consulting Group dated May 20, 2020, and a follow-up report, dated January 4, 2023. The reports concluded that the eucalyptus grove

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was not providing fall or winter roosting habitat and was unlikely to provide suitable habitat in the future. The reports recommended a preconstruction survey be conducted in the fall prior to the commencement of construction, and that tree removal occur outside of the fall roosting period.

The site is located within areas mapped in the General Plan as sensitive and highly sensitive for archaeological resources. Albion Environmental prepared an initial archaeological investigation in June 2019, and subsequent Extended Phase I Study in March 2023. The reports did not indicate the presence of any intact archaeological resource but recommended that the applicant stop work and contact the appropriate authorities should earth-moving work result in discovery of an intact resource. The recommended condition of approval includes standard conditions that are consistent with the recommendations of Albion Environmental to minimize potential impacts to archeological resources on the site.

18. Landscaping of an appropriate type, size, and quality is proposed to mitigate any adverse environmental effect.

The project proposes to remove fourteen heritage trees. The planting palette includes thirty-six new trees, which, at maturity, are expected to result in comparable or greater tree canopy as compared to existing conditions. The proposed plant palette includes numerous native species and incorporates a variety of groundcovers, shrubs and trees. A majority of the site will retain its existing, naturalized landscaping. The existing to remain and proposed landscaping will minimize potential environmental impacts typically associated with development such as groundwater runoff, erosion, and loss of tree canopy.

19. Usable open space is proposed in an amount equal to that normally required.

The project is located within the R-1-10 zone district, which does not have a minimum open space requirement. However, the project provides one or more private balconies or terraces for all units, as well as a common resident amenity area at the northern portion of the site, which includes a paved path, seating areas, barbeque areas, trellises, and enhanced landscaping.

20. A registered civil engineer or other qualified professional will design streets, buildings, and other man-made structures to conform with existing landforms and topography.

The project applicant has engaged the services of a licensed civil engineer to aid in the designing of driveway and site improvements, as well as the building. A condition of approval will require that all civil plan sheets of the building permit submittal be stamped by a licensed civil engineer.

21. 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.

The project site is not located within a designated fire hazard area; therefore, this finding does not apply.

22. The proposed project employs architectural and design elements which in total serve to reduce the mass and bulk of structures to protect public views. Such elements may include:

- a. **Multiple floor levels which follow natural slopes:** The building height ranges from three stories to five stories and is staggered to follow the natural slope of the property, thereby minimizing visual impacts and grading quantities.
 - b. **Multiple roof lines to provide visual interest and break up the visual impact of the building:** The stepped-down design of the building results in multiple, staggered roof lines that reduce the perceived mass and bulk of the building and preserve views from onsite. The project is not expected to impact public views.
 - c. **Decks and balconies to provide building articulation:** The building facades are punctuated with balconies and incorporate a multitude of windows and several accent materials. These features provide building articulation to enhance visual interest of the building while reducing the appearance of mass and bulk.
 - d. **Foundation types such as poles, piles, or stepped levels which minimize cut and fill and need for retaining walls:** The stepped-down building design reduces grading needs to accommodate the project. Additionally, the project proposes minor improvements to existing driveways, in lieu of new driveways. Maintaining existing driveways to provide access to the site will further reduce grading quantities.
 - e. **Fence lines, walls, and other features which blend with the terrain rather than strike off at an angle against it:** The project will maintain and improve existing fences along the shared side property lines. A new, three-foot wooden and hog wire fence is proposed along the rear property line. The fence will be of minimal height and highly transparent and will blend into the natural terrain. A low, small retaining wall is proposed directly southeast of the proposed building. This retaining wall will be incorporated into a staggered landscape design that is compatible with the natural surroundings and will not adversely impact any public views.
- 23. If a project proposed for construction is in a landslide area identified in a site-specific geological report prepared pursuant to Section 24.14.030(1)(d), findings must be made that mitigation measures necessary to fulfill the purpose of this part have been incorporated into project design, based on the project's environmental review and geotechnical reports.**

A project-specific geotechnical report prepared by Dees & Associates, Inc. in March 2023 included a stability analysis of the portion of the site where the building will be situated. The analysis indicated that the portion of the site where the proposed building is stable under both

static and seismic conditions. The project has been designed in accordance with the recommendations of the geotechnical report. A condition of approval will require that a Phase 2 geotechnical study focused on additional subsurface exploration of the marble formation be conducted prior to issuance of the building permit, consistent with the recommendations of the initial geotechnical report. Additionally, a condition of approval will require that the geotechnical engineer provide a letter indicating that their recommendations were incorporated into the building permit design, prior to issuance of the building permit, and implemented throughout construction, prior to building permit final.

Density Bonus, Section 24.16.270.2

- 24. The housing development is eligible for a density bonus and any concessions, incentives, waivers, modifications, or modified parking standards requested; conforms to all standards for affordability included in this section; and includes a financing mechanism for all implementation and monitoring costs.**

The project proposes to provide five low income units and four very low income units, amounting to 22.5 percent of the 40 total units at the low income or lower level. This level of affordability exceeds the minimum 10 percent lower-income threshold to qualify the project for a density bonus. The density bonus request does not propose additional units, but does request concessions/incentives and a waiver from development standards. Per section 24.16.225 of the Santa Cruz Municipal Code, the project qualifies for two incentives/concessions since it provides at least 20 percent of units to lower-income households. Per section 24.16.255 (4), the project is eligible to request an unlimited number of waivers or modifications to development standard, if those standards physically preclude the construction of the housing development, and the housing development is eligible for density bonus. Although the project does not propose density bonus units, it is eligible for density bonus based on the number of low income and very low income units provided and may request two incentives/concessions and unlimited waivers.

AB2097 modified California Government Code Section 65863.2 to eliminate any parking requirement for a site within half a mile of an existing or planned major transit stop. The project site is within half a mile of a planned major transit stop, and therefore parking is not required for the project.

The project will be privately financed; all financing costs for implementation and monitoring will be provided by the applicant.

- 25. Any requested incentive or concession will result in identifiable and actual cost reductions to provide for affordable rents or affordable ownership costs based upon appropriate financial analysis and documentation if required by Section 24.16.255.**

Per Section 24.16.225.3, a density bonus project qualifies for concessions when the applicant provides reasonable documentation showing that the requested concession results in actual and identifiable cost savings to the project to provide for affordable rents. The project

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requests a concession for increased building height and stories to allow a building that is five stories and 54 feet tall at its highest point. The applicant has provided justification that the greater building height will reduce the project footprint, thus reducing costs associated with excavation, grading, and soil engineering. The project also requests a concession for a reduced front yard of 17'10.75", in lieu of the minimum 20' front setback required in the R-1-10 zone district. The applicant has provided justification that the reduced front setback enables the building to be shifted away from the significantly sloped portion of the lot, thus reducing costs associated with grading, soil engineering, and overall construction.

26. If the density bonus is based all or in part on dedication of land, the approval body has made the findings included in Section 24.16.230.

The project is not based on dedication of land; therefore, this finding does not apply.

27. If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care center, the development conforms to the standards included in Section 24.16.235.

The project does not include a child care center; therefore, this finding does not apply.

28. If the density bonus incentive or concession is approved for a condominium conversion, the development conforms to the standards included in Section 24.16.240.

The project does not include a condominium conversion; therefore, this finding does not apply.

29. If the incentive or concession includes mixed-use buildings or developments, the nonresidential land uses will reduce the cost of the housing development and the proposed nonresidential uses are compatible with the housing development and with existing or planned development in the area where the proposed housing development will be located.

The project does not include a mixed-use building or development; therefore, this finding does not apply.

30. If a waiver or modification is requested, the applicant has shown that the development standards for which the waiver or modification is requested will have the effect of physically precluding the construction of the housing development at the densities or with the incentives or concessions permitted by this Part 3.

Section 24.16.255.4 of the municipal code allows a density bonus project to qualify for an unlimited number of waivers from development standards if it is shown that the standards will physically preclude the proposed housing development. The project is required to construct a new trash enclosure to accommodate refuse. The project is requesting a waiver to allow an accessory building, the trash enclosure, to be placed adjacent to the apartment building and within the front setback of Lot 1. This is the only possible location for the trash

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enclosure that complies with meets Public Works refuse service standards and that avoids constraints such as steep slopes and heritage trees.

- 31. If a commercial development bonus is requested, the project complies with the requirements of Section 24.16.258, the city has approved the partnered housing agreement, and the bonus has been mutually agreed upon by the city and the commercial developer.**

The project does not request a commercial development bonus; therefore, this finding does not apply.

- 32. If the housing development or the commercial development is in the coastal zone, any requested density bonus, incentive, concession, waiver, modification, modified parking standard, or commercial development bonus is consistent with all applicable requirements of the certified Santa Cruz local coastal program, with the exception of density.**

The project site is not in the Coastal Zone; therefore, this finding does not apply.

Heritage Tree Removal Permit, Resolution No. NS-23, 710

- 33. Alteration of a heritage tree or shrub would only affect less than twenty-five percent (25%) of the crown of said heritage tree or heritage shrub;**

Fourteen heritage trees are proposed for complete removal; therefore, this finding does not apply.

- 34. Findings by the Director of Parks & Recreation can be established in conformity with the City's Urban Forest and Wildland Interface Policy Statement;**

The trees are located in the urban forest and in the wildland-urban interface. The proposed removal of trees is consistent with this policy statement in that minimizes removal to those in poor condition or those that must be removed due to location within the project footprint, thus retaining the maximum number of trees given the proposed project. In addition, removal of trees in close proximity to the proposed building is consistent with wildland-urban interface policy to provide for defensible space around residential structures.

- 35. One or more of the following findings are established by the applicant and confirmed by the Director of Parks & Recreation:**

- a. The heritage tree or heritage tree shrub has, or is likely to have, an adverse effect upon the structural integrity of a building, utility, or public or private right of way;**
- b. The physical condition or health of the tree or shrub, such as disease or infestation, warrants alteration or removal;**
- c. A construction project design cannot be altered to accommodate existing heritage trees or heritage shrubs.**

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An Arborist report prepared by Kurt Fouts dated September 25, 2022, inventoried the trees in the project area, including 33 heritage trees. The report recommended removal of 14 heritage trees. Six of the heritage trees recommended for removal due to their condition. These trees include one silver wattle acacia experiencing trunk lean and co-dominant trunk, and five blackwood acacias with co-dominant trunks and/or canopy die-off. Eight additional heritage trees are proposed to be removed due to their conflict with the proposed building footprint and grading areas. An addendum letter dated February 3, 2023, evaluated whether an alternative building location would enable preservation of additional heritage trees. Due to various constraints, including required setbacks from highly-slopes areas of the site and the quarry to the east, a feasible alternative building placement that resulted in a greater degree of heritage tree preservation was not identified.

The City Urban Forester has reviewed the report and addendum and agrees with the recommendations. Each heritage tree to be removed must be replaced with one 24-inch box tree or three 15-gallon trees. Conditions of approval require the applicant to follow the recommendations in the report and to meet the tree replacement requirements for the heritage trees proposed for removal.

Submitted by:

Approved by:

Brittany Whitehill
Senior Planner

Michael Ferry
Senior Planner

Attachments:

1. Exhibit “A” – Conditions of Approval
2. CEQA Exemption Checklist
3. Project plans
4. Geotechnical report prepared by Dees and Associates, dated March 2023
5. Archeological Reconnaissance Study prepared by Albion Environmental, dated June 2019
6. Biotic Reports prepared by Ecosystems West Consulting Group, dated July 2019, May 2020, and January 2023
7. Arborist report prepared by Kurt Fouts dated November 2021, with follow-up letter dated February 2022
8. Noise assessment study prepared by Edward L Pack Associates Inc. dated December 2021
9. Trip Generation Memo prepared by Kimley-Horn and Associates, Inc., dated December 2022
10. Vehicle Miles Travelled Memo prepared by Kimley-Horn and Associates, Inc., dated November 2022
11. CEQA Notice of Exemption
12. Public Correspondence