Staff Report to the Planning Commission

Application Number: 241488

Applicant: Soquel Ave Group LLC
Owner: PAZ LLC
APN: 029-021-47
Site Address: 5940 Soquel Avenue, Santa Cruz

Agenda Date: December 10, 2025
Agenda Item #: 9
Time: After 9:30 a.m.

Project Description: Proposal to subdivide an existing parcel to create 100 condominiums and construct 100 units within 17 three-story buildings. Requires the Planning Commission to adopt a Resolution recommending the Board of Supervisors approve Application 241488, including Amendments to Planned Unit Development Ordinance 5027, a Land Division, a Site Development Permit with Design Review, and a recommendation to adopt an Addendum to a Mitigated Negative Declaration, pursuant to the requirements of the California Environmental Quality Act (CEQA).

Location: The project site is located on the south side of Soquel Avenue (5940 Soquel Avenue) within the RM-2-R zone district and the Live Oak Planning Area

Permits Required: Amendments to Planned Unit Development Ordinance No. 5027, Land Division, Site Development Permit with Design Review by the Board of Supervisors

Supervisorial District: First District (District Supervisor: Manu Koenig)

Staff Recommendation:

- **Adopt** the attached Resolution (Exhibit A), recommending the Board of Supervisors **Consider** the 2008 Mitigated Negative Declaration and 2025 Addendum, **Adopt** the Addendum to a Mitigated Negative Declaration per the requirements of the California Environmental Quality Act (CEQA); **Adopt** the amended Planned Unit Development ordinance; and **Approve** Application Number **241488**, based on the attached findings and conditions.

Project Background and Site History

The subject parcel, APN 029-021-47, is one of several sites that were rezoned by the County in 2008 to the Regional Housing Need ("R") Combining District ("R-Combining District"), which allowed development of multifamily housing at a density of 20 units per acre. The R-Combining District Code section, following several amendments, is currently codified in County Code Sections 13.10.475 - 477. Creation of the R-Combining District (originally called the "Affordable Housing Combining District") and the associated rezoning of several properties into that District was originally initiated by the County in 2004 to contribute toward meeting the County's Regional Housing Needs Allocation (RHNA) for the 2000-2006 (3rd cycle) Housing Element. That policy update and rezoning program was completed in late 2008, after several years of outreach and effort. Implementation of the R-Combining District program, through maintenance of the R-Combining District zoning on those sites, and build-out of those sites with the requisite multifamily housing, was also an important part of the County's 2009– 2015 (4th cycle) Housing Element, and was

critical in gaining State certification of that Housing Element in 2010.

Concurrently with the rezoning of those sites, including the subject property to RM-2-R, the Board adopted a Planned Unit Development (PUD) ordinance prepared by County staff for each site to allow by-right development of housing at a density of 20 units per acre, as was required at the time to obtain State certification of the County's 2009 Housing Element Update. The PUDs were prepared by Planning because most of the owners were not interested in developing their own PUDs for these sites at the time. The density of 20 units per acre was significant when the PUD was proposed, due to a law passed in 2003 creating a standard known as the "Mullin" densities[1], which were a safe harbor density range to be used to evaluate a jurisdiction's sites inventory in its housing element. If sites were vacant and zoned at the Mullin density or higher (in the County's case, at least 20 units/acre) they were deemed to be available and feasible for lower-income housing development, and could be counted toward meeting the jurisdiction's RHNA.

In addition, the adoption of PUDs for each site was also critically important to achieving State Housing Element certification at that time, in that the PUDs entitled each site for multifamily development at the Mullin density and included CEQA review. The only remaining step the County was able to require for development of a PUD-consistent project on these sites was a design review hearing before the Board, where the project could not be denied, but the Board could review and comment on the proposed design, such as façade treatments, cladding colors, landscaping, etc.

For the subject property, the specifics of the R-Combining District program implementation described above were as follows:

- The County processed a PUD and associated Initial Study to identify the required conditions of approval for the construction of a by-right housing development of 100 residential units on APN 029-021-47.

- On December 9th, 2008, the Board of Supervisors approved Permit No. 07-0414, which included a PUD (Ordinance No. 5027), together with a General Plan Amendment (from "Service Commercial/Light Industry" (C-S) to "Residential Urban High" (R-UH), and Ordinance No. 5026 to rezone the property from "Light Industrial (M-1) to "Multifamily Residential – 2,000 square foot minimum parcel size, Regional Housing Need Combining District" (RM-2-R), and approval of a Riparian Exception; and

- Certified the Mitigated Negative Declaration under CEQA.

A PUD essentially functions as a site-specific zoning ordinance, incorporating all the standards for the site design, building placement, massing, etc., on a parcel, and provides a basis for recording the environmental mitigation measures that accompanied the rezoning to the "R" Combining District. The PUD modified the site development standards in effect in 2008 to reduce the amount of required parking and allow taller structures, among other modifications, in order to accommodate the development of housing at density of 20 units per acre on the subject site, resulting in a PUD for 100 dwelling units (the site is about five acres in area).

In order to allow the development of the site to be by-right (meaning the density cannot be reduced

[1] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040AB2348

and no additional CEQA review can be required for the use), CEQA analysis was done at the time of the rezoning and PUD adoption. As the PUD defines both the framework of development standards and CEQA mitigation measures, development of the site must be generally consistent with the PUD development standards, though it is subject to Design Review by the Planning Commission and Board of Supervisors.

On December 23, 2024, Soquel Ave Group LLC and KB Home South Bay LLC submitted materials to the County of Santa Cruz for Application No. 241488, and the application was taken in for review; however, the application did not become active until January 14, 2025, following payment of fees. The application was for Design Review of a 100-unit project at the subject site, including Amendments to the approved PUD. The proposed Amendments, listed below, modify several conditions of approval (COAs) of the PUD, in order to facilitate the development of the site. The main reason driving the need for these amendments is that several conditions have significantly evolved since 2008—namely: the original PUD was not reviewed by any developer's civil engineering or design team to assess the feasibility of the proposed infrastructure connections required to support the site, and it is necessary to revise and update the adopted conditions of approval to bring them into better alignment with current County Codes and best practices for infill development, current state law, and, the current cost environment for multifamily housing development. The proposed Amendments are as follows:

1. PUD Amendment to COA (I)(B)(1)(a)(iii) to reduce the parking requirement from 2.5 parking spaces to 2 spaces for three-bedroom units.

2. PUD Amendment to COA (I)B)(1)(a)(v) to reduce the guest parking requirement from 20% to 7.5%.

3. PUD Amendment to COA (I)(B)(1)(a)(vi) to remove the requirement to provide an on-site parking management plan prepared by a traffic engineer for consideration of the requested reduction to the required on-site parking standards by the Board of Supervisors as part of the Design Review Permit.

4. PUD Amendment to COA (I)(B)1)(a)(vii) to apply the standards for off-street parking as outlined by County Code Section 13.16.050, which has superseded County Code Section 13.10.554, at the time the application is deemed complete.

5. PUD Amendment to COA (I)(B)(1)(b) to amend circulation requirements for interior roadways from the minimum requirement of 50-foot centerline radii on all access routes to a centerline radii of 32 feet.

6. PUD Amendment to COA (I)(B)(2)(a)(i) removing the two-story restriction in specified areas of the project site as delineated in Exhibit A and described in Section I.B.4(c)(i) of the PUD ordinance in order to accommodate the three-story townhome-style development.

7. PUD Amendment to COA (I)(B)(3)(b)(iv) reducing the south rear yard setback for three-story structures from 20 feet to 15 feet, and allowing 3 feet of encroachment into the 15-foot rear yard setback for eves, gutters, roof overhangs and other architectural appurtenances.

8. PUD Amendment to COA (I)(B)(4)(c)(i) and (ii) removing height restriction of 28 feet and two stories within the minimum 15-foot setback adjacent to the southern property line and removing the requirement that buildings facing public roads incorporate features such as step-back heights, articulation, variations in finishes, glazing, building separation, and varied roof heights.

9. PUD Amendment to COA III(A) reducing the minimum affordable housing requirement from 40% to 15% subject to the requirements of County Code section 17.10.030(B) in order to be consistent with current affordable housing standards in the County Code.

10. PUD Amendment to COA III(D) removing specified affordable unit design and locational requirements, instead subjecting affordable units to the on-site standards set out in County Code Section 17.10.032.

11. PUD Amendment to COA (IV)(D)(3)(a)(i) removing the requirement that finished grade shall not exceed three feet above pre-construction existing grade.

Project Description, Consistency with PUD Ordinance No. 5027, and Setting

The proposal before the Planning Commission consists of the architectural and related design plans for 100 for-sale residential condominium units on APN 029-021-47. An associated emergency vehicle access (EVA), storm drain, sewer, overland drainage release, and utilities easement will also be established on the adjacent County-owned parcel, APN 029-021-59, which is currently the parking lot for the Sheriff's Office at 5200 Soquel Avenue. The County and Applicant have recently entered into a Memorandum of Understanding (MOU) regarding establishment of that EVA and related easement on County property. The MOU was entered into on March 12, 2025 between the County and the Applicant regarding an intent to enter into a public utility and emergency vehicle access across APN 029-021-59.

The project site is currently entitled for a total of 100 units, and the current application has been made for the 100 allowed units. The density and use of the proposed project are permitted by-right under the provisions of Permit No. 07-0414 and PUD Ordinance No. 5027; however, the proposal requires Design Review via approval by the Board of Supervisors of a Site Development Permit with Design Review, Amendments to PUD Ordinance No. 5027, and a Land Division.

The project site is a single 4.97-acre parcel identified as Assessor's Parcel Number (APN) 029-021-47. It is located on the southern frontage of Soquel Avenue, just south of the State Route Highway 1 in Santa Cruz County. The street address is 5940 Soquel Avenue, Santa Cruz, California 95062. The intersection of Soquel Avenue and Chanticleer Avenue is approximately 730 feet west of the project site. The project would also involve the development of infrastructure within off-site areas, and within existing road right-of-way near the project site.

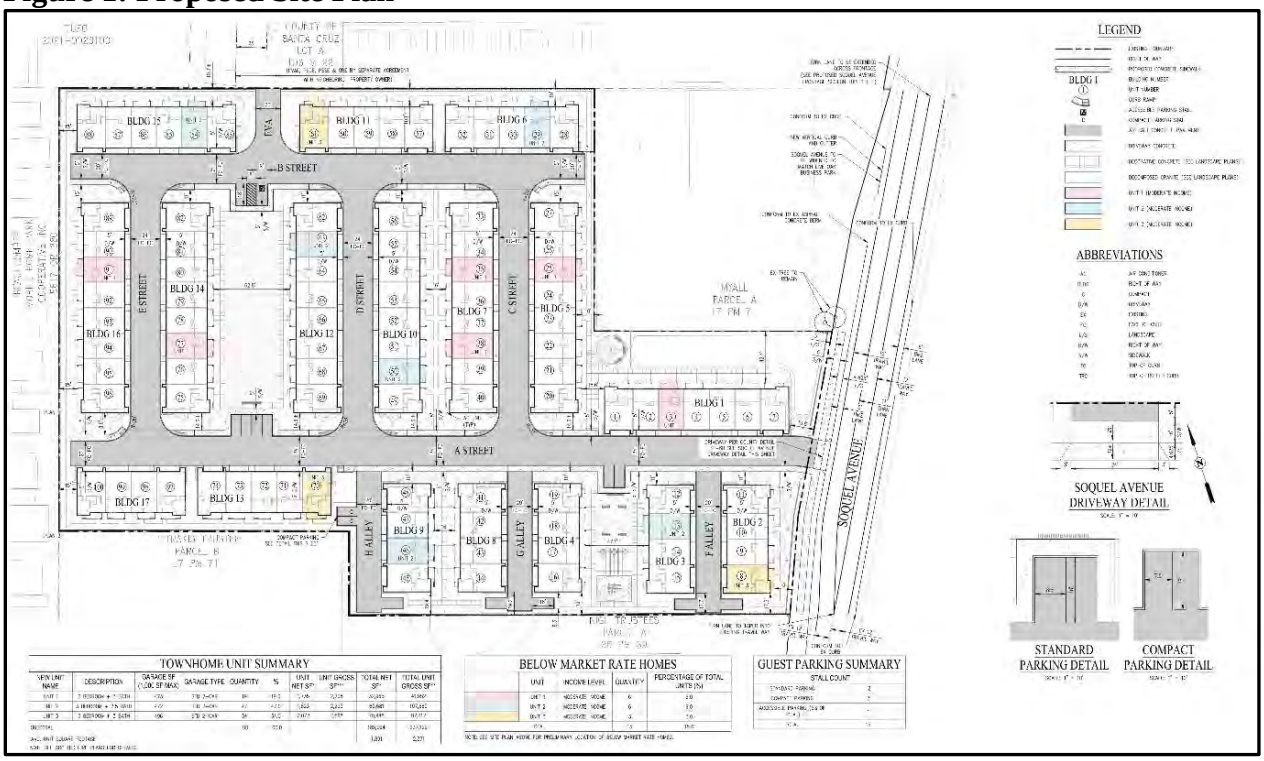
Since the 2023 Sustainability Update was adopted, the R-UH General Plan designation now allows multifamily development of up to 30 units per acre; whereas previously it only allowed a density of up to 17.4 units per acre. Only the PUD still subjects the site to a lower density of 20 units per acre, since under current State Law, if the General Plan allows more density than the zoning of a site, the applicant can opt to use the standards allowed by the General Plan, however that State

Law does not override a PUD. Though the Applicant could have pursued a density bonus under current State Law, they did not elect to do so.

The project site is relatively flat with frontage on a segment of Soquel Avenue. The existing conditions of the site include a single driveway for ingress and egress, with an open drainage swale between the paved Soquel Avenue and the private property. The existing site has been used for various storage, salvage, and salvage yard purposes, with contractor(s) also utilizing the site. Several vehicle towing businesses and storage companies had listed the site as their address. Temporary storage containers are dispersed across much of the site, as are vehicles, boats, and campers which appear either no longer operational or rarely operated. In addition to temporary storage containers, the site contains an office trailer and attached workshop measuring approximately 2,300 square feet and three sheds that range from 215 square feet to 1,300 square feet on the project site. A coarsely paved road leads to various internal roads providing access to smaller areas within the site. Part of the northwestern portion of the site is also paved with concrete pads. All existing structures on-site would be demolished and removed as a component of the proposed project and any remaining businesses operating on site, if any, would need to relocate or cease operations at that location, though most business have already vacated the site, or are in the process of vacating.

Following clearance of the project site, including removal of all vehicles, trash, debris, asphalt, and structures, the proposed project would include development of the project site with 17 three-story buildings containing 100 multifamily units and associated utilities, stormwater management improvements, landscaping, and roadways and pedestrian pathways. 100 units is consistent with the approved PUD. Street frontage improvements along Soquel Avenue would also be constructed, as would off-site utility improvements. See Figure 1 below for the proposed site plan.

Figure 1: Proposed Site Plan



The height of the proposed residential buildings would measure approximately 34 feet and four inches to finished roof. The exteriors of the buildings would consist of a mix of plaster, board and batten siding, and balconies with metal mesh railings. A mix of three-tone coloring would be used on all facades of the building. See Figure 2 below for typical elevations:

Figure 2: Elevations (Typical)

Site Standards

The proposed project has been designed in accordance with the site standards set out in the PUD, other than those PUD Amendments as specified in this report.

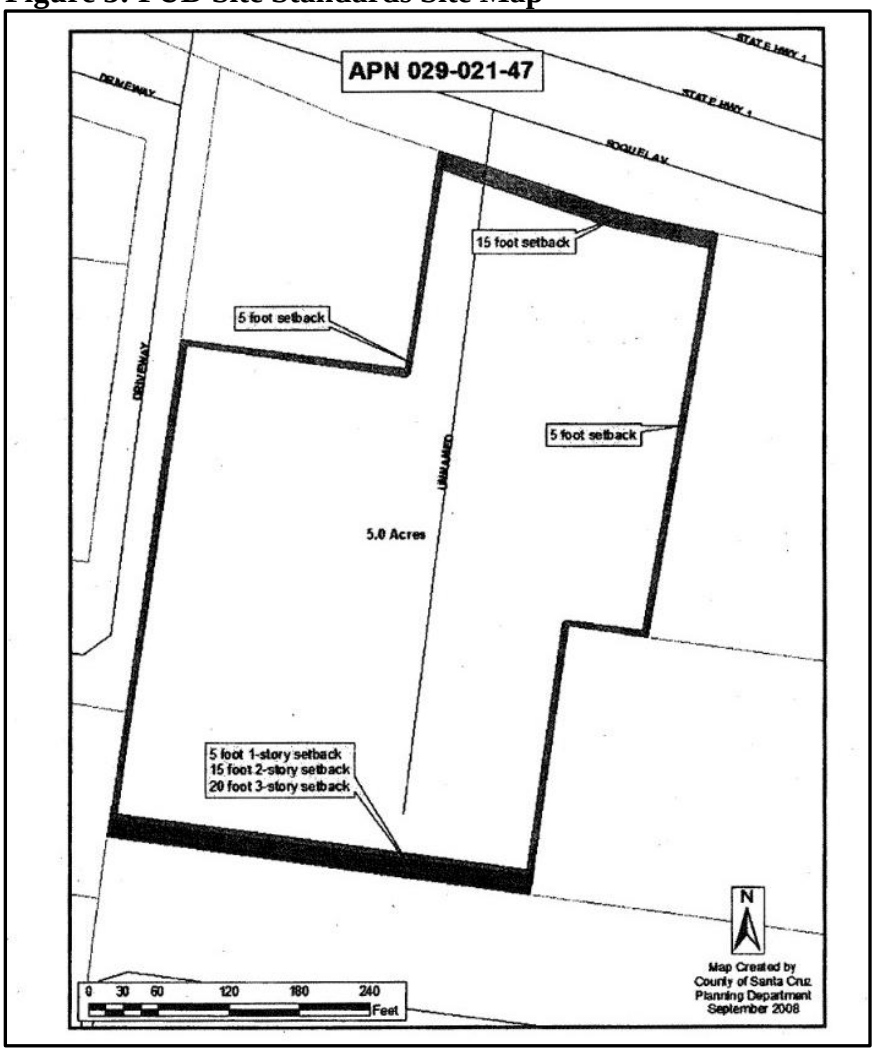
Table 1: PUD and Project Site Standards

Standards	Required by PUD No. 5027	Proposed
North Property Line (Soquel Avenue) Setback	15-foot front setback (along Soquel Avenue frontage)	15 feet
West Property Line Setback	5-foot side yard setback	10 feet
East Property Line Setback	5-foot side yard setback	10 feet
South Property Line Setback	5-foot rear yard setback for one-story structures, 15-foot setback for two-story structures, 20-foot rear yard setback for three story structures	15 feet (PUD Amendment to reduce 20-foot setback for three-story structures to 15 feet), and allowing 3 feet of encroachment into the 15-foot rear yard setback for eves, gutters, roof overhangs and other architectural appurtenances

Height	35 feet for three-story structures, 28 feet for two-story structures	34 feet 4 inches
Number of Stories	Max 3 stories (unless closer than 20 feet to the rear south property line)	All structures are three stories
Lot Coverage / Floor Area Ratio	Do not Apply	N/A

For reference, Exhibit A extracted from the PUD ordinance is provided below:

Figure 3: PUD Site Standards Site Map



Parking

As proposed, the project would include a total of two parking spaces per residential unit (a total of 200 parking spaces), and 15 guest parking spaces (one of which is an accessible ADA space). Each residential unit would include a garage with two standard parking spaces. The PUD ordinance Condition of Approval (I)(B)(1)(a), requires 2.5 parking spaces for each three-bedroom unit and an additional 20 percent of the total number of required parking spaces for dedicated guest parking.

As the project includes 100 three-bedroom units, to meet existing PUD requirements, the project would have to provide 250 parking spaces for residents and 50 guest parking spaces; thus, the project includes PUD amendments to the number of residential and guest parking spaces required.

County Code Section 13.16.050 now requires two parking spaces per multifamily unit plus 20 percent guest parking spaces; therefore, under current Code, the project would be required to provide 200 parking spaces for residents and 40 guest parking spaces. Under current Code, the project would meet the requisite number of parking spaces for the residential units but would be deficient in its guest parking requirement by a total of 25 guest parking spaces.

As proposed, the 200 residential parking spaces and 15 guest parking spaces is less than the PUD standard. As set out in PUD COA (I)(B)(1)(a)(vi), a reduction to the required on-site parking spaces may be considered by the Board of Supervisors as part of the Design Review Permit; however, the request shall include an on-site parking management plan prepared by a traffic engineer, subject to review by the Public Works Division. A PUD Amendment to COA (I)(B)(1)(a)(vi) is also requested to remove the requirement to provide this on-site parking management plan, given that their project is providing the amount of resident parking required by the current County Code, with the exception of the requested reduction in guest parking. It should also be noted that if the Applicant had opted to invoke the Density Bonus Law, the project would only be required to provide 1.5 parking spaces per 2- or 3-bedroom unit (a total of 150 parking spaces), and no additional guest parking would be required. In that case, their current plans, which provides 200 spaces, would exceed the parking requirement under Density Bonus Law, and have 65 parking spaces to spare. While the Applicant did not file this project as a Density Bonus application, the project would have qualified for a density bonus, since it includes 15 deed-restricted affordable units for sale.

In addition to vehicle parking, the PUD requires bicycle parking at a minimum of one lockable storage space for each residential unit, which is a condition of approval and will be included as part of the building permit application submittal.

Circulation

As approved by the PUD, primary access to the development will be provided from Soquel Avenue. In addition, emergency-only access would be provided at the west side of the project site, blocked by a security gate, that would extend emergency vehicle access via establishment of an easement across APN No. 029-021-59, which is a County-owned property. Therefore, COA (III)(C)(b) has been added, requiring that the easement must be executed and recorded prior to Final Map approval. Upon establishment of the easement across APN No. 029-021-59, the project would gain secondary access for emergency vehicles from the project site to Chanticleer Avenue.

Along Soquel Avenue, the frontage, sidewalk, and roadway improvements have been reviewed by the Public Works Division, and as conditioned, will meet County Design Criteria requirements. Additionally, in conformance with PUD COA (I)(B)(3)(d)(ii), a sidewalk would be constructed off-site across the adjacent parcel to the west of the site (APN 029-021-39), currently containing a landscaping supply business (d.b.a. Ewing Outdoor Supply), and would connect to the existing sidewalk fronting the Sherriff's property at 5300 Soquel Avenue. Construction of this off-site

sidewalk will allow for continuous pedestrian connection along Soquel Avenue from the project site to the sidewalk network to the west of the site, including the new bicycle and pedestrian Highway 1 overcrossing at Chanticleer Avenue.

The project would contain paved internal roadways throughout the project site, designed conformance with the PUD. The majority of the site is designed to include internal roadways with a minimum roadway width of 24 feet, with several segments (alleys and EVA) containing a minimum width of 20 feet. A PUD Amendment to COA (I)(B)(1)(b) to amend circulation requirements for interior the roadways from the minimum requirement of 50-foot centerline radii on all access routes to a centerline radii of 32 feet has been requested in order to allow for the design of the site as proposed, and space constraints associated with accommodating the 100 by-right units on the site with the development standards set out by the PUD. The request to reduce the 50-foot centerline turning radii to 32 feet centerline turning radii has been reviewed by both Central Fire and Road Engineering Public Works Division staff, who have accepted the revised turning radii design.

Continuous pedestrian circulation would be provided throughout project site via a network of sidewalks and pedestrian pathways. The on-site pedestrian pathways provide access to Soquel Avenue, to residential units throughout the development and shared common areas. Internal pedestrian sidewalks would connect to the new sidewalk along the project frontage, new sidewalk across the adjacent Ewing site, and the sidewalk network to the west of the project site.

Traffic - Level of Service (LOS) and Vehicle Miles Traveled (VMT)

A transportation impact analysis (Feer & Peers, 2007) was prepared for the approved Permit No. 07-0414, PUD Ordinance No. 5027, and its associated Initial Study/Mitigated Negative Declaration under CEQA, establishing by-right development of 100 residential units on the project site. As conditioned, the project will submit an updated traffic impact study prior to recordation of the Final Map. The updated traffic study is needed to identify any necessary mitigation measures and the project's fair-share contribution toward those mitigations, and the project is required to pay the fair share contributions identified within the study.

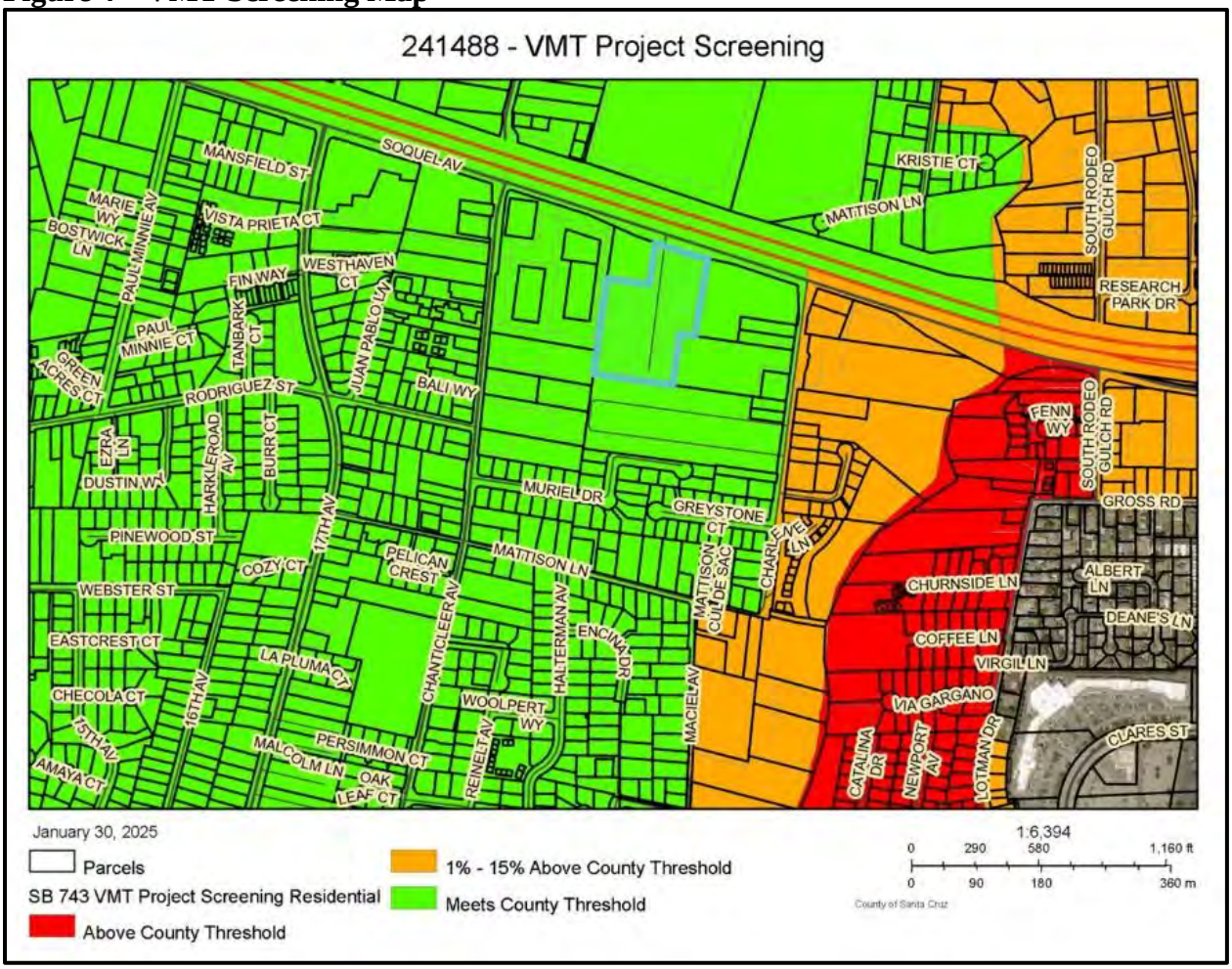
Vehicles Miles Traveled (VMT) is a measure of total vehicular travel that accounts for the number of vehicle trips and the length of those trips. In 2013, Senate Bill (SB) 743 was signed into law by California Governor Jerry Brown with a goal of reducing greenhouse gas (GHG) emissions and promoting urban infill projects supporting diverse land uses and multimodal transportation networks. One significant outcome resulting from this statute is the removal of automobile delay and congestion, commonly known as level of service (LOS), as a basis for determining significant transportation impacts under the CEQA.

Pursuant to the Senate Bill (SB) 743 Implementation Guidelines for the County of Santa Cruz[2], a presumption that the proposed project will have a less than significant transportation impact can be made. As demonstrated on the map below (Figure 4), the proposed project is located in an area of the unincorporated County where average VMT is below the County's VMT threshold and

2 https://cdi.santacruzcountyca.gov/Portals/35/CDI/UnifiedPermitCenter/EnvironmentalPlanning/VMT/SantaCruzCounty_VMTGuidelines_2025.pdf?ver=vDanmR6v0B0rN_zju51K6Q%3d%3d

therefore can be screened out from further VMT analysis. The project, therefore, would result in a less than significant transportation impact under CEQA.

Figure 4 – VMT Screening Map



Open Space and Landscaping

Per PUD Ord. No. 5027 COA (I)(B)(3)(c)(iv), the usable open space requirements set out in County Code Section 13.10.323(D) (the PUD cites County Code Section 13.10.323(e)(6)(F), which has since been superseded with County Code Section 13.10.323(D)), shall not apply; instead, usable open spaces shall be provided as specified by the Design Review Permit.

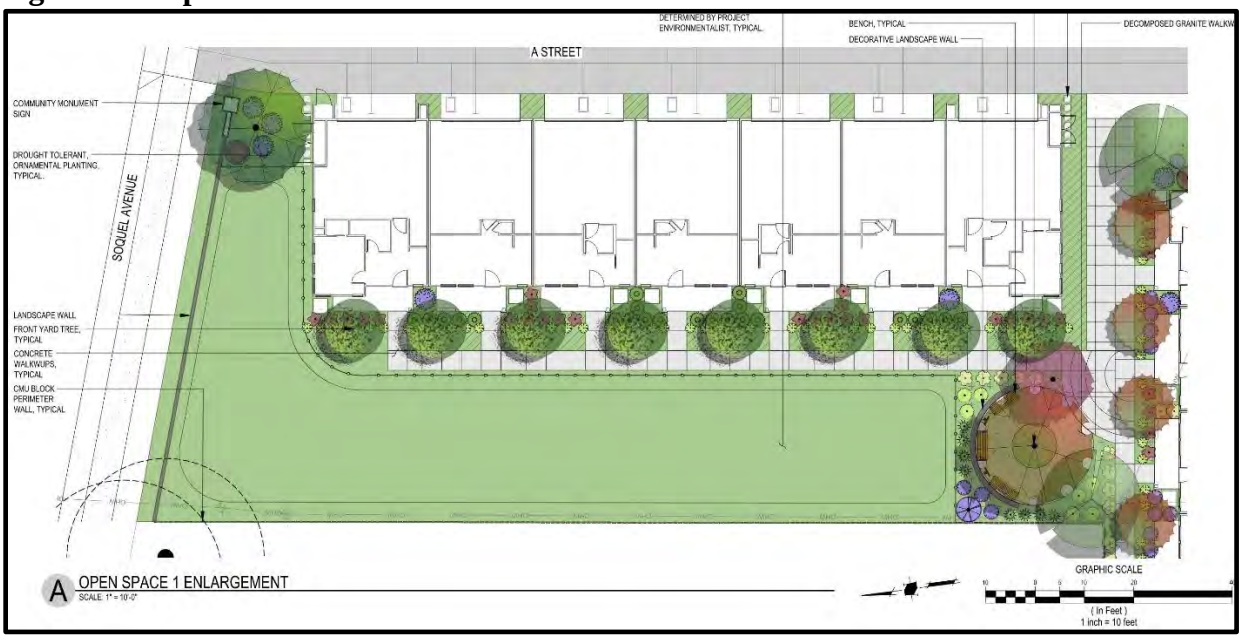
Private usable open space would be provided for each three-story residential unit via an at-grade porch at the first story and a balcony at the second story (a total of approximately 130-140 square feet of private useable space per unit inclusive of the porch and balcony).

Between Building 3 and Building 4 at the northeastern portion of the project site a large common usable open space including a picnic area, and a children's area with climbing logs is proposed, as illustrated below in Figure 5. This open space provides for active uses, which is encouraged for the three-bedroom residential units, a sought-after unit type for families.

Figure 5: Active Common Open Space Enlargement

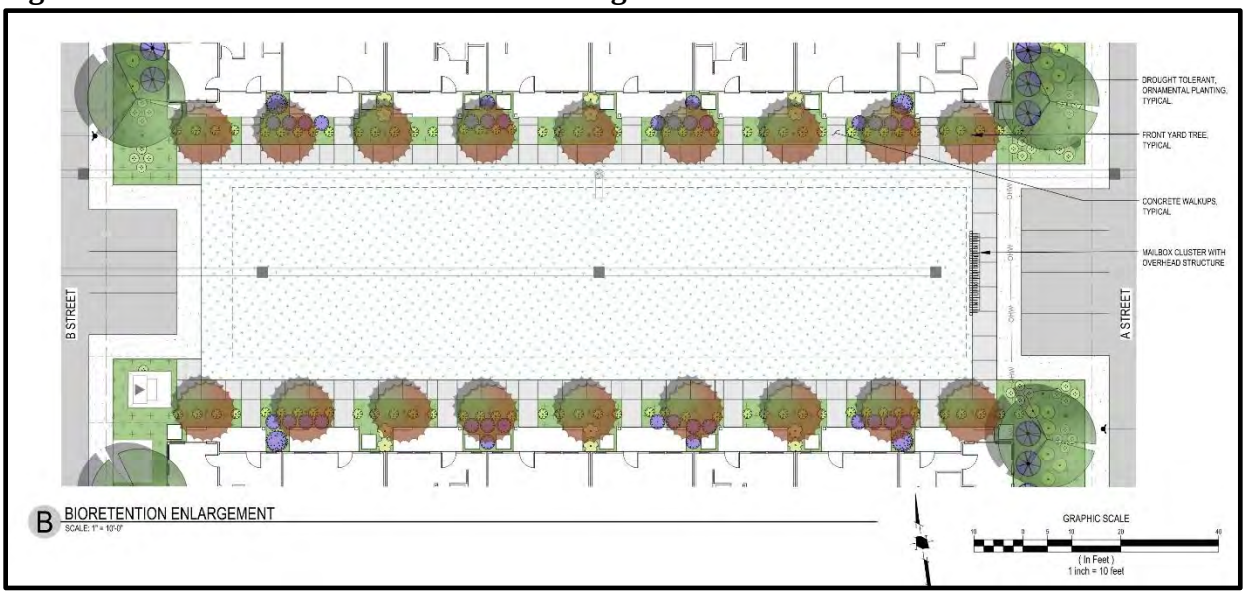
The project also proposes two other large open spaces on the project site. These open spaces would not be usable, in that they would not be walkable; however, they add visual greening and ecological improvements to the development. First, at the northwestern portion of the site, adjacent to the Soquel Avenue frontage, is a large, planted area that will function as an artificial wetland. As detailed in the CEQA Addendum to the Final Initial Study/ Mitigated Negative Declaration (dated November 2008, 2008 IS/MND) prepared for the approved project and PUD under Application No. 07-0414, approximately 0.041 acre of artificial wetlands and other waters would be impacted by the proposed project. The permanent loss of waters of the U.S. and/or State would be avoided through the creation of a 0.1-acre seasonal wetland at the northwest corner of the project site. The wetland will be seeded with native wetland vegetation and monitored for a period of at least five years to ensure successful replacement of functions and services, as it has been designed to exceed those of the existing artificial wetland. While project implementation would result in impacts to aquatic resources, the functions and values of these resources will be replaced onsite, and these impacts would be considered less than significant. Furthermore, permanent loss of aquatic resources does not exceed those considered in the 2008 IS/MND. As conditioned, the project would include the following additional materials to be prepared: a revised stormwater pollution prevention plan and Wetland Monitoring Plan. The proposed artificial wetland is depicted in Figure 6 below:

Figure 6: Proposed Artificial Wetland



Finally, a large on-site biofiltration area would be installed between Building 12 and Building 14. The biofiltration area will contribute to the project's stormwater management design and strategy. Though the biofiltration area would not be walkable, pedestrian sidewalks wrap around the perimeter of the area, and it would serve as a visual green space for residents. See Figure 7 below for an illustration of the bioretention area.

Figure 7: Biofiltration Area Between Buildings 12 & 14



Stormwater Management

The Applicant has provided preliminary grading and drainage plans by CBG civil engineers dated July 11, 2025, and architectural sheets by SDG Architects dated March 18, 2025. While it is understood that further refinement of the final site design is underway the preliminary plans and

supporting geotechnical documentation demonstrates a project that can feasibly comply with County Design Criteria requirements and drainage related conditions of approval associated with the PUD Ordinance No. 5027.

The proposed project will result in over 160,000 square feet of new and replaced impervious area. The proposal includes on site drainage facilities that will capture and treat all onsite stormwater runoff in a biofiltration facility near the center of the development (See Figure 6 above). After treatment, runoff will be routed to a new storm drain system located within the Soquel Avenue right-of-way. The project will construct a new storm drain system in Soquel Avenue that will route runoff from the site, and from upstream of the site, down Soquel Avenue, approximately 1,600 feet eastward, to Rodeo Creek Gulch. A new outfall will be constructed within Rodeo Creek Gulch. As part of the original approval of PUD Ordinance 5027, a Riparian Exception was granted allowing for off-site drainage improvements along the bank of Rodeo Creek Gulch. The project's proposed design is in line with the design parameters of the approved PUD and associated approved Riparian Exception. The new drainage system will be sized in conformance with County Design Criteria requirements, to accommodate existing and future build out of the watershed considering current zoning. This drainage system will address existing drainage concerns in the project vicinity.

The project has requested a waiver to onsite flood control mitigations requirements as well as a fee credit for Zone 5 impervious area impact fees. The Public Works Division of CDI has approved the waiver and fee credit request, contingent upon the following:

1. The project includes construction of the storm drain system in Soquel Avenue from the project frontage to Rodeo Creek Gulch.
2. Detailed drainage analysis is provided demonstrating that the proposed storm drain line is sized to adequately handle runoff from the upstream watershed as well as runoff from the project site and the adjacent parcel (APN 029-021-46) considering full build-out of these areas based on current zoning, and future offsite development maintaining current drainage patterns and runoff rates in accordance with County Code. The analysis shall result in parcel watershed contribution volumes by percentage, and the applicant's percentage shall include the needed capacity to meet County flood control site standards.
3. Approval by the Zone 5 Board of Directors to allow the impervious area impact fee to be credited toward the developer's share of the pipeline construction costs.
4. County Board of Supervisors' approval of a developer agreement for construction of the off-site storm drain system and provisions for reimbursement of the non-developer portion of the project cost. The agreement shall require the Applicant pay their own share of the pipeline costs based on their volumetric percentage of the flow (including needed capacity to meet County flood control site standards).

Sanitation

The proposed sewer layout includes a private sewer collector on a neighboring parcel (APN 029-021-56). An associated EVA, storm drain, sewer, overland release, and utilities easement will be established on the adjacent County-owned parcel (APN 029-021-59). A Memorandum of Understanding (MOU) was entered into on March 12, 2025 between the County and the Applicant regarding an intent to enter into a public utility and emergency vehicle access across APN 029-

021-59. This sewer layout has been deemed feasible but is reliant on the neighboring parcel owner granting a private utility easement for the private sewer collector. That the Applicant obtain and submit the recorded sewer easement has therefore been included as a condition of approval of this permit. A will-serve letter from the Santa Cruz County Sanitation District has been issued for the proposed project.

Site Planning and Design Review

The proposed development consists of 17 buildings, each containing three stories, that are designed in an attached townhome style, with associated on-site and off-site improvements. The building massing would follow a linear arrangement, as is typical for townhome developments, and will essentially be mirrored on either side of interior roadways containing a width of 24 feet, with several segments (alleys & EVA) containing a minimum width of 20 feet. The interior roadway provides access extending from Soquel Avenue to all units throughout the project site. The PUD calls for "village" clustering in site design. The townhome-style buildings and multimodal connectivity throughout the project site and shared common areas achieve this concept well, given the space constraints of the size of the site to accommodate the 100 by-right residential units. The buildings contain similar floor plans, with some buildings providing reverse floor plans and variation in the balcony and patio sizes and orientations. As indicated in Figure 8 below, landscaping is proposed throughout the development, wrapping private yards of the units, lining interior roadways, and wrapping the periphery of the project site and frontage. The project would plant approximately 179 trees.

Figure 8: Overall Site Plan and Landscaping

The proposed project contains 100 by-right residential units, is infill development within the County's urban services line, which is encouraged by the County General Plan and County Code, and all utilities are available to serve the proposed development, as indicated in the will-serve letters from the City of Santa Cruz Water Department (Exhibit H) and the Santa Cruz County Sanitation District (Exhibit I).

Zoning & General Plan Consistency

As explained above, the subject property is a five-acre parcel zoned RM-2-R. This zoning allows multifamily residential development at a density of 20 units per acre. The proposed multifamily project is a principally permitted use within the zone district, and the zoning is consistent with the site's R-UH (Urban High Density Residential) General Plan designation, which allows residential development at densities between 11 and 30 units per acre.

Affordable Housing Requirements

The 2008 PUD (Ordinance 5027) included two conditions of approval related to the County's then-current affordable housing requirements (codified in SCCC Chapter 17.10) and the R-Combining District code section (13.10.475-478) that are no longer consistent with the current version of these code sections. Those code sections have been amended by the County several times since 2007-08, when the R-Combining District code and this 2008 PUD were first adopted. The most significant amendments to these code sections were enacted by Ordinance 5200 in 2015 and Ordinance 5286 in 2018, to adapt to changing state laws and other factors.[3] A brief excerpt of the minutes of the February 24, 2015, Board meeting where Ordinance 5200 was adopted is provided below:

7) Projects on lands that the County approves to be rezoned from non-residential to residential use will be subject to the standard applicable 15% on-site or impact fee requirements as apply to other projects;

8) "R-Combining District" sites will be subject to the standard applicable 15% on-site or impact fee requirements, unless the County or other funding entity provides incentives or funding accepted by the builder;

Given the economic infeasibility of COA (III)(A)(2), explained below, and the fact that this requirement is no longer supported by County Code, the Applicant seeks to amend several outdated COAs in the 2008 PUD to replace them with comparable language from the current version of these code sections. A brief comparison of these COAs in the 2008 PUD and the current comparable requirements in Chapter 17.10 is provided below.

[3] Such as the Palmer court decision in 2009, which outlawed the imposition of inclusionary housing requirements on rental projects, the 2011 dissolution of redevelopment agencies by the State, evolving state law related to housing elements, and evolving nexus requirements related to impact fees and inclusionary housing requirements

Table 2: Comparison of Affordable Housing Requirements

Housing Conditions of Approval	Inclusionary Requirement (% of Total Units in Project): COA III(A)(1)-(2)	Development Standards for Affordable Units: COA III(D)(1)
Adopted 2008 PUD	• 15% of Total Units pursuant to 17.10.030(b)(1) *[now 17.10.030(B)]*; and • 25% of total units pursuant to 17.10.030(b)(6) *[code section deleted in 2015]*	Reduced design standards for affordable units, such as: • Unit size at least 70% of average market-rate units • Fewer bedrooms in affordable units compared to market-rate units, • No garages required even if provided for market-rate units; • Affordable units may be clustered within site.
Proposed modified conditions based on current County Code Chapter 17.10	• 15% of Total Units pursuant to 17.10.030 (B) • *Strike requirement for 25% extra units due to deletion of 17.10.030(b)(6) through 2015 Board action (Ordinance 5200).*	Reference to current code requirements in SCCC 17.10.032, summarized below: • Unit size (floor area) at least 75% of average market-rate units; • Average number of bedrooms equal to average number in market-rate units; • Affordable units to be evenly dispersed throughout site; • Exterior design to be largely comparable

The exact text of these conditions from original 2008 PUD is copied below:

COA III. Affordable Housing

(A) Affordability Level. All development proposals for this parcel are required to provide a minimum of forty percent (40%) of the total number of units as affordable:

1) A minimum of 15% of the 100 units shall be affordable under the requirements for all development projects in Chapter 17.10.030(b)(1).

2) An additional minimum of 25% of the 100 units shall be affordable under the requirements for Enhanced Affordable units as described in Chapter 17.10.030(b)(6). For fractional numbers in the 25% Enhanced Affordable category, affordable housing obligation will be derived by rounding to the nearest whole number, such that 0.5 will be rounded up.

(D) Affordable Unit Standards

(1) The following standards supersede the standards of the County Code and Affordable

Housing Guidelines regarding affordable units. Where not superseded by the provisions below, affordable units shall be comparable to market rate units and must meet the requirements of Chapter 17.10 of the County Code and the Affordable Housing Guidelines and shall be subject to all affordable housing standards, with the following exceptions.

(a) The size of affordable units may be smaller than market rate units. At a minimum, the average size of the affordable units must be 70% of the average size of the market rate units (see County Code Section 17.10.032(a)(4)).

(b) The affordable units may average 0.5 of a bedroom less than the average number of bedrooms per unit in the market rate units.

(c) Affordable units may be clustered on-site.

(d) Where garages are provided for market rate units, garages are not required for affordable units. Where garages are not provided for any unit, that unit (market rate or affordable unit) shall have a minimum of 218 cubic feet of private storage space per unit which shall be accessed outside the unit and may not encroach into the required parking space dimensions.

Key Housing Issues:

COA (III)(D) was included in the PUD intended as an "incentive" to at least partially offset the cost of COA (III)(A) (requiring 40% of the units to be affordable units), by providing greater flexibility on the design standards for affordable units. While that increased flexibility may have marginally reduced development costs for the extra 25% affordable unit requirement, it was never the sole "assistance" offered by the County to ensure the feasibility of these R-Combining District projects, according to various Housing Element documents. Descriptions of the 40% inclusionary requirement applicable to certain rezoned and/or R-Combining District sites found in prior County Housing Element Updates as early as 2005 (see Exhibit K, Brief History of the R-Combining District) emphasized that the County Redevelopment Agency would also commit $15 million in RDA Housing funds (worth nearly $25 million in today's dollars) to subsidize development of the six (at that time) R-Combining District sites with at least 40% affordable units in each project. While the RDA did provide millions of dollars in housing funds to assist a number of 100% affordable housing developments on several of the R-Combining sites and other local sites before it was dissolved in 2011 (such as Pippin Orchards, Cienega Heights, Parkhurst Terrace, and Schapiro Knolls), the County no longer has enough special housing funds available to make a 40% affordability requirement feasible for this project. The developer has not requested any such funds, but they have indicated that they would abandon this project if the PUD is not amended to remove the 40% inclusionary requirement.

Furthermore, in recent years, the County has fallen short on its RHNA goals for above-moderate income units, which is why the County is required to approve SB 35 projects at the 10% affordable level rather than the 50% affordable level.[4] This project, if the requested amendments are approved, would help contribute a significant number of moderate (at least 15) and likely above-

[4] https://www.hcd.ca.gov/policy-research/docs/SB-35-Guidelines-Update-Final.pdf

moderate income (likely 85) units toward the County's 6th cycle RHNA goals.

As noted above, several Code amendments were enacted between 2015 and 2018 because the prior 40% affordability requirement applicable to the R-Combining Sites was determined to be economically infeasible, and therefore a constraint on housing development, by a nexus and feasibility study prepared for the County by Keyser Marston, completed in August 2014. That study served as a basis for amendments to Chapter 17.10 to remove the sections that constrained the feasibility of housing development and could have otherwise prevented the County from meeting local housing needs and/or obtaining certification of its subsequent 2015-2023 Housing Element.

The County's current inclusionary housing requirements (SCCC Chapter 17.10) require 15% of the total units in for-sale projects of seven or more units to be deed-restricted and sold as affordable (Measure J) homes for sale at the Moderate-Income level, as set forth in Chapter 17.10 and the Affordable Housing Guidelines. Based on the 100 units proposed in this project, a 15% requirement equals 15 affordable for-sale units in the project, compliant with the current standards in County Code Section 17.10.030. The Applicant is amenable to complying with the general affordable unit standards in County Code section 17.10.032 if the requested change to COA (III)(A)(2) is approved.

Amendment of PUD COAs (III)(A) and (D) as described above is required to: a) reduce the required percentage of affordable units from 40% to 15%, to comply with current state law and local codes, and to ensure the feasibility of the site for multifamily housing development, and b) replace the provisions about design flexibility with a reference to the current County Code subsection on this topic (SCCC 17.10.032). As amended, the proposed project would meet the affordable housing requirements under current County Code Chapter 17.10, and will provide 15 new affordable homes affordable to local moderate income, first-time buyer households, as well as 85 non-restricted townhomes that could be affordable to various members of the local workforce that currently exceed the income limits for the Measure J homebuyer program (such as many local public sector or healthcare workers in higher-paying positions, dual-income households, and higher-income private sector workers). In addition, this project will contribute 100 units toward the County's RHNA for the 2023-2031 Housing Element cycle.

For all the above reasons, staff recommends approval of the requested amendment of these COAs as described above.

Public Outreach/Public Comment

The project Applicant conducted public outreach for the project, including a public neighborhood meeting held on May 27, 2025. Neighbors expressed concerns about potential traffic, parking, preserving trees, privacy, and drainage, among other comments. Public comments submitted to the Department also included concerns about the size and height of the buildings, particularly privacy concerns for residents of the Beachcomber Mobilehome Park, and drainage/stormwater management concerns pertaining to the existing drainage of the site.

Environmental Review

Environmental review was conducted and an Initial Study was prepared for the adoption of the PUD (Ord. 5027), and approvals of a Rezoning (from M-1 – Light Industrial to RM-2-R (Multifamily Residential, 2,000 square feet per unit, Regional Housing Need Site), General Plan Amendment (from C-S – Service Commercial/Light Industrial to R-UH (Urban High Residential), and a Riparian Exception, for the project site, and the Mitigated Negative Declaration was certified by the Board of Supervisors on December 9, 2008. The mitigation measures were integrated into the PUD, as Section IX, following the close of the Public Comment Period.

An Addendum to the Final Initial Study/Mitigated Negative Declaration (dated November 2008, 2008 IS/MND) was prepared for the proposed project by Integral Consulting Inc. (dated October 2025). The Addendum is necessary to address modifications to the approved PUD project, that require minor technical changes in the Biological Resources analysis in the 2008 IS/MND. An Addendum to the 2008 IS/MND is appropriate, because there are no substantial changes to the project, or the circumstances under which the project is taken, and no new information of substantial importance, that would result in new or more severe significant impacts, and there are no new feasible alternatives or mitigation measures. The Addendum is included as Exhibit “D” as well as on file at the CDI Planning Division.

Conclusion

A PUD was approved by the County Board of Supervisors as Ordinance No. 5027. The approved PUD allows for the by-right use of the subject parcel for a residential high-density development (20 units per acre), subject to the approval of a Site Development Permit with Design Review by the Board of Supervisors to ensure compliance with the PUD. The proposed amendments to the PUD and Tentative Map are also subject to the review and approval of the Board of Supervisors.

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP and the conditions of approval of Planned Unit Development Ordinance No. 5027, as amended. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- **Adopt** the attached Resolution (Exhibit A), recommending the Board of Supervisors **Adopt** the Addendum to a Mitigated Negative Declaration per the requirements of the California Environmental Quality Act (CEQA); **Adopt** the amended Planned Unit Development ordinance; and **Approve** Application Number **241488**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Division, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.sccoplanning.com

Report Prepared By: _____

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Report Reviewed By: _____

Lezanne Jeffs
Principal Planner
Development Review
Santa Cruz County Planning

Exhibits

A. Planning Commission Resolution with the following attached documents: Board of Supervisors Resolution, Planned Unit Development Ordinance
B. Findings
C. Conditions of Approval
D. Addendum to a Mitigated Negative Declaration (CEQA determination) (On file with the CDI Planning Division and available at: https://cdi.santacruzcountyca.gov)
E. Project Plans
F. Assessor's, Location, Zoning and General Plan Maps
G. Parcel Information
H. Will-Serve Letter - City of Santa Cruz Water District
I. Will-Serve Letter – County of Santa Cruz Sanitation District
J. Biotic Report Review Letter, Biotic Report
K. History of the R-Combining District
L. Ordinance 5027 Conditions of Approval and Mitigation Measures
M. Comments & Correspondence

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner –
Duly seconded by Commissioner -
The following Resolution is adopted:

PLANNING COMMISSION RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AMENDMENTS TO PLANNED UNIT DEVELOPMENT ORDINANCE 5027, LAND DIVISION, AND SITE DEVELOPMENT PERMIT WITH DESIGN REVIEW FOR APPLICATION 241488 LOCATED AT 5940 SOQUEL AVENUE

WHEREAS, the Planning Commission has conducted a public hearing on Application No. 241488, involving a 4.97-acre property that is located on the south side of Soquel Avenue (5940 Soquel Avenue) in Live Oak and regarding the proposed amendments to Planned Unit Development Ordinance 5027, a Land Division, a Site Development Permit with Design Review, and an Addendum to a Mitigated Negative Declaration for a project that includes: construction of 100 new condominium dwelling units located in the RM-2-R (Multifamily Residential – 2,000 square foot minimum parcel size, Regional Housing Need Site) zone district (the "project"); and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act ("CEQA") and has considered an Addendum to a Mitigated Negative Declaration; and

WHEREAS, the Planning Commission has also considered all testimony and evidence received at the public hearing and detailed in the attached staff report;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors approve the project and consider the Mitigated Negative Declaration and Addendum, and adopt the Addendum to a Mitigated Negative Declaration per the requirements of the CEQA;

BE IT FURTHER RESOLVED, that the Planning Commission makes, and recommends that the Board of Supervisors make the findings for approval of amendments to Planned Unit Development Ordinance 5027, a Land Division, a Site Development Permit with Design Review as contained in the attached staff report.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2025, by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

Exhibit A

Application #: 241488
APN: 029-021-47
Owner: PAZ LLC

_____
Chairperson

ATTEST: _____
SHEILA MCDANIEL, Secretary

APPROVED AS TO FORM:

Signed by:
Natalie Kirkish
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COUNTY COUNSEL

Exhibit A

Application #: 241488
APN: 029-021-47
Owner: PAZ LLC

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ,
STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor:
Duly seconded by Supervisor:
The following Resolution is adopted:

RESOLUTION ADOPTING THE ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION FOR 100 UNIT RESIDENTIAL SUBDIVISION (Application Number 241488)

WHEREAS, on _____, the Planning Commission of the County of Santa Cruz held a public hearing on Application No. 241488, involving property located within the Live Oak planning area and forwarded recommendations to the Board of Supervisors for further consideration; and

WHEREAS, the Board of Supervisors for the County of Santa Cruz has convened a duly noticed public hearing to consider the proposed project and proposed adoption of an Addendum to a Mitigated Negative Declaration, and considered public testimony prior to taking action.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors has independently reviewed and analyzed the Addendum to the Mitigated Negative Declaration, in conjunction with the previously adopted Mitigated Negative Declaration and other information in the record, and has considered the information contained therein prior to acting upon the Project. Based on all evidence in the administrative record for the Project, the Board hereby makes the following findings and hereby adopts the attached California Environmental Quality Act (CEQA) Addendum to a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) related to the proposed project.

1. The project that was the subject of environmental review includes but is not limited to the following components: a 100-unit residential development project including the following approvals: Amendments to Planned Unit Development Ordinance 5027, Land Division, and a Site Residential Development Permit with Design Review.

2. Environmental review completed for the proposed project determined that the minor technical changes and additions of proposed project, as amended from PUD Ordinance 5027, do not affect the mandatory findings of significance presented in the 2008 Initial Study and Mitigated Negative Declaration. Mitigation measures present in the Mitigation Monitoring and Reporting Plan will be implemented to ensure that the Project's impacts remain below levels considered significant. The impact determinations remain consistent with those presented in the 2008 Initial Study and Mitigated Negative Declaration. None of the factors listed in CEQA Guidelines Section 15162(a) are present; therefore, the addendum to the 2008 Initial Study and Mitigated Negative Declaration is an appropriate level of environmental review for the proposed project changes, as identified in CEQA Guidelines Section 15164.

Exhibit A

3. The Board of Supervisors adoption of the Addendum to a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) requires that mitigation measures be incorporated into the Project, and the Board of Supervisors finds that implementation of these mitigation measures will reduce any potentially significant effects of the proposed project to a less than significant level.

4. In adopting the Addendum to a Mitigated Negative Declaration, the Board of Supervisors finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Mitigated Negative Declaration and Addendum reflect the lead agency's independent judgement and analysis.

5. The material which constitutes the record of proceedings upon which the Board's decision is based shall be located in the offices of the Clerk of the Board, located at 701 Ocean Street, Santa Cruz, California.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 20___ by the following vote:

AYES: SUPERVISORS:
NOES: SUPERVISORS:
ABSENT: SUPERVISORS:
ABSTAIN: SUPERVISORS:

_____
Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:
Signed by:
Natalie Kirkish
_____
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COUNTY COUNSEL

Exhibits:

- Addendum to the 2008 Initial Study and Mitigated Negative Declaration
- Mitigated Negative Declaration
- Mitigation Monitoring and Reporting Program

Exhibit A

Application #: 241488
APN: 029-021-47
Owner: PAZ LLC

ORDINANCE NO._____

ORDINANCE APPROVING AMENDMENTS TO A PLANNED UNIT DEVELOPMENT (ORDINANCE NO. 5027) AS ALLOWED BY SANTA CRUZ COUNTY CODE RELATING TO ESTABLISHMENT OF DEVELOPMENT STANDARDS FOR APN: 029-021-47

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Amendments to a Planned Unit Development (Ordinance No. 5027) are hereby approved to the property located at 5940 Soquel Avenue, in the Live Oak Planning Area, and shown on the map attached hereto and subject to the conditions attached hereto.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Planned Unit Development as described in Section I, and adopts the following findings in support thereof as set forth below:

1. That any residential development shall contribute to the ongoing desirability and character of the surrounding neighborhood;
2. That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;
3. That the permitted departures from the otherwise required development standards will provide specific benefits to the neighborhood and/or the community in which the planned unit development is located, and that such benefits are specified by the Board of Supervisors in connection with its approval of a planned unit development, and that any conditions required to achieve such benefits are incorporated into the project and made conditions of approval; and
4. That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

SECTION III

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Development Permit associated with the Planned Unit Development as described in Section I, and adopts findings in support thereof as set forth below:

1. The proposed location of the project and the conditions under which it would be developed, operated, or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public and will not be materially injurious to properties or improvements in the vicinity.
2. The proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance with the intent and requirements of all pertinent County ordinances and the purpose of the zone district in which the site is located.

Exhibit A

3. The proposed project is in substantial conformance with the intent, goals, objectives, and policies of all elements of the County General Plan and any specific plan which has been adopted for the area.
4. The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.
5. The proposed use will not overload utilities, result in inefficient or wasteful use of energy, or generate more than the acceptable level of traffic on the streets in the vicinity.
6. The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.
7. The proposed development is designed and located on the site so that it will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.
8. The proposed development is in substantial conformance with applicable principles in the adopted Countywide Design Guidelines, except as prohibited by site constraints, and any other applicable requirements of SCCC 13.11 (Site Development and Design Review).

SECTION IV

This ordinance shall become effective 31 days after adoption.

PASSED AND ADOPTED this _____ day of _____ 20_____ by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

_____
Chair of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:
Signed by:
Natalie Kirkish
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County Counsel

Exhibit A

Planned Unit Development Permit
Conditions of Approval

Property located at 5940 Soquel Avenue, in the Live Oak Planning Area.
APNs: 029-021-47

Planned Unit Development 241488

Applicant: Soquel Ave Group LLC

Property Owner(s): PAZ LLC

Assessor's Parcel Number: 029-021-47

Property Address and Location: Property located on the south side of Soquel Avenue at 5940 Soquel Avenue in Live Oak

Planning Area: Live Oak

Exhibit E: Vesting Tentative Map for Condominium Purposes, prepared by CBG;
Preliminary Improvement Plans, prepared by CBG;
Architectural Plans, prepared by SDG Architects, Inc.;
Landscape Plans, prepared by HMH.

I. This permit authorizes the construction of a residential Planned Unit Development and Subdivision (for 100 residential units) as indicated on the approved Exhibit "E" for this permit and as modified by these conditions of approval.

II. Subdivision and Planned Unit Development

A. This subdivision and residential development, and all improvements associated with this project, shall be subject to the requirements of the Subdivision conditions of approval (under separate heading) and the Planned Unit Development (Ord. 5027), conditions of approval for this project, except for as modified by the Amendments to the PUD (241488) as specified per III below.

III. Amendments to PUD Ord. 5027 are approved as follows:

A. PUD Amendment to COA (I)(B)(1)(a)(iii) to reduce the parking requirement from 2.5 parking spaces to 2 spaces for three-bedroom units.

B. PUD Amendment to COA (I)B)(1)(a)(v) to reduce the guest parking requirement from 20% to 7.5%.

C. PUD Amendment to COA (I)(B)(1)(a)(vi) to remove the requirement to provide an on-site parking management plan prepared by a traffic engineer for consideration of the requested reduction to the required on-site parking standards by the Board of

Exhibit A

Supervisors as part of the Design Review Permit.

D. PUD Amendment to COA (I)(B)1)(a)(vii) to apply the standards for off-street parking as outlined by County Code Section 13.16.050, which has superseded County Code Section 13.10.554, at the time the application is deemed complete.

E. PUD Amendment to COA (I)(B)(1)(b) to amend circulation requirements for interior roadways from the minimum requirement of 50-foot centerline radii on all access routes to a centerline radii of 32 feet.

F. PUD Amendment to COA (I)(B)(2)(a)(i) removing the two-story restriction in specified areas of the project site as delineated in Exhibit A and described in Section I.B.4(c)(i) of the PUD ordinance in order to accommodate the three-story townhome-style development.

G. PUD Amendment to COA (I)(B)(3)(b)(iv) reducing the south rear yard setback for three-story structures from 20 feet to 15 feet, and allowing 3 feet of encroachment into the 15-foot rear yard setback for eves, gutters, roof overhangs and other architectural appurtenances.

H. PUD Amendment to COA (I)(B)(4)(c)(i) and (ii) removing height restriction of 28 feet and two stories within the minimum 15-foot setback adjacent to the southern property line and removing the requirement that buildings facing public roads incorporate features such as step-back heights, articulation, variations in finishes, glazing, building separation, and varied roof heights.

I. PUD Amendment to COA III(A) reducing the minimum affordable housing requirement from 40% to 15% subject to the requirements of County Code section 17.10.030(B) in order to be consistent with current affordable housing standards in the County Code.

J. PUD Amendment to COA III(D) removing specified affordable unit design and locational requirements, instead subjecting affordable units to the on-site standards set out in County Code Section 17.10.032.

K. PUD Amendment to COA (IV)(D)(3)(a)(i) removing the requirement that finished grade shall not exceed three feet above pre-construction existing grade.

IV. Design

A. Structure design, location, and construction shall conform to the approved Exhibit "E" for this permit. Any changes to structure design that increase or otherwise expand the structure so that it would not be in compliance with the standards specified in the approved Exhibit "E" for this permit and these Planned Unit Development conditions is not allowed.

Exhibit A

V. Amendments

A. During the Final Map recordation phase, or the initial buildout of the subdivision, adjustments to standards authorized by this Planned Unit Development that are needed to reflect real-world conditions may be authorized by Planning staff as a Minor Variation/Map Correction. Any such changes shall be in substantial conformance with the approved Planned Unit Development standards and shall be noted on a Certificate of Correction filed with the County Surveyor.

B. Future amendments or changes to the approved project, including structure designed, structure locations, and associated infrastructure shall be processed per the levels of review specified in Chapter 18.10 of the County Code or its successor ordinance, unless otherwise specified by these Planned Unit Development conditions of approval.

1. Future façade changes and/or modifications to the designed for the residential structures, that are in compliance with the standards specified in the approved Exhibit "E" for this permit and these Planned Unit Development conditions (and other applicable standards of the zone district), shall be allowed.

C. Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code or its successor ordinance.

Exhibit A

Planned Unit Development Findings

1. That any residential development shall contribute to the ongoing desirability and character of the surrounding neighborhood;

This finding can be made, in that the project proposes a high-density residential project on a site designated for high-density residential use. The County of Santa Cruz processed a PUD and associated Initial Study to identify the required conditions of approval for the construction of a by-right housing development of a total of 100 units on the project site. The project has been developed in conformance with Permit No. 07-0414, and PUD Ordinance No. 5027, as amended by this Permit. The project would result in improvements to the neighborhood by developing underutilized land with a clustered residential townhome-style development containing safe and efficient multimodal circulation within the project, a building massing design that is compatible with the surrounding context, and ample landscaping throughout the site. The proposed site design supports higher single-family densities and the project, as designed will contribute to the desirability and character of the surrounding neighborhood.

2. That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;

This finding can be made, in that the project is located on a site designated for residential uses and the development, as proposed, will harmonize with existing and proposed uses in the vicinity and with the natural environment. As a townhome-style development, the project is appropriately located in a neighborhood that contains medium density residential development. The massing of the proposed project fits with the surrounding area, in that the site is bordered by medium density residential development and commercial development. The project frontage contains landscaping, softening the appearance of the development from the vantage point of the Soquel Avenue right-of-way.

3. That the permitted departures from the otherwise required development standards will provide specific benefits to the neighborhood and/or the community in which the planned unit development is located, and that such benefits are specified by the Board of Supervisors in connection with its approval of the PUD, and that any conditions required to achieve such benefits are incorporated into the project and made conditions of approval; and

This finding can be made, in that the project is consistent with the Planned Unit Development (PUD) standards as approved per Permit No. 07-0414 and PUD Ordinance No. 5027. The amendments to the approved PUD are specified to allow for the project as designed, to accommodate 100 by-right units, with necessary site improvements, amenities, landscaping, and site circulation.

The proposed Amendments are as follows:

1. PUD Amendment to COA (I)(B)(1)(a)(iii) to reduce the parking requirement from 2.5 parking spaces to 2 spaces for three-bedroom units.

Exhibit B

2. PUD Amendment to COA (I)B)(1)(a)(v) to reduce the guest parking requirement from 20% to 7.5%.

3. PUD Amendment to COA (I)(B)(1)(a)(vi) to remove the requirement to provide an on-site parking management plan prepared by a traffic engineer for consideration of the requested reduction to the required on-site parking standards by the Board of Supervisors as part of the Design Review Permit.

4. PUD Amendment to COA (I)(B)1)(a)(vii) to apply the standards for off-street parking as outlined by County Code Section 13.16.050, which has superseded County Code Section 13.10.554, at the time the application is deemed complete.

5. PUD Amendment to COA (I)(B)(1)(b) to amend circulation requirements for interior roadways from the minimum requirement of 50-foot centerline radii on all access routes to a centerline radii of 32 feet.

6. PUD Amendment to COA (I)(B)(2)(a)(i) removing the two-story restriction in specified areas of the project site as delineated in Exhibit A and described in Section I.B.4(c)(i) of the PUD ordinance in order to accommodate the three-story townhome-style development.

7. PUD Amendment to COA (I)(B)(3)(b)(iv) reducing the south rear yard setback for three-story structures from 20 feet to 15 feet, and allowing 3 feet of encroachment into the 15-foot rear yard setback for eves, gutters, roof overhangs and other architectural appurtenances.

8. PUD Amendment to COA (I)(B)(4)(c)(i) and (ii) removing height restriction of 28 feet and two stories within the minimum 15-foot setback adjacent to the southern property line and removing the requirement that buildings facing public roads incorporate features such as step-back heights, articulation, variations in finishes, glazing, building separation, and varied roof heights.

9. PUD Amendment to COA III(A) reducing the minimum affordable housing requirement from 40% to 15% subject to the requirements of County Code section 17.10.030(B) in order to be consistent with current affordable housing standards in the County Code.

10. PUD Amendment to COA III(D) removing specified affordable unit design and locational requirements, instead subjecting affordable units to the on-site standards set out in County Code Section 17.10.032.

11. PUD Amendment to COA (IV)(D)(3)(a)(i) removing the requirement that finished grade shall not exceed three feet above pre-construction existing grade.

The project's public benefits are incorporated into the project design and conditions of approval including the provision of 100 clustered townhome-style homes with 15 affordable units and construction of a new off-site sidewalk across the frontage of APN 029-021-39, which will result in improved pedestrian circulation improvements. The provision of housing at a density of 20

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units/acre shall be deemed a specific benefit adequate to satisfy this finding.

4. That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan. [Ord. 5429 § 4, 2022].

This finding can be made, in that the project is consistent with the General Plan/Local Coastal Program Land Use Plan and the R-UH (Urban High Density) General Plan Designation. The subject parcel constitutes one of six sites rezoned by the County of Santa Cruz in 2007 to the "R" (Regional Housing Needs Site) Combining Zone District. The rezoning was undertaken to meet the Regional Housing Needs in accordance with state housing element law, as part of the 2009 Housing Element Update. Planned Unit Developments (PUDs) were developed for each of these six sites to allow for the by-right development of residential housing on the selected sites at a density of 20 units per acre.

The County of Santa Cruz processed a PUD and associated Initial Study to identify the required conditions of approval for the construction of a by-right housing development of a total of 100 units on APN 029-021-47. On December 9th, 2008, the Board of Supervisors approval Permit No. 07-0414, which included a PUD (Ordinance No. 5027), together with a General Plan Amendment (from "Service Commercial/Light Industry" (C-S) to "Residential Urban High" (R-UH), a Rezoning (from "Light Industrial (M-1) to "Multifamily Residential – 2,000 square foot minimum parcel size, Regional Housing Need Site" (RM-2-R), a Riparian Exception, and certified the Mitigated Negative Declaration under CEQA. The proposed development is consistent with the land use designation and PUD for the site. The subject property is not located in the Coastal Zone.

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Subdivision Findings

1. That the proposed subdivision meets all requirements or conditions of the Subdivision Ordinance and the State Subdivision Map Act.

This finding can be made, in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance as set forth in the findings below.

2. That the proposed subdivision, its design, and its improvements, are consistent with the General Plan, and the area General Plan or specific plan, if any.

The proposed division of land, its design, and its improvements, will be consistent with the General Plan and consistent with the Planned Unit Development (PUD) standards as approved per Permit No. 07-0414 and PUD Ordinance No. 5027 and as amended. The project results in 100 condominium dwelling units located in the R-UH (Urban High Density Residential) General Plan land use designation. The project is consistent with the allowable density as set out in the PUD and the General Plan.

The project is further consistent with the General Plan in that the full range of urban services are available, including public water and sewer service.

All units will be accessed by a newly created interior roadway. The proposed roadway and sidewalk design provides adequate and safe vehicular and pedestrian access.

Therefore, this finding can be made.

3. That the proposed subdivision complies with Zoning Ordinance provisions as to uses of land, lot sizes and dimensions and any other applicable regulations.

This finding can be made, in that the use of the property will be residential in nature and unit densities meet the minimum standards for the RM-2-R (Multifamily Residential - 2,000 square feet per dwelling unit – Regional Housing Need R Combining District) zone district where the project site is located. Sites that are designated as Regional Housing Need R Combining District shall be developed at 20 units per acre. The use and density shall be by right, in that the use and density for the site are not discretionary, for sites contiaining the Regional Housing Need R Combining District zoning. The project site is 4.97 acres in size. At at density of 20 units per acre, 100 units are allowed by right (4.97 acres x 20 units per acre = 99.4 units, per County Code Section 13.10.476(A), where such calculation results in a fractional number, the number shall be rounded up; therefore, 99.4 units rounds up to 100 units).

The PUD application (Permit No. 07-0414) made at the time of the rezoning to add the R Combining District included the development envelope and information on the massing, height, and intensity of development. The Planned Unit Development would allow the project, as designed, to provide three-bedroom units containing sufficient parking and open space, along with the necessary site improvements such as access. Three-bedroom homes are an attractive housing type for families, and the design of the townhome-style subdivision would be compatible with the housing types promoted by the zone district and PUD Ordinance No. 5027. The design of the

Exhibit B

subdivision and PUD also allows for the creation of an on-site wetland that will add to the ecological benefit of the project.

4. That the site of the proposed subdivision is physically suitable for the type and density of development.

This finding can be made in that technical reports prepared and accepted for the property (including a geotechnical report and biotic report) conclude that the site is suitable for residential development, and the proposed units are properly configured to allow development of a residential subdivision. Additionally, the approved PUD Ord. 5027, provides the mechanism to ensure by-right development of the subject parcel for 100 dwelling units. Under the PUD application (Permit No. 07-0414) the project set development standards and included environmental review for the approved Rezoning, General Plan Amendment, and Riparian Exception included with the PUD proposal to ensure the by-right development of the project site.

5. That the design of the proposed subdivision or type of improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

This finding can be made in that, as conditioned, no mapped or observed sensitive habitats or threatened species will be adversely impacted through the development of the site. Chapter 16.32 of the SCCC requires mitigation of impacts identified in a biotic assessment, and the recommendations in the project biotic assessment are included in the Conditions of Approval. Additionally, as required by the PUD and the CEQA Initial Study, physical constraints to the development have been mitigated through the requirements included with the PUD and its associated Mitigation Monitoring and Reporting Program (MMRP).

6. That the proposed subdivision or type of improvements will not cause serious public health problems.

This finding can be made, in that as conditioned, municipal water and sewer services would be available to serve the proposed units. The proposed driveway and frontage improvements will comply with the Public Works Division standards and further meets all standards for safe multi-modal circulation. As designed, no serious health problems are anticipated to result from the proposed project.

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

This finding can be made in that the proposed subdivision, as designed, would not conflict with any such easements. A Memorandum of Understanding (MOU) was entered into on March 12, 2025 between the County and the Applicant regarding an intent to enter into a public utility and emergency vehicle access across APN 029-021-59.

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8. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

This finding can be made, in that the resulting residential units are oriented to the extent possible to take advantage of solar opportunities.

9. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076) and any other applicable requirements of this chapter.

This finding can be made, in that the structures are sited and designed in conformance with the development standards set out in PUD Ord. 5027 and the proposed amendments to the PUD proposed by the project will allow for necessary site amenities such as circulation, drainage facilities, open space, and an artificial wetland to be associated with the site constraints of fitting 100 dwelling units on a 4.97-acre property. The surrounding neighborhood includes many commercial properties, which will help mitigate the 35-foot multifamily residential buildings.

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Discretionary Permit Findings

(a) Health and Safety. The proposed location of the project and the conditions under which it would be developed, operated, or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area that is fully developed, and is an infill site. As required by the PUD Ord. 5027 and the 2008 CEQA Initial Study/Mitigated Negative Declaration, the site is designated for residential uses and physical constraints to development have been mitigated through the requirements included in the approved PUD. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure that the project will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.

(b) Zoning Conformance. The proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance with the intent and requirements of all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the use of the property will be residential, unit densities will meet the standards for the RM-2-R zone district where the project will be located, and the proposed amendments to the PUD Ord. 5027, will allow for the project as designed with necessary site amenities, to provide a by-right density of 20 units per acre for a total of 100 dwelling units, as well as 15 affordable dwelling units on the project site, which is a public benefit, per County Code Section 13.10.476(B).

(c) General Plan Conformance. The proposed project is in substantial conformance with the intent, goals, objectives, and policies of all elements of the County General Plan and any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is in substantial conformance with the use and density requirements of PUD Ord. 5027 and the R-UH General Plan Land Use Designation. The 2008 Initial Study/Mitigated Negative Declaration reviewed and evaluated issues associated with the all elements of the General Plan, and found no adverse impact that could not be mitigated to a less than significant level. Additionally, an Addendum to the Final Initial Study/Mitigated Negative Declaration (dated November 2008, 2008 IS/MND) was prepared for the proposed project by Integral Consulting Inc. (dated October 2025). The Addendum is necessary to address modifications to the approved PUD project. As demonstrated in the Addendum, the 2008 IS/MND continues to serve as the appropriate document for addressing the environmental impacts of the project pursuant to CEQA.

The project is further consistent with the General Plan in that the full range of urban services are available, including public water and sewer service.

The subdivision, as conditioned, will be consistent with the General Plan regarding infill development, in that the proposed residential development will be compatible with the pattern of

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surrounding development, and the design of the proposed residences is consistent with the character of the surrounding area.

A specific plan has not been adopted for this portion of the County.

(d) CEQA Conformance. The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.

This finding can be made, in that environmental review has been performed for the proposed project per the requirements of the California Environmental Quality Act (CEQA). An Initial Study/Mitigated Negative Declaration was prepared in November 2008 (2008 IS/MND). The 2008 IS/MND adequately evaluates and mitigates all potentially significant impacts of the Project. An Addendum to 2008 IS/MND was prepared for the proposed project by Integral Consulting Inc. (dated October 2025). The Addendum is necessary to address modifications to the approved PUD project. As demonstrated in the Addendum, the 2008 IS/MND continues to serve as the appropriate document for addressing the environmental impacts of the project pursuant to CEQA. Approximately 0.041 acre (455 linear feet) of artificial wetlands and other waters would be impacted by the proposed project. The permanent loss of waters of the U.S. and/or State would be avoided through the creation of a 0.1-acre seasonal wetland at the northwest corner of the project site. The wetland will be seeded with native wetland vegetation and monitored for a period of at least five years to ensure successful replacement of functions and services, as it has been designed to exceed those of the existing artificial wetland. While project implementation would result in impacts to aquatic resources, the functions and values of these resources will be replaced onsite, and these impacts would be considered less than significant. Furthermore, permanent loss of aquatic resources does not exceed those considered in the 2008 IS/MND. As conditioned, the project would include the following additional materials to be prepared: a revised stormwater pollution prevention plan and Wetland Monitoring Plan.

There is no substantial evidence in the record that the project will have a significant effect on the environment.

(e) Utilities and Traffic Impacts. The proposed use will not overload utilities, result in inefficient or wasteful use of energy, or generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the site is served by full urban level services, and the level of traffic generated by the proposed project has been analyzed via a traffic report (Fehr & Peers Traffic Consultants) as part of the 2008 application (Permit No. 07-0414), and as conditioned, will provide an updated traffic report for the amended project scope, subject to the mitigations identified in the accepted traffic report. Therefore, as proposed and conditioned, the traffic associated with the proposed project will not adversely impact existing roads and intersections in the surrounding area.

The development is subject to Live Oak Transportation Improvement (TIA) fees at the current rate per the County Unified Fee Schedule, currently $4,200 for each new multifamily unit created.

The full range of urban services are available for the proposed project, including public water and

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sewer service.

(f) Neighborhood Compatibility. The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding can be made, in that this site lies within the Urban Services Line, and that the structures built will be sited and design to be visually compatible, in scale with, and integrated with the character of the neighborhood at the by-right density established by PUD Ord. 5027 and the site's R-UH General Plan Designation.

(g) Local Coastal Program Consistency. For proposed projects located within the coastal zone, the proposed project is consistent with the provisions of the certified Local Coastal Program.

This finding is not required, in that the project site is not located within the coastal zone.

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Site Development Permit Findings

(a) Siting and Neighborhood Context. The proposed development is designed and located on the site so that it will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding can be made, in that the proposed multifamily project is designed and located on the site in a manner that will complement and harmonize with the physical design aspects of existing and proposed development in the neighborhood, as set out by the PUD standards as approved per Permit No. 07-0414 and PUD Ordinance No. 5027. The amendments to the approved PUD are specified to allow for the project as designed, to accommodate 100 by-right units, with necessary site improvements, amenities, landscaping, and site circulation.

(b) Design. The proposed development is in substantial conformance with applicable principles in the adopted Countywide Design Guidelines, except as prohibited by site constraints, and any other applicable requirements of SCCC 13.11 (Site Development and Design Review). If located in the Coastal Zone, the site plan and building design are also in substantial conformance with the policies of the Local Coastal Program and coastal regulations of SCCC 13.20.

This finding can be made, in that the proposed multifamily is in substantial conformance with the requirements of the County Design Review Ordinance. The proposed project will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the subject property and reduce the visual impact of the proposed development on surrounding land uses. The proposed development consists of 17 buildings, each containing three stories, that are designed in an attached townhome style, with associated site and off-site improvements. The building massing would follow a linear arrangement, as is typical for townhome developments, and will essentially be mirrored on either side of interior roadways containing a width of 24 feet, with several segments (alleys & EVA) containing a minimum width of 20 feet. The interior roadway provides access extending from Soquel Avenue to all units throughout the project site. The PUD calls for “village” clustering in site design. The townhome-style buildings and multimodal connectivity throughout the project site and shared common areas achieve this concept well, given the space constraints of the size of the site to accommodate the 100 by-right units. The buildings all contain similar floor plans, with some buildings providing reverse floor plans and variation in the balcony and patio sizes and orientations. Landscaping is proposed throughout the development, wrapping private yards of the units, lining interior roadways, and wrapping the periphery of the project site and frontage. The project would include planting of approximately 179 trees. The proposed project contains 100 by-right residential units, is infill development within the County’s urban services line, which is encouraged by the County General Plan and County Code, and all utilities are available to serve the proposed development.

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Subdivision & Residential Development Permit
Conditions of Approval

Property located at 5940 Soquel Avenue, in the Live Oak Planning Area.
APNs: 029-021-47

Subdivision & Residential Development Permit 241488

Tract No.: 1623

Applicant: Soquel Ave Group LLC

Property Owner(s): PAZ LLC

Assessor's Parcel Numbers: 029-021-47

Property Address and Location: Property located on the south side of Soquel Avenue at 5940 Soquel Avenue in Live Oak

Planning Area: Live Oak

Exhibit E: Vesting Tentative Map for Condominium Purposes, prepared by CBG;
Preliminary Improvement Plans, prepared by CBG;
Architectural Plans, prepared by SDG Architects, Inc.;
Landscape Plans, prepared by HMH.

All correspondence and maps relating to this subdivision and residential development shall carry the permit number noted above.

I. This permit authorizes the construction of a Planned Unit Development and Subdivision as indicated on the approved Exhibit "E" for this permit. Prior to exercising any rights granted by this Approval, the owner shall:

A. Sign, date, and return to the Planning Division one copy of the approval to indicate acceptance and agreement with the conditions thereof.

II. Subdivision and Planned Unit Development

A. This subdivision and residential development, and all improvements associated with this project, shall be subject to the requirements of the Subdivision conditions of approval and the Planned Unit Development conditions of approval (under separate heading) for this project.

III. A Final Map for this subdivision shall be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Final Map shall be submitted to the County Surveyor (Public Works Division) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be undertaken prior to recording the Final Map unless such improvements

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are allowable on the parcel as a whole (prior to approval of the land division). The Final Map shall meet the following requirements:

A. The Final Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety, shall remain fully applicable.

B. This land division shall result in no more than one hundred (100) residential condominiums, and common area for access, utilities, and landscaping.

C. The following items shall be shown on the Final Map:

1. Building envelopes, common area and/or building setback lines shall be located according to the approved Tentative Map and Planned Unit Development permit conditions of approval.

2. A note stating that any common area parcels are "not a building site" shall be added to the Final Map.

3. The owner's certificate shall include:

   a. A dedication of the common area as a public utilities easement.

4. Recordation of a Public Utility and Emergency Vehicle Easement on Assessor's Parcel Number 029-021-59 in conformance with the Memorandum of Understanding entered into on March 12, 2025, between the County and the Applicant.

D. The following requirements shall be noted on the Final Map as items to be completed prior to obtaining a building permit, or no sooner than final inspection if required by Government Code Section 66007, on lots created by this subdivision:

1. New parcel numbers for all of the parcels shall be assigned by the Assessor's Office prior to application for a Building Permit on any parcel created by this land division, unless this requirement is waived by the Building Official.

2. Lots shall be connected for water service to the City of Santa Cruz Water District. All regulations and conditions of the water district shall be met.

3. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the sanitation district shall be met.

4. Demolition Permit(s) shall be obtained from the County of Santa Cruz Building Official for the existing structures.

5. Construction on the lots shall conform to the Architectural Floor Plans and Elevations as stated or depicted in the approved Exhibit "E".

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6. All future development on the lots shall comply with the requirements of the approved geotechnical report(s).

7. Prior to building permit issuance for any dwelling, a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located shall be submitted.

8. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Public Works and Planning Divisions. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:

   a. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.

   b. Spoils management that prevents loose material from clearing excavation, and other activities from entering any drainage channel.

9. Any changes from the approved Exhibit "E", including but not limited to the Tentative Map, Preliminary Improvement Plans, or the attached exhibits for architectural and landscaping plans, must be submitted for review and approval by the Planning Division. Changes may be forwarded to the decision-making body to consider if they are sufficiently material to warrant consideration at a public hearing, noticed in accordance with Section 18.10.223 of the County Code. Any changes that are shown on the final plans which do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.

IV. Prior to recordation of the Final Map, or no sooner than final inspection if required by Government Code Section 66007, the following requirements shall be met:

A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.

B. Pay any outstanding balance due to the Planning Division.

C. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following conditions:

1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.

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2. Pay all necessary bonding, deposits, and connection fees, and furnish a copy of the CC&Rs to the district.

3. The proposed sewer layout includes a private sewer collector on a neighboring parcel (APN 02902156). The Applicant shall obtain and submit the recorded sewer easement.

4. An Operation and Maintenance Agreement shall be submitted outlining the limits of responsibilities between the respective lot owners and the association for the private sanitary sewer collection system and laterals. Requirements outlined in Santa Cruz County Sanitation District Code 7.04.325 shall be addressed in the maintenance agreement. The final Operation and Maintenance Plan shall be recorded.

D. Meet all requirements of the Public Works Division – Stormwater Management section including, without limitation, the following conditions:

1. Zone 5 Flood Control District storm water drainage impact fees shall be paid based on the square footage of impervious and pervious surfaces, unless waived or credited. The project has requested a waiver to onsite flood control mitigations requirements as well as a fee credit for Zone 5 impervious area impact fees. Both the waiver and fee credit are acceptable, contingent upon:

   a. The project constructing the storm drain system in Soquel Avenue from the project frontage to Rodeo Gulch.

   b. Detailed drainage analysis demonstrating that the proposed storm drain line is sized to adequately handle runoff from the upstream watershed as well as runoff from the project site and the adjacent parcel (APN 029-021-46) considering full build out of these areas based on current zoning, and future offsite development maintaining current drainage patterns and runoff rates in accordance with County Code. The analysis shall result in parcel watershed contribution volumes by percentage, and the applicant's percentage shall include the needed capacity to meet County flood control site standards.

   c. Approval by the Zone 5 Board of Directors to allow the impervious area impact fee to be credited toward the developer's share of the pipeline construction costs.

   d. County Board of Supervisors' approval of a developer agreement for construction of the off-site storm drain system and provisions for reimbursement of the non-developer portion of the project cost. The agreement shall require the applicant pay their own share of the pipeline costs based on their volumetric percentage of the flow (including needed capacity to meet County flood control site standards).

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2. Provide a completed Project Information & Threshold Determination Form (Appendix A).

3. Provide information on phasing for project construction and/or implementation (project threshold shall be determined based on the total impact of all phases of a phased project). Describe what work will be completed as part of the land division as shown on the final improvement plans and what work will be constructed under separate building, grading and or encroachment permit/s.

4. Provide final dated, signed and stamped Stormwater Management Plan (SWP)/Civil Improvement Plans consistent with the requirements in Part 3 and Appendix D of the County Design Criteria (CDC) for large land division, building, and grading permits.

   a. Plans shall include adequate construction level details including scheduling and phasing. Plans shall note that the installation of the storm drain in Soquel Avenue shall be the first order of work and shall be completed prior to any other grading, disturbance or development on the project site and shall be completed outside of the winter grading season.

   b. Provide final details, materials, specifications and methods and phasing of construction. The design and materials shall be consistent with Section J – Storm Drain Facilities.

   c. The project includes reliance on a pump with overflow that will bypass water quality treatment in case of pump failure or flows in excess of pump capacity. Update the design so that in case of pump failure the system will back up to the surface of the biofiltration basin prior to discharge from the site. The overflow connection shall be moved out of the manhole with the pump. Please also update the pump manhole to include openings at the bottom to allow the slow infiltration of nuisance water at the bottom of the structure to avoid vector control issues and meet the 48 hour drain time requirements in the CDC.

   d. If feasible, the proposed wetland shall be constructed to meet the biofiltration treatment system requirements in the CDC. Otherwise, the detail for the raised flow through planter shall be updated to meet the minimum 24 inches of biofiltration soil depth.

   e. All inlets on the site shall be marked “No Dumping Drains to Bay” or equivalent. These markings shall be maintained by the property owner and be included in the maintenance agreement.

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f. The final design and type of inlet, full trash capture device, and outfall installed in Soquel Avenue above the outfall to Rodeo Gulch shall be coordinated with and approved by County Road Maintenance staff.

g. No changes to the final approved drainage improvements or impervious area coverage is allowed without prior approval from the County.

5. The Final Map/ Improvement Plans shall include the following:

a. Identify existing and proposed easements on the stormwater management plan and include reference to associated recorded document/s. Private drainage easements shall be provided for all common drainage facilities (see Section E of the Design Criteria for requirements). The map shall identify the private party/ies responsible for maintenance of the Private Storm Drain Easements.

b. Shall include language to keep private drainage facilities free and clear of buildings or structures of any kind.

c. Include acknowledgement that no additional impervious area coverage beyond the limits shown shall be constructed without prior permits and/or approval by the County of Santa Cruz.

6. Provide a final dated, signed and stamped Stormwater Management Report with all required elements outlined in Appendix D. This shall include impervious area coverage, location and type of stormwater mitigation, and preliminary evaluation demonstrating feasibility of compliance with CDC requirements for water quality and flood control mitigations. At a minimum, the report shall address the methods for complying with these items: i. Minimize Stormwater Pollutants of Concern, ii. Site Design and Runoff Reduction Measures, iii. Stormwater Discharge Rates and Volumes.

a. Provide analysis for the proposed offsite system demonstrating that the proposed storm drain line is sized to meet the CDC criteria, Part 3 Sections I, J and K considering the upstream watershed as well as runoff from the project site and the adjacent parcel (APN 029-021-46) considering full build out of these areas based on current zoning.

b. Provide analysis for the proposed onsite storm drain system demonstrating compliance with the CDC Part 3 Sections I, J and K.

c. Provide analysis for the proposed outfall to Rodeo Gulch demonstrating compliance with CDC Part 3 Sections K.5.

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d. Provide guidance from the project geotechnical engineer on the feasibility of using pervious or semi-impervious surfaces and provide design guidance for use. Provide analysis justifying the statement of technical infeasibility or update plans to incorporate pervious/semipervious surfaces the maximum extent feasible consistent with the Site Design and Runoff Reduction Requirements in Part 3 Section D.3.c.v.(2).

e. Provide evaluation from the project geotechnical engineer on the expected high groundwater elevations near the biofiltration facility/ies demonstrating a minimum 5-foot separation.

f. Documentation demonstrating technical infeasibility if design consistent with any portion of these Design Criteria is anticipated to not be achieved. Technical justification shall be included as to why retention treatment systems are infeasible and why the "wetland" area west of Building No. 1 cannot be constructed to meet biofiltration treatment system criteria.

7. Provide final approval from the project geotechnical engineer for the project plans.

8. Provide landscape and architectural plans with surfacing, grading, and drainage information for review for consistency with the civil plans.

9. Recorded maintenance agreement for the maintenance of the stormwater management and mitigation facilities is required. Include a figure showing the project site, location of each stormwater mitigation facility and associated drainage area as an attachment to the maintenance agreement. Include in an attached table/checklist the detailed management activities, maintenance requirements, schedule, signs of system failure, maintenance intervals, photo documentation and responsible party both in the recorded maintenance agreement as well as the final plans (this table/checklist shall be completed and included with the annual maintenance report sent to the County). Include appropriate source control BMPs and operation procedures/restrictions needed for compliance with the CDC. The maintenance agreement shall include the standard language provided in Fig. SWM-25B of the CDC. The checklist/s and annual reports shall include surface infiltration testing results for the biofiltration and flow through planter facilities. The first year annual report with photo and test result documentation is required prior to acceptance of the final improvements/final of the building permit.

10. If the drainage facilities will be maintained by a homeowner's association (HOA) provide the CC&Rs for the HOA that reference or include the recorded maintenance agreement.

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11. Zone 5 fees will be assessed on the net increase in permitted impervious area following the Unified Fee Schedule in place at building permit issuance. Reduced fees (50%) are assessed for semi-pervious surfacing without liners (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials. For credit for existing impervious area provide documentation that demonstrates the impervious area was installed with a previously approved permit or were built prior to establishment of Zone 5 in 1969. Based on previously provided site assessment there are no permitted buildings on the site. The waiver of these fees due to the project's construction of the new storm drain system in Soquel Avenue is supported by Zone 5 staff. The waiver request requires approval by the Zone 5 Board of Directors.

12. County staff will inspect the construction of the drainage related items. Provide the engineer's estimate for the construction of the drainage items (there is a 3% inspection fee) for any/all drainage facilities that will be constructed under a building, grading and/or encroachment permit. A hold will be placed on the building/grading/encroachment permit for a preconstruction meeting with the Public Works Construction Engineer (please contact at least 48 hours prior to construction to schedule the preconstruction meeting at: dpwcminspection@santacruzcounty.us). A second hold will be made for approval of the final construction by the Public Works Construction Inspector.

E. Meet all requirements of the Public Works Division – Road Engineering section including, without limitation, the following conditions:

1. Prior to recordation of the Final Map, the applicant shall submit a Traffic Impact Study. The Traffic Impact Study shall meet all requirements of the Public Works Road Engineering section, and it shall identify any necessary mitigation measures and the project's fair-share contribution toward those mitigations. Project will be required to pay the fair share contributions identified within the study. The following intersections shall be evaluated:

    a. Driveway entrance / Soquel Avenue
    b. Soquel Avenue / Chanticleer Avenue
    c. Soquel Avenue / 17th Avenue
    d. Soquel Avenue / Mattison Lane
    e. Gross Road / 40th Avenue
    f. Gross Road / 41st Avenue
    g. Southbound Highway 1 off-ramp near Soquel Drive
    h. Soquel Drive / Soquel Avenue
    i. Capitola Road / 17th Avenue
    j. Capitola Road / Chanticleer Avenue
    k. Chanticleer Avenue / Mattison Lane

2. Right of way requirements on Soquel Ave: The standard for Soquel Avenue shall be 0.625-foot curb, 7-foot westbound bike lane (enhanced), 12 foot

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travel lane, 12-foot center turn lane, 12-foot travel lane, 7-foot eastbound bike lane (enhanced), 4.625-foot landscaping strip, and 6-foot sidewalk. Where the existing Right-of-Way cannot accommodate the standards listed above, a dedication of a Public Right-of-Way easement will be required to accommodate the following: 0.625-foot curb, 7-foot westbound bike lane (enhanced), 12 foot travel lane, 12 foot center turn lane, 12-foot travel lane, 7-foot eastbound bike lane (enhanced), and 6.625-foot curb and sidewalk.

3. Improvement requirements on Soquel Avenue: On Soquel Avenue, provide sidewalk connection to the west, in front of Live Oak Business Park and transition to 0.625-foot curb, 7-foot westbound bike lane (enhanced), 12-foot travel lane, 12-foot center turn lane, 12-foot travel lane, 7-foot eastbound bike lane (enhanced), 4.625-foot landscaping strip, and 6-foot sidewalk. Another transition shall be required on the eastern side. The sidewalk connection to the west will be subject to the conditions of County Code Section 14.01.513. The Applicant can receive credit for these improvements against the Transportation and Roadside Improvement Area fees at the rate listed within the Unified Fee Schedule.

4. Secondary access to the site shall be provided as Emergency Only and negotiated as an easement with the owner of APN 029-021-59, directly to the west.

5. The privately-owned and maintained roads shall be identified on the Final Map as publicly accessible with a public ingress/egress easement for visitors, deliveries, services, trash/recycling/waste pickup. The easement shall be for all roads including any turnaround, and any public visitor parking areas.

F. A Homeowners Association (HOA) shall be formed for maintenance of all areas under common ownership including sidewalks, roadways, all landscaping, drainage structures, water lines, sewer laterals, fences, and buildings. A copy of the CC&R's shall be provided to the Planning Division and shall include the following, which are permit conditions:

1. Any landscaping within the public right of way fronting the property shall be permanently maintained by the Homeowners Association.

2. All drainage structures, including retention and detention facilities, shall be permanently maintained by the Homeowners Association.

G. Guest parking spaces shall be for visitors only. Signage shall be installed to read, “Visitor Parking Only”.

H. Engineered improvement plans for all water line extensions required by the City of Santa Cruz Water District shall be submitted for the review and approval of the water district.

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I. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries. Backflow prevention devices must be located in the least visually obtrusive location.

J. All requirements of the Central Fire Protection District shall be met.

K. All requirements of the Environmental Planning Section shall be met, including the following:

1. A copy of the Biotic Review letter (REV241245), dated October 6, 2025, including all attachments, shall be submitted with any future permit applications.

2. To reduce potential impacts to sensitive habitats and special-status species that may result from artificial light, the following shall be adhered to:

   a. The project shall avoid the installation of any non-essential artificial lighting.

   b. All essential outdoor lighting shall be limited through the use of timers and/or motion sensors.

   c. All essential outdoor lighting shall be shielded, cast downward, and directed such that it does not shine off the property into surrounding areas, other parcels, or the night sky.

3. No work shall occur within a County-defined Riparian Corridor unless the Riparian Exception Findings are met, and a Riparian Exception is authorized.

4. Impacts to riparian woodland habitat including removal of trees and native understory vegetation shall be avoided and minimized to the maximum extent possible. Avoidance of mature oak trees shall be considered priority. Trees to be retained shall be protected at or outside of the dripline. If work must occur within the dripline of retained trees, impacts shall be evaluated by a licensed arborist and protective measures, as recommended by the arborist, shall be adhered to.

5. The new seasonal wetland shall be identified as a “Protected Habitat Area” and protected through placement of permanent fencing and signs to prevent trespassing after construction is complete.

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6. To ensure that impacts have been accurately and consistently evaluated and to demonstrate compliance with Santa Cruz County's requirement to avoid and minimize impacts, the following shall be adhered to:

   a. A final Project Impact Analysis prepared by a qualified biologist and/or arborist shall be submitted with the building permit application for review and approval by Environmental Planning Staff. The Impact Analysis must be consistent with the final project plans and must include the following minimum elements:

      i. Discussion and table with the final calculations for project impacts to sensitive habitat including:

      ii. Areas of temporary and permanent impact to riparian habitat associated with the storm drain outfall.

      iii. Areas of temporary and permanent impact to wetland habitat.

   a. Discussion of tree impacts including:

      i. Species, size, location, and quantity of trees that will require removal for installation of the proposed storm drain outfall. (i.e. unavoidable tree removals; numbers must be consistent with project plans).

      ii. Potential impacts to trees proposed for retention where work may occur within the dripline and tree protective measures provided by a licensed arborist.

   b. Explanation of how avoidance and minimization of impacts to sensitive habitats were achieved through project design and site selection and reasons for unavoidable impacts to sensitive habitats.

7. To comply with Santa Cruz County General Plan Policy ARC-3.2.1 and SCCC Section 16.32.090 (B)(3), and to compensate for impacts to sensitive habitat that will result from the project, the following shall be adhered to:

   a. All areas temporarily disturbed in the riparian woodland shall be re-vegetated with native plant species with the purpose of restoring the native plant structure and species composition of surrounding native habitat.

   b. Creation of a new seasonal wetland with a minimum area of 0.1-acre shall be created within the project site.

   c. Riparian Habitat permanently impacted as a result of the storm drain outfall shall be compensated for through in-kind habitat restoration at a minimum 3:1 ratio on site or at an approved offsite location.

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d. Oak trees removed or otherwise permanently impacted as a result of the project shall be compensated for through in-kind replacement plantings onsite or at an approved off-site location at the following ratios: Trees between 6 and 23.5 inches DBH shall be replaced at 3:1 ratio. Trees 24 inches or greater DBH shall be replaced at 5:1.

e. A Habitat Restoration and Mitigation Plan prepared by a qualified biologist or restoration specialist must be submitted with the permit application for review and approval by Environmental Planning Staff. The Restoration Plan should be focused on restoring/establishing native plant structure and species composition and enhancing the functional capacity and biological productivity of seasonal wetland habitat and riparian habitat and must include the following minimum elements:

i. A table with the final post-construction permanent and temporary impact calculations.

ii. A map of all designated restoration areas on site showing:

(1) Identification of areas on site where temporary disturbance and re-establishment of native habitat shall occur.

(2) Identification of additional restoration areas intended to compensate for permanently impacted sensitive habitat including riparian habitat and the new seasonal wetland.

(3) The final building envelope (permanent impact area).

iii. Methods for establishment of riparian woodland habitat which may include a combination of active planting and passive restoration treatments to promote natural re-establishment of certain native woodland plant species.

iv. Methods for creation/establishment of a seasonal wetland which shall include the following minimum elements:

(1) Confirmation that the geotechnical properties of the underlying and surrounding soil support the seasonal hydrology (water retention) required for wetland function.

(2) A plant palette including both container plants and wetland seed mix developed to match anticipated hydrologic conditions within the new wetland basin

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along the wetland fringe and the pool-bottom. The wetland fringe shall include species adapted to drier, periodically saturated conditions. The pool-bottom shall support species tolerant of prolonged inundation.

v. Methods for ongoing management of the seasonal wetland which shall identify the responsible party for maintenance in perpetuity.

vi. A planting plan with species, size, and locations of all restoration plantings needed to establish native plant structure and species composition of restored native habitat. The planting plan shall include appropriate wetland plantings as outlined above and the replacement trees required under Condition IV.K.7.d. Other plantings shall occur at sizes and ratios determined by the restoration specialist to adequately establish native habitat while maximizing plant health and survivability of individual plants.

vii. Plan for removal of non-native species on the parcel and a management strategy to control re-establishment of invasive non-native species commensurate with the scale of the proposed development.

viii. Information regarding the methods of irrigation for all restoration plantings.

ix. A plan showing the placement of split rail fencing and location of signs as needed to delineate the Protected Habitat Areas in the field and prevent trespassing. The location of fencing and number and location of protective signs shall be confirmed by the biologist based on site conditions and maximum protection of these habitat areas.

x. Any seed mix used for erosion control purposes on temporarily impacted areas and exposed soils shall be limited to seeds of native species common to the surrounding or restored habitat and/or sterile seeds.

xi. A 5-year Management Plan for maintenance and monitoring of restored areas, including a proposed mechanism for evaluating success.

xii. Identification of any off-site location required for replacement tree plantings including a map of all designated

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restoration areas on that site and a planting plan with species, size, and locations of all restoration plantings.

(1) Property owner approval for a deed restricted mitigation site must be provided for any off-site mitigation locations. An agreement for ongoing access to monitor and maintain the plantings for the required monitoring period must also be included.

xiii. Annual reports outlining the progress and success of the restoration and monitoring shall be submitted to the County Restoration Coordinator: restoration.coordinator@santacruzcountyca.gov by December 31 of each monitoring year.

8. The final plans shall include the following:

a. The development footprint delineated with a thick bold line. The development footprint (total project impact area) encompasses the building envelope (permanent impact area; structures and paving) and all temporary disturbance associated with a project including grading, installation of utilities, installation of the stormwater pipe and outfall area, access routes, deposition of refuse or debris, and areas needed for creation and management of defensible space. The development footprint shall mark the limits of work within which all temporary and permanent disturbance associated with the project may occur.

b. Native trees to be retained near or within the project impact area shall be identified on the plans and labeled for protection.

c. Tree protection specifications and measures provided by a certified arborist to reduce impacts to retained trees shall be listed.

d. Everything outside of the development footprint shall be marked on the plans for avoidance during construction and fenced or flagged as outlined in the construction conditions below.

e. The entire area within the new 0.1-acre seasonal wetland shall be clearly designated and labeled as “Protected Habitat Area- seasonal wetland” on the project plans. The planting palette on the project plans shall match the requirements outlined in Condition IV.D above.

f. A plan sheet showing any required onsite restoration or mitigation planting areas.

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g. The Biotic Conditions of Approval (Biotic Review letter (REV241245), dated October 6, 2025) shall be included on the project plans.

L. Park dedication in-lieu fees shall be paid for eighty-five (85) dwelling units. The 15 deed-restricted affordable units are exempt from Park dedication in-lieu fees. These fees are currently $9,219 per multifamily dwelling unit but are subject to change. Additional Park dedication in-lieu fees shall be calculated based on the habitable square footage of the proposed dwellings and paid at Building Permit issuance for the new construction per the Unified Fee Schedule.

M. Add a note to the Final Map that Child Care development fees shall be paid for eighty-five (85) multifamily dwelling units. The 15 deed-restricted affordable units are exempt from Child Care development fees. These fees are currently $0.28 per square foot but are subject to change. Child Care development fees shall be calculated and paid at Building Permit issuance for the new construction per the Unified Fee Schedule.

N. Transportation improvement fees shall be paid for one hundred (100) multifamily dwelling units. These fees are currently $2,100 per unit but are subject to change.

O. Roadside improvement fees shall be paid for one hundred (100) multifamily dwelling units. These fees are currently $2,100 per unit but are subject to change.

P. Prior to recordation of the Final Map, the applicant shall enter into an Affordable Housing Participation Agreement in a form provided by the County Housing Division to set forth all required details for development and sale of the affordable units in the project compliant with SCCC Chapters 17.10 and 17.12. The Agreement shall be recorded against the project site prior to recordation of a Final Map or issuance of a Building Permit for the project, whichever occurs first.

1. The applicant shall provide fifteen (15) designated affordable units for sale. The units shall be restricted for sale to moderate-income households.

2. Owner/seller shall coordinate with County Housing Staff to implement a random drawing to select buyers of affordable units, as set forth in the Agreement referenced above.

3. Comply with the conflict-of-interest provisions in SCCC 17.10.

Q. Submit and secure approval of engineered improvement plans from the Public Works Division and the Planning Division for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150 percent of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements.

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1. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval. Plans shall also comply with applicable provisions of the State Building Code regarding accessibility.

2. The proposed interior access road, sidewalks, and frontage improvements shall be constructed per the approved improvement plans for this permit, except as modified by these conditions and approved per the Amendments to PUD Ord. 5027 to vary from County standards.

3. A detailed erosion control plan shall be submitted which includes the following: a clearing and grading schedule that limits grading to the period of April 15 - October 15, clearly marked disturbance envelope, revegetation specifications, silt barrier locations, temporary road surfacing and construction entry stabilization, sediment barriers around drain inlets, etc. This plan shall be integrated with the improvement plans that are approved by the Public Works Division and shall be submitted to Environmental Planning staff for review and approval prior to recording of the Final Map.

R. Submit a final Landscape Plan for the entire site for review and approval by the Planning Division and the local water district. The landscape plan shall specify plant species, their size and location, and shall include irrigation plans, which meet the following criteria and must conform to all water conservation requirements of the City of Santa Cruz water conservation regulations:

1. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.

2. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). The use of trees and native plants is encouraged in appropriate locations. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately. Invasive species such as acacia, pampas grass, broom, etc., should not be used and should be eliminated if already present.

3. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of six inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of two inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.

4. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation

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systems shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.

a. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.

b. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape.

c. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.

d. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.

5. Site Furniture and Fixtures. Outdoor furniture and fixtures such as lighting, freestanding signs, trellises, raised planters, benches, trash receptacles, and fencing shall be compatible with project architecture, shall be integral elements of the building and landscape design, and shall be included in, and shown on, all site and landscape plans.

S. All planting shall conform to the landscape plan shown as part of Exhibit "E".

II. Prior to any site disturbance or physical construction on the subject property the following conditions shall be met:

A. A Soil Management Plan must be submitted to the County Environmental Health Department, Environmental Cleanup Program (ECP) to address any contaminated soil identified on-site. Additionally, a mitigation and/or remediation plan for elevated soil gas to indoor air must be provided to ECP for the associated cleanup case at the Multi-Tenant Commercial Property (5940 Soquel Ave, Santa Cruz; Env Case# RO0000400; GeoTracker ID# T10000019844)

B. Pre-Construction Meeting: In order to ensure that biotic conditions of approval are communicated to the various parties responsible for constructing the project. Prior to any disturbance on the property, the applicant shall convene a pre-construction meeting on the site. The meeting shall involve all relevant parties including the

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project applicant, construction supervisor, grading contractor supervisor, project arborist, project biologist, and Santa Cruz County Environmental Planning staff.

C. Prior to commencement of construction, high visibility fencing and/or flagging shall be installed with the assistance of a qualified biologist and/or arborist around all sensitive habitat areas to indicate the limits of work and prevent inadvertent grading or other disturbance within the adjacent sensitive habitat.

1. No work-related activity including equipment staging, vehicular access, grading and/or vegetation removal shall be allowed outside the designated limits of work.

2. Native trees to be retained near or within the project impact area shall be identified, protected with high visibility fencing at or outside of the dripline, and avoided during construction as sensitive habitat unless additional protection measures, provided by a qualified arborist, have been reviewed and approval by Environmental Planning Staff.

D. The fencing shall be inspected and maintained daily until project completion.

E. Prior to commencement of construction every individual working on the Project must attend biological awareness training by a qualified biologist prior to working on the job site. The training shall include, at minimum, information regarding the following:

1. Location and identification of sensitive habitats and all special-status species with potential to occur in the project area.

2. The importance of avoiding impacts to sensitive habitats, and the steps necessary if any special-status species is encountered at any time.

3. Best management practices to be implemented, identification of the limits of work, and project-specific avoidance measures and permit conditions that must be followed.

F. The following recommended Avoidance and Minimization Measures for special status species outlined in Section 8.3.2 of the attached Biotic Report dated August 2025 prepared by Integral Consulting Inc., shall be adhered to:

1. If construction and tree removal activities must occur during the migratory bird nesting season (February 1 through September 15), an avian nesting survey of the Project site and accessible contiguous habitat within 300 feet of all impact areas shall be conducted for active nests of protected migratory birds. The avian nesting survey shall be performed by a qualified wildlife biologist within 7 days prior to the start of ground or vegetation disturbance or building demolition activities. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans, along with an appropriate no disturbance buffer, which shall be determined by the

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biologist based on the species' sensitivity to disturbance (generally 50-250 feet for passerines and 250-500 feet for raptors and special-status species). The nest buffer shall be demarcated in the field with flagging and stakes or construction fencing. Work within the nest avoidance buffer shall be prohibited until the juveniles have fledged.

2. A bat habitat assessment and preconstruction bat survey shall be conducted within 14 days of the removal of any trees or demolition of buildings within the Project site. The biologist shall have access to all structures and interior attics, as needed. The survey shall consist of an acoustic and visual emergence survey for bats, completed by a qualified biologist with experience identifying bat roosts and behavior. If a colony of bats is found roosting in a structure or vegetation, surveys will determine the species present and the type of roost, such as day, night, or maternity roost. If a non-maternity and non-wintering bat colony is found, the biologist shall develop and implement acceptable passive exclusion methods in coordination with or based on CDFW recommendations to ensure their protection and to avoid unnecessary harm. If a maternity colony or overwintering colony is found on the project site, then the qualified biologist shall establish a suitable non-disturbance buffer around the location in coordination with CDFW. The non-disturbance buffer shall remain in place until the qualified biologist determines that the maternal colony or wintering roost is no longer active.

3. During the preconstruction surveys for nesting birds, the qualified biologist shall survey for San Francisco dusky woodrat middens within and adjacent to the outfall construction area; all nests (active and inactive) shall be mapped and flagged. To the extent feasible, San Francisco dusky woodrat nests shall be avoided during construction. If any existing nests can be avoided, they shall be isolated from the work area with the installation of wildlife exclusion fencing. If individual woodrats are found within the Project work area during preconstruction surveys, work will not commence until the individual leaves the work area of its own volition. If woodrat middens are observed within the Project work area during preconstruction surveys, a relocation plan for woodrat nests affected by the Project will be prepared and approved by CDFW prior to implementation.

G. Additional construction conditions may be issued during Environmental Planning review of the permit applications based on review of the Impact Analysis and the final Project Impact Analysis required under Condition IV.K.6.a above.

III. All future construction within the property shall meet the following conditions:

A. Prior to final inspection of the Phase I improvements, the establishment and planting of all restoration areas intended to compensate for riparian habitat impacted by the installation of the storm drain outfall must be completed prior to final inspection of the improvements for Phase I of the project and shall be inspected and approved by Environmental Planning staff.

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B. Prior to final building inspection, establishment and planting of all restoration areas as outlined in the final approved Habitat Restoration and Mitigation Plan and placement of protective fencing and signs around the Protected Habitat Area shall be inspected and approved by Environmental Planning staff.

C. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

D. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Obtain an Encroachment Permit from the Public Works Division for any work performed in the public right of way. All work shall be consistent with the Public Works Division Design Criteria unless otherwise specifically excepted by these conditions of approval.

E. No land clearing, grading, or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion control plan that may or may not be granted.

F. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).

G. All site improvements shown on the final approved building permit plans shall be installed.

H. Any site lighting shall be directed onto the project site and away from adjacent properties. Light sources shall not be visible from adjacent properties.

I. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.

J. Additional impervious areas shall be submitted to the County for review and approval and include updates to the mitigation features.

K. Construction of improvements shall comply with the requirements of the approved geotechnical report(s). The project geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report(s).

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L. All required improvements shall be installed and inspected by the Public Works Division and Planning Division prior to final inspection clearance for any new structure on the new lots.

M. One construction/security trailer is allowed on the site during the construction. The location of the trailer shall conform to requirements per County Code Section 13.10.683 or any successor ordinance. A building permit is required for the installation of the construction trailer and the construction trailer shall be removed from the site prior to final inspection of the subdivision.

N. Worker Environmental Awareness Training: All construction personnel (hereinafter referred to as personnel) shall attend a mandatory environmental education program facilitated by the Project biologist prior to the initiation of construction activities. Training sessions shall be repeated for all new personnel before they are allowed access to the job site. All personnel shall complete the training and sign a form stating that they completed the training and understand all applicable agency regulations and consequences of non-compliance. The Project sponsor shall keep the forms on file and make them available to the regulatory agencies upon request.

O. Best Management Practices: Every reasonable precaution to protect offsite biological resources from construction by-products and pollutants such as debris, construction chemicals, fresh cement, saw water, or other deleterious materials shall be exercised. Measures will ensure minimization of disruptions to surrounding neighborhoods, resources, and land uses and will include but not be limited to debris and dust controls, air and water pollution controls, water usage controls, and noise and vibration controls. The measures identified in these plans shall be based on the best available technology and shall include, but not be limited to, the following:

1. During construction, all onsite and/or construction related debris shall be disposed of at an authorized offsite disposal location.

2. All hazardous materials shall be stored and handled in strict accordance with the Safety Data Sheets for the products. The storage and handling of potential pollution-causing and hazardous materials, including but not necessarily limited to gasoline, oil, and paint, shall be in accordance with applicable federal, state, and local laws and regulations.

3. Erodible construction material shall be covered every night and during any rainfall event.

4. Vehicles and equipment that are used during the course of construction shall be fueled and serviced in an appropriate manner. Fueling locations shall be inspected after fueling to document that no spills have occurred. Any incidental spills shall be cleaned up immediately.

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5. Once the Project is completed, construction material, wastes, debris, sediment, rubbish, trash, fencing, and other construction items shall be removed from the site and transported to an authorized disposal area or recycling facility, as appropriate, in compliance with applicable federal, state, and local laws and regulations.

IV. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

V. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.

B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and

2. COUNTY defends the action in good faith.

C. Settlement. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the COUNTY.

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D. Successors Bound. The "applicant/owner" shall include the applicant and/or the owner and the successor'(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

E. Within 60 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

VI. Mitigation Monitoring and Reporting Program

VII. The mitigation measures listed under this heading have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigation was adopted as part of PUD Ordinance 5027 for this project. This program is specifically described following each mitigation measure listed in the adopted Mitigation Monitoring and Reporting Program (MMRP). The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to section 18.10.136 of the Santa Cruz County Code.

VIII. Mitigation measures

See adopted MMRP pages.

AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE AND THE PLANNED UNIT DEVELOPMENT CONDITIONS OF APPROVAL FOR THIS PERMIT.

This Tentative Map is approved subject to the above conditions and the attached map, and expires 24 months after the 14-day appeal period. The Final Map for this division, including improvement plans if required, should be submitted to the County Surveyor for checking at least 90 days prior to the expiration date and in no event later than 3 weeks prior to the expiration date.
cc: County Surveyor

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected

Exhibit C

by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

Exhibit C

Addendum to the Initial Study/Mitigative Negative Declaration

5940 Soquel Avenue Project
(SCH: 2008092113)

County of Santa Cruz, California

Prepared for
County of Santa Cruz
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Prepared by

Integral Consulting Inc.
433 Visitacion Avenue
Brisbane, CA 94005

October 2025

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ACRONYMS AND ABBREVIATIONS

AMM	avoidance and minimization measure
BMP	best management practice
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
2008 IS/MND	Initial Study/Mitigated Negative Declaration from 2008
PUD	Planned Unit Development
woodrat	San Francisco dusky-footed woodrat

Exhibit D

LIST OF TABLES

Exhibit D

This environmental document is an Addendum to the Final Initial Study/Mitigated Negative Declaration (dated November 2008, 2008 IS/MND) prepared for the 5940 Soquel Avenue Project (approved Project) and adopted by the County of Santa Cruz on November 19, 2008, under application Number 07-0414, in compliance with the California Environmental Quality Act (CEQA).

This Addendum to the 2008 IS/MND is necessary to address modifications to the approved Project. As demonstrated in this Addendum, the 2008 IS/MND continues to serve as the appropriate document for addressing the environmental impacts of the Project pursuant to CEQA, as no new significant impacts are expected related to the aquatic resources, special-status species, or the other changes.

The approved Project entails the construction of an approximately 5-acre multi-family residential development with 100 townhome-style condominiums and associated infrastructure.

CEQA LEAD AGENCY: County of Santa Cruz	CONTACT: Jonathan DiSalvo Senior Planner PHONE: (831) 454-3157	ADDRESS: 701 Ocean Street, 4th Floor Santa Cruz, CA 95060
SPONSOR/APPLICANT: KB Home South Bay	CONTACT: Troy Bowser Forward Planner PHONE: (925) 983-4524	ADDRESS: 5000 Executive Pkwy Suite 125 San Ramon, CA 94583
APPROVAL ACTION UNDER CONSIDERATION:		
The proposed action consists of a General Plan Amendment, zone change, Riparian Exception, and Planned Unit Development (PUD) allowing a maximum development density of 20 dwelling *units* per usable acre on the Project site.		

The following summarizes the changes to the project, primarily related to the project setting:

- An updated aquatic resource delineation was conducted on the Project site and an offsite outfall construction area in 2024 and 2025 (see Attachment A, Appendix C. Aquatic Resource Delineation Report). The currently proposed project includes disturbance of approximately 0.04 acre of aquatic resources on the Project site that are potentially jurisdictional pursuant to the Clean Water Act, Porter-Cologne Act, and Section 1600 of the California Fish and Game Code, including seasonal wetland, non-wetland waters, and culverted waters (see Attachment A, Appendix B. Site Plans). In addition, the currently proposed project includes two options for offsite stormwater infrastructure: 1) construction of an outfall within Rodeo Gulch resulting in the disturbance of 0.07 acre of riparian habitat potentially jurisdictional pursuant to the Porter-Cologne Act and Section 1600 of the California Fish and Game Code; or, if practicable, 2) tapping into an existing box culvert within Soquel Avenue. The 2008

Exhibit D

IS/MND did not account for disturbance of aquatic resources on the Project site associated with project activities.

- While the entire Project site and all lands immediately adjacent to the Project site are developed or otherwise disturbed, the trees and structures on and adjacent to the Project site may provide suitable roosting habitat for special-status bats and/or suitable nesting habitat for passerines and raptors. Considerations for nesting birds and roosting bats were not provided in the 2008 IS/MND.
- San Francisco dusky-footed woodrat (woodrat) middens were observed proximal to the outfall construction site in Rodeo Creek Gulch. While there is no evidence that this species occurs within the work area, considerations for woodrats were not provided in the 2008 IS/MND.

Exhibit D

1 BACKGROUND OF APPROVED PROJECT

The approved Project entailed a General Plan amendment, zone change, Riparian Exception, and Planned Unit Development (PUD) allowing a maximum development density of 20 dwelling *units* per usable acre on the Project site. Following project approval in 2008, future development of the Project site would be by-right in that the use and density for the site are not discretionary. The site contains approximately 5 usable (developable) acres equating to a maximum of 100 dwelling units. The Project entailed amending the General Plan from "Service Commercial/Light Industry (C-S)" to "Urban High Residential (R-UH)" with the PUD.

The Urban High Residential would be amended to allow 20 units per net developable acre with a 2,000 square foot lot size requirement. In addition, the parcel was rezoned from "Light Industrial (M-1)" to "Multi-Family Residential - (RM-2)." The approved Project is located on the south side of Soquel Avenue at 5940 Soquel Avenue, between Chanticleer Avenue and Mattison Lane within the Live Oak planning area of unincorporated Santa Cruz County, California.

When project changes are proposed, the lead agency must determine whether additional CEQA documentation is warranted, and if so, what kind of environmental document is appropriate. Where, as here, an MND was prepared for the original project, CEQA Guidelines Section 15162 provides that a subsequent environmental impact report (EIR) is not allowed where the following criteria are met:

- No new significant impacts will result from implementation of the modified project.
- No substantial increase in the severity of previously-identified environmental impacts will occur.
- No new feasible alternatives or mitigation measures that would reduce impacts previously found not to be feasible have since been found to be feasible.
- No new feasible alternatives or mitigation measures that (1) are considerably different from those previously analyzed, (2) would substantially reduce one or more significant impacts, and (3) the project proponent declines to adopt.

As more fully explained below, all of these criteria are met here. Under these circumstances, Section 15162(b) authorizes the lead agency to prepare a subsequent negative declaration, an addendum to the MND, or no further documentation. The lead agency has decided to prepare this Addendum (pursuant to Section 15164) explaining the basis for its conclusion that none of the CEQA Guidelines Section 15162 conditions is present and making any minor technical changes or additions to the MND that are necessary.[1] An addendum to an MND is appropriate when only minor or technical additions or changes are needed and a subsequent EIR is not allowed under the criteria set forth above.

[1] CEQA Guidelines Section 15164(b)

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An addendum is not subject to the same notice and public review requirements as the original environmental document (the 2008 IS/MND), but the lead agency may elect to provide notice and a public review period.

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2 PROPOSED CHANGES TO THE PROJECT DESCRIPTION

While the inherent nature of the proposed project would be the same, there have been some modifications presented that would warrant subsequent review under CEQA. The following changed conditions for the project differ from what was analyzed in the 2008 IS/MND.

The sections below describe the changes and provide updates to the project description. The changes are related to biological resources, required permits and approvals, and modified/additional control measures and plans. All other aspects of the project remain unchanged. Analysis of these changes is provided in Section 3.

2.1 Biological Resources

The sections below provide a summary of changes to the project setting and conditions with regards to biological resources. A detailed report is provided in Attachment A.

2.1.1 Aquatic Resources

An updated aquatic resource delineation was conducted on the Project site and the offsite outfall construction area in 2024 and 2025. The currently proposed project includes disturbance of approximately 0.04 acre of aquatic resources on the Project site that are potentially jurisdictional pursuant to the Clean Water Act, Porter-Cologne Act, and Section 1600 of the California Fish and Game Code, including seasonal wetland, non-wetland waters, and culverted waters. In addition, the currently proposed project includes disturbance of as much as 0.07 acre of riparian habitat potentially jurisdictional pursuant to the Porter-Cologne Act and Section 1600 of the California Fish and Game Code. The 2008 IS/MND did not account for disturbance of aquatic resources on the Project site associated with project activities.

2.1.2 Nesting Birds and Roosting Bats

While the entire Project site and all lands immediately adjacent to the Project site are developed or otherwise disturbed, the trees and structures on and adjacent to the Project site may provide suitable roosting habitat for special-status bats and/or suitable nesting habitat for passerines and raptors. Considerations for nesting birds and roosting bats were not provided in the 2008 IS/MND.

2.1.3 San Francisco Dusky-footed Woodrat

Woodrat middens were observed proximal to the outfall construction site in Rodeo Creek Gulch. While there is no evidence that this species occurs within the work area, considerations for woodrats were not provided in the 2008 IS/MND.

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2.2 Permits, Approvals, and Notifications

Permits and approvals required for the approved Project are listed in the 2008 IS/MND and considered the following discretionary approvals:

- **Local Approvals**
  - General Plan Amendment
  - Land Division
  - Rezoning
  - Development Permit
  - Grading Permit
  - Riparian Exception
  - Planned Unit Development
- **Non-local Approvals**
  - California Department of Fish and Wildlife, Section 1602, Streambed Alteration Agreement
  - City of Santa Cruz Water Department
  - State Water Resources Control Board–National Pollutant Discharge Elimination System (NPDES) Permit

It is anticipated that the following additional permits and/or approvals (in addition to those listed in the 2008 IS/MND) would be required:

- County of Santa Cruz approval of the CEQA Addendum
- Regional Water Quality Control Board 401 Certification or Waste Discharge Requirements

The U.S. Army Corps of Engineers has indicated in email correspondence that the wetlands and other water on the Project site do not constitute waters of the U.S. Additionally, the offsite outfall is located entirely outside of potential waters of the U.S. Therefore, a Section 404 Clean Water Act permit is not required.

2.3 Control Measures and Plans

Numerous control measures, also known as avoidance and minimization measures (AMMs), would be incorporated into the Project Contract Documents to address environmental and public health and safety concerns. Control measures are procedures known to further reduce the potential for impacts based on regulatory agency requirements, standards in the industry, and construction and operating experiences of the design engineer.

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Control measures/AMMs for proposed project changes would be identical to those outlined in the 2008 IS/MND, with the additions and modifications below:

- AMMs, including biological surveying for nesting birds, roosting bats, and woodrats prior to construction activities

The following additional plans would be required to be prepared:

- Stormwater Pollution Prevention Plan
- Wetland Monitoring Plan for the created wetland

Attachment A to this document provides the recommended AMMs.

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3 SCOPE OF ENVIRONMENTAL ANALYSIS

This Addendum addresses the permanent loss of 0.041 acre of artificial wetlands and other waters, which will be avoided through the creation of a 0.1-acre seasonal wetland within the northwest corner of the Project site. The wetland will be seeded with native wetland vegetation and monitored for a period of at least 5 years to ensure successful replacement of functions and services, as it has been designed to exceed those of the existing artificial wetlands and other waters. Similarly, the permanent loss of 0.07 acre of riparian habitat would be avoided through the replacement of trees removed at a 3:1 ratio. This Addendum also addresses the potential impacts to nesting birds, roosting bats, and woodrats from proposed suitable habitat removal at the proposed Project site.

The discussion below indicates which CEQA checklist environmental factors are included in the impact analysis for this Addendum, relative to the changes to the project described in Section 2.

Table 1. Summary of Additional Analyses

Analysis Section	Changes in Biological Considerations
Air Quality	No new impacts are expected
Biological Resources	X
Cultural Resources	No new impacts are expected
Geology and Soils	No new impacts are expected
Hazards and Hazardous Materials	No new impacts are expected
Hydrology, Water Supply, and Water Quality	No new impacts are expected
Land Use, Population, and Housing	No new impacts are expected
Noise	No new impacts are expected
Public Services and Utilities	No new impacts are expected
Recreation	No new impacts are expected
Transportation and Traffic	No new impacts are expected
Visual Resources and Aesthetics	No new impacts are expected

Note: X = analysis included in this Addendum

Because the changes to the approved Project only account for existing changes in biological resources at the Project site and potential impacts to habitats, only the Biological Resources factor requires analysis herein.

These changes and revisions to the approved Project, analyzed in Section 4, do not result in any new significant or more severe impacts, and no additional mitigation measures or significant changes to mitigation measures are necessary. Therefore, an addendum to the 2008 IS/MND is appropriate.

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4 BIOLOGICAL RESOURCES

Analysis of impacts to biological resources of the approved Project is presented in Section C of the 2008 IS/MND. All impacts to biological resources were less than significant with mitigation measures.

For the analysis in this Addendum, project activities likely to create an impact are:

- Removal of artificial wetlands at the Project site.
- Removal of trees that could be suitable for nesting bird and roosting bat habitat at the Project site.
- Disturbance of riparian habitat that could be suitable habitat for woodrats.
- Creation of a new onsite seasonal wetland and replacement of riparian trees.

A Supplemental Biotic Report (Attachment A) was completed in October 2025 and includes analysis the project activities discussed above. The Project site is entirely developed or otherwise disturbed and is surrounded by development on all sides. Therefore, special-status plants are not expected to be present, and most special-status wildlife have no potential to occur. However, the site contains nine trees and various structures or structure-like items (e.g., storage containers, campers) that could support nesting of birds and roosting of bats. In addition, the site contains aquatic features at the northern and southern ends, some of which support wetlands. In addition, the offsite outfall construction area is dominated by riparian habitat. However, with the use of AMMs and best management practices (BMPs) described in detail in the Supplemental Biotic Report (Attachment A), the proposed project would result in less than significant impacts to biological resources pursuant to CEQA.

An evaluation of environmental effects based upon the factors in the 2008 CEQA checklist is provided below.

a. Have an adverse effect on any species identified as a candidate, sensitive, or special status species, in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife Service?

The trees that occur on and adjacent to the Project site and within the outfall construction area provide suitable nesting habitat for many species of passerine birds and raptors known to occur in the region. Similarly, the trees and structures on the Project site and within the outfall construction area may provide suitable roosting habitat for special-status bat species.

During the August 2025 site visit, multiple woodrat middens were observed between 10 and 25 ft from the outfall construction area. The riparian area within the outfall construction area provides suitable habitat for this species.

Implementation of the BMPs and AMMs found in Attachment A would ensure that impacts are less than significant.

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b. Have an adverse effect on sensitive biotic community (riparian corridor), wetland, native grassland, special forest, intertidal zone, etc.)?

Approximately 0.041 acre (455 linear feet) of artificial wetlands and other waters and 0.07 acre of riparian habitat would be impacted by the Project. The permanent loss of waters of the U.S. and/or State would be avoided through the creation of a seasonal wetland within the northwest corner of the Project site and by the replacement of riparian trees at a 3:1 ratio at Rodeo Creek. While Project implementation would result in impacts to aquatic resources, the functions and values of these resources will be replaced, so these impacts would be considered less than significant. The existing seasonal wetlands on the Project site are considered poor quality because they are small, isolated from native habitats by development, and receive untreated runoff from adjacent roadways and the Project site. These wetlands will be replaced with a single much larger (0.09 acre) wetland that will receive treated stormwater from the Project site, thereby providing an increase in both wetland area and wetland functions and values on the Project site. Furthermore, permanent loss of aquatic resources does not exceed those considered in the 2008 IS/MND.

c. Interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?

The outfall construction area occurs within the Rodeo Creek riparian corridor, which would be considered a wildlife corridor, a nursery site, and a Sensitive Natural Community. As the outfall construction component of the project is limited in nature, impacts to these resources would be avoided through tree replacement and implementation of the BMPs and AMMs found in the attached Supplemental Biotic Report (Attachment A). Therefore, impacts are less than significant.

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5 MANDATORY FINDINGS OF SIGNIFICANCE

The minor technical changes and additions described above do not affect the mandatory findings of significance presented in the 2008 IS/MND. Mitigation measures presented in the Mitigation Monitoring and Reporting Plan will be implemented to ensure that the Project's impacts remain below levels considered significant. The impact determinations remain consistent with those presented in the 2008 IS/MND. None of the factors listed in CEQA Guidelines Section 15162(a) are present; therefore, this addendum to the 2008 IS/MND is an appropriate level of environmental review for the proposed project changes, as identified in CEQA Guidelines Section 15164.

Certification:

_____ _____

Jonathan DiSalvo Date

Exhibit D

6 REPORT PREPARATION

This Addendum was prepared under the direction of Integral Consulting Inc. and its subconsultants with support from the County of Santa Cruz. This Addendum to the IS/MND reflects the independent review, analyses, and judgment of the County of Santa Cruz, as the lead agency for the approved Project. Project participants included:

County of Santa Cruz

Jonathan DiSalvo

Senior Planner

701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Environmental Consultants

Lead Consultant and Biological Resources
Integral Consulting Inc.
433 Visitacion Ave.
Brisbane, CA 94005
Project Director: Bridgette DeShields
Lead Biologist: Sadie McGarvey

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Attachment A. Supplemental Biotic Report

Exhibit D

5940 Soquel Avenue Supplemental Biotic Report

County of Santa Cruz, CA

Prepared for
KB Home South Bay
5000 Executive Pkwy, Suite 125
San Ramon, CA 94583

Prepared by

Integral Consulting Inc.
433 Visitacion Avenue
Brisbane, CA 94005

October 2025

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ACRONYMS AND ABBREVIATIONS

AMM	Avoidance and Minimization Measures
APN	Accessor Parcel Number
BMP	Best Management Practices
C-1,2	Culverted Waters
CC&Rs	Covenants, Conditions, and Restrictions
CDFW	California Department of Fish and Wildlife
CNDDB	California Natural Diversity Database
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CNPS	California Native Plant Society
CWA	Clean Water Act
CFR	Code of Federal Regulations
EIR	Environmental Impact Report
ESD	Environmental Services Division
FESA	Federal Endangered Species Act
Integral	Integral Consulting Inc.
IPaC	Information for Planning and Consultation
IS/MND	Initial Study/Mitigated Negative Declaration
LCP	Local Coastal Program
MBTA	Migratory Bird Treaty Act
MS4s	Municipal Separate Storm Sewer Systems
NAVD88	North American Vertical Datum of 1988
NMFS	National Marine Fisheries Service
NPPA	Native Plant Protection Act
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
PBFs	Physical or Biological Features

OW-1	Other Water
RM-2-R	Residential Zone District
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish Wildlife Service
USGS	U.S. Geological Survey
W-1,2,3,4	Wetlands
WDR	Waste Discharge Requirements
WMP	Wetland Management Plan

Exhibit D

EXECUTIVE SUMMARY

KB Home South Bay proposes to impact a 5-acre site at 5940 Soquel Avenue in unincorporated Santa Cruz County for the construction of a multi-family residential development with 100 townhome-style condominiums and associated infrastructure. Offsite construction activities will include road frontage improvements along Soquel Avenue and construction of a stormwater outfall within the Rodeo Gulch corridor. The project site is entirely developed or otherwise disturbed and is surrounded by development on all sides. Therefore, special-status plants are not expected to be present, and most special-status wildlife have no potential to occur. However, the site contains nine trees and various structures or structure-like items (e.g., storage containers, campers, etc.) that could support nesting birds and roosting bats. Additionally, the site contains aquatic features at the northern and southern ends, some of which support wetlands. However, with the use of avoidance and minimization measures (AMMs) and best management practices (BMPs) described below in Section 6, the proposed project would result in less than significant impacts to biological resources pursuant to CEQA.

1 INTRODUCTION

1.1 PURPOSE OF THE DOCUMENT

The purpose of this Supplemental Biotic Report is to gather information necessary to complete a review of biological resources and potential effects to those resources under the California Environmental Quality Act (CEQA) associated with the 5940 Soquel Avenue Project (Project). The analysis considers the Project location and regional potential occurrence of special-status species and their habitat in conjunction with proposed work activities to analyze potential Project-related impacts on the natural environment.

1.2 PROJECT LOCATION AND AJACENT LAND USES

The approximately 5-acre Project site is located immediately south of State Route 1 at 5940 Soquel Avenue, between the cities of Santa Cruz and Capitola in unincorporated Santa Cruz County, California (Lat. 36.9833278°, Long. -121.9765361°) (Appendix A, Figure 1). The Project site is situated within the Live Oak community and includes Accessor Parcel Number (APN) 029-021-47 (Appendix A, Figure 2). The site is bound to the north by Soquel Avenue, to the west by the County of Santa Cruz's Sheriff's Headquarters, to the south by residential development, and to the east materials supply and storage businesses. All land immediately adjacent to the site is developed or otherwise disturbed. The offsite work area associated with the construction of the stormwater outfall (i.e., the outfall construction area) is located 0.27 miles east of 5940 Soquel Avenue in unincorporated Santa Cruz County.

1.3 PROJECT DESCRIPTION

The Project involves the construction of an approximately 5-acre multi-family residential development with 100 townhome-style condominiums and associated infrastructure. The Project will include utilities, community amenities, landscaping, and bioretention facilities for stormwater treatment. A new protected seasonal wetland will be created onsite to provide compensatory mitigation for impacts to wetlands and other waters. Offsite work would include road frontage improvements along Soquel Avenue and improvements to the stormwater system that services the Project site and surrounding area through the construction of either 1) a stormwater outfall into Rodeo Gulch or 2) tapping into an existing box culvert within Soquel Avenue.

The Project would be constructed using typical site grading, site improvement, and Type 'V' wood-framed construction techniques per the California Building Code requirements. To complete these standard forms of construction, the Project requires the use of water trucks, scrapers, compactors, bulldozers, caterpillars, back-hoes, augers, concrete trucks, and assorted other hand tools and professional grade equipment.

Project implementation would include the demolition and removal of all existing onsite structures and trees, mass grading of the entire Project site, and construction of project components. The existing and proposed site plans are provided as Appendix B.

1.3.1 Wetland Creation

The permanent loss of 0.041 acre of artificial wetlands and other waters will be avoided through the creation of a 0.1-acre seasonal wetland within the northwest corner of the Project site. The wetland will be seeded with native wetland vegetation and monitored for a period of at least 5 years to ensure successful replacement of functions and services, as it has been designed to exceed those of the existing artificial wetlands and other waters.

1.3.2 Outfall Construction

Work associated with outfall construction would require removal of riparian trees occurring within the Project footprint. All trees removed would be replanted within Rodeo Gulch on and adjacent to the Project site at a 3:1 ratio. The outfall construction area will be surrounded with wildlife exclusion fencing and water quality BMPs prior to commencement of construction activities.

1.3.3 Work Activity Timing

Work is assumed to take place Monday through Saturday (6 days per week), between 7:00 a.m. to 5:00 p.m. (10 working hours per day). Some work could occur after hours or during night-time, with appropriate permits and approvals. To the extent practicable, tree removal and demolition shall occur outside timeframes when young or overwintering bats may be present (generally presumed March through April and August through October) to ensure protection of bats and their roosts.

1.3.4 Compliance and Monitoring Plans

Compliance and monitoring plans will be developed and implemented to provide compliance monitoring during construction to guide the development and implementation of construction controls. A number of avoidance and minimization measures (AMMs) would be incorporated into Project Contract Documents to address environmental and public health and safety concerns. AMMs are procedures known to further reduce the potential for adverse effects to the natural environment and are standard regulatory agency requirements, standards in the industry, and construction and operating experiences of the design engineer. During construction, controls would be implemented to minimize the temporary effect of construction on the surrounding community and environment. These compliance and monitoring plans and AMMs applicable to biological resources are provided in Section 6.

1.4 PROJECT HISTORY

The development of the Project site has been analyzed in two separate CEQA documents. An Initial Study/Mitigated Negative Declaration (IS/MND) was issued for a development consistent with the current Project in 2008 (State Clearinghouse Number 2008092113), after which the County of Santa Cruz issued an ordinance approving the Planned Use Development (Ordinance No. 5027). This development was never constructed. In 2021, an Environmental Impact Report (EIR) was issued for a medical office building project on the site (State Clearinghouse Number 2020039067). This development was also never constructed.

KB Home South Bay contracted with Integral Consulting Inc. (Integral) in 2024 to perform a review of biological constraints and then conduct a delineation of aquatic resources on the Project site. The Aquatic Resource Delineation Report (Appendix C) was submitted to the U.S. Army Corps of Engineers (USACE) in November 2024 for verification. Due to workload issues, USACE's review is still pending. An additional preliminary delineation of aquatic resources within the outfall construction area was conducted in August 2025.

1.5 SIGNIFICANCE THRESHOLDS FOR PROJECT IMPACTS

Potential impacts associated with implementation of the Project are addressed in the following sections. In accordance with Appendix G of the State CEQA Guidelines, Project-related impacts are considered significant if the Project would result in one or more of the following effects:

a. Have an adverse effect on any species identified as a candidate, sensitive, or special status species, in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife Service; or

b. Have an adverse effect on sensitive biotic community (riparian corridor), wetland, native grassland, special forest, intertidal zone, etc.); or

c. Interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites; or

d. Produce nighttime lighting that will illuminate animal habitats; or

e. Make a significant contribution to the reduction of the number of species of plants or animals; or

f. Conflict with any local policies or ordinances protecting biological resources (such as the Significant Tree Protection Ordinance, Sensitive Habitat Ordinance, provisions of the Design Review ordinance protecting trees with trunk sizes of 6-inch diameters or greater); or

g. Conflict with the provisions of an adopted Habitat Conservation Plan, Biotic Conservation Easement, or other approved local, regional, or state habitat conservation plan?

2 CURRENT SITE CONDITIONS

2.1 PERSONNEL AND SURVEY DATES

The Project site was surveyed on April 4 and October 8, 2024, by Integral personnel Naomi Schowalter, Sarah Beilman, and Shea Grady (resumes for field staff as well as the preparers of this biotic report are provided as Appendix D). The April survey included a reconnaissance-level assessment of the Project site to characterize vegetation, topography, and current uses. The October survey consisted of a formal delineation of potential waters of the U.S. and State on the Project site and offsite work areas (Appendix C). On August 4, 2025, a formal delineation of potential waters of the U.S. and State within the outfall construction area was conducted. Observations made during the site visits were used to determine the presence of suitable habitat for special-status species (presence of habitat components necessary to support the species) and sensitive habitat types.

2.2 LIMITATIONS AND ASSUMPTIONS THAT MAY INFLUENCE SURVEY RESULTS

The surveys were limited to a general habitat assessment and an aquatic resources delineation applying delineation standards developed by the USACE. Two portions of the Project site used for storage were inaccessible due to fencing, so only desktop reviews were conducted for these areas. No wildlife was observed during the field surveys. However, wildlife species may be cryptic, generally difficult to detect, transient, nocturnal, or migratory species that may only occur within the Project site for short or fleeting time periods. Wildlife species may only be active during particular times of the year, such as the breeding season, or may only use the Project site temporarily. Some plant species are also only identifiable during particular times of year. For these reasons, plant and wildlife species may be present but not observed. This limitation may influence the study results.

2.3 EXISTING CONDITIONS

The Project site is located in a multi-family residential zoning district (RM-2-R). According to the 2021 Draft EIR prepared for the property by the County of Santa Cruz, existing uses on the site include storage, salvage, and salvage yard purposes. Towing, storage, and concrete businesses operate from the site, and storage containers, vehicles, boats, and campers are scattered across the property. Three sheds and an office trailer with an attached workshop are also present. There is a single ingress/egress point from Soquel Avenue and coarsely paved internal roadways throughout the property. Various types of developments surround the property, including light-industrial, commercial, residential, and institutional.

The site is nearly flat, gently sloping southeast and southwest. Topographic depressions onsite are associated with constructed ditches at the northern and southern edges of the Project site. Mounds of dirt and debris are scattered across the site. There are numerous scattered patches of ruderal and ornamental vegetation and nine planted trees on the Project site (8 non-native and 1 native; see Appendix B). Vegetation communities onsite included non-native grassland, seasonal wetland, ruderal, and ornamental/urban. Multiple plant species on the Project site have a "High" rating on the California Invasive Plant Council Inventory, including *Cortaderia selloana* (pampas grass), *Genista monspessulana* (French broom), *Hedera helix* (English ivy), and *Rubus armeniacus* (Himalayan blackberry). However, most of the site consists of bare ground, a portion of which is paved. A full list of plant and tree species that were observed onsite during the April site visit are included in Appendix E, Table 1.

The outfall location includes portions of Soquel Avenue roadway, the southern roadway embankment, and the Rodeo Creek riparian corridor. The Rodeo Creek riparian area is characterized by an overstory dominated by arroyo willow (*Salix lasiolepis*) and coast live oak (*Quercus agrifolia*) and an understory dominated by Himalayan blackberry.

2.3.1 Soils

According to the Natural Resources Conservation Service (NRCS), one soil map unit is present on the Project site: Elkhorn sandy loam, 2 to 9 percent slopes. Elkhorn soils are derived from marine deposits and occur on terraces and alluvial fans. The typical soil profile is composed of sandy loam and sandy clay loam. Elkhorn soils are well drained with low runoff and no shallow restrictive features. Only one percent of the soil map unit has a hydric soil rating.

2.3.2 Hydrology

The Project site is in the Monterey Bay watershed (Hydrologic Unit Code 12: 180600150305) (Appendix A, Figure 3). Monterey Bay is approximately 1.5 miles south of the Project site. The closest major drainage, Rodeo Creek Gulch, is located approximately one-quarter mile east. The Project site is nearly flat, sloping slightly southwest and deriving hydrology primarily from direct precipitation. There is a drainage ditch and ponded area between the Project site and Soquel Avenue that prevents roadway runoff from flowing onto the property from the north. It is unclear where flow in the ditch (OW-1 on Appendix A, Figure 4) along the southern edge of the property goes upon leaving the parcel boundary. Santa Cruz County stormwater conduit data does not display any stormwater facilities in this area (Appendix A, Figure 5).

The Rodeo Creek is within the Arana Gulch-Rodeo sub-watershed which drains a 3.5 square-mile area along the eastern edges of the City of Santa Cruz. From the outfall construction site, Rodeo Creek flows southward for 1.5 miles where it enters Corcoran Lagoon, which empties into the Monterey Bay.

2.4 WATERS OF THE U.S./STATE

The Project site contains multiple artificial wetlands and other waters, created to convey stormwater. The 2008 IS/MND notes that a drainage pipe had been crushed years prior resulting in stormwater pooling onsite. The Project site contains approximately 0.041 acre (455 linear feet) of aquatic resources, including 0.031 acre of seasonal wetlands (W-1, W-2, and W-4), 0.010 acre (290 linear feet) of other waters (OW-1), and 165 linear feet of culverted waters (C-1 and C-2) (Appendix C). An additional 0.002-acre wetland (W-3) proposed for avoidance was mapped immediately east of the Project site. Aquatic resources on the Project site are *potentially* regulated as waters of the U.S. pursuant to the Clean Water Act and as waters of the State pursuant to the Porter-Cologne Act. The delineation map is provided in Appendix A, Figure 4.

Wetlands onsite are associated with topographic depressions receiving channelized and unconfined runoff from upslope surfaces. Geospatial data (Santa Cruz County, 2024a) indicates that W-1 and W-2 are part of the County's stormwater conduit system (Appendix A, Figure 5), and stormwater pipes drain to and from each wetland. However, no culverts were visible at W-1 during the field surveys, and though a culvert under State Route 1 currently conveys flow into W-2 (C-1), the culvert meant to convey flow away from W-2 (C-2) does not appear to be functioning. Therefore, W-2 functions as a pond for a large portion of the wet season. W-4 is not part of the County's stormwater conduit system but occurs at the terminus of a drainage ditch (OW-1) along the southern boundary of the Project site. All wetlands within the Project site are considered poor quality because they are small, isolated from native habitats by development, and receive untreated runoff from adjacent roadways and the Project site, both of which are likely to be source of contaminants. These wetlands will be replaced with a single much larger (0.09 acre) wetland that will receive treated stormwater from the Project site, thereby providing an increase in both wetland area and wetland functions and values on the Project site.

One other water (OW-1) was identified along the southern boundary of the Project site, consisting of a 1.5-foot-wide constructed ditch. It is assumed that this ditch was constructed to prevent runoff from the Project site from flooding the residential development to the south. Another ditch was observed along the eastern portion of the Project site that did not contain an ordinary high water mark and therefore does not constitute a potential water of the U.S. or State (located at SP-7 on Appendix A, Figure 4).

The outfall construction area contains approximately 0.07 acre of the Rodeo Creek riparian corridor; however, no wetlands or other waters occur within the Project footprint at this location. Impacted riparian trees will be replanted along Rodeo Creek at a 3:1 ratio.

3 POTENTIAL IMPACTS TO SPECIAL-STATUS SPECIES

3.1 APPLICABLE LAWS

Special-status species include species considered to be rare by federal and/or state resource agencies (USFWS, National Marine Fisheries Service (NMFS), and CDFW) and/or the scientific community (California Native Plant Society (CNPS)) and are accordingly legally protected pursuant to the federal, state, and/or local laws described below.

3.1.1 Endangered Species Act of 1973

The Endangered Species Act of 1973 (referred to as the Federal Endangered Species Act [ESA]) prohibits the "take" of any wildlife species listed by the USFWS or NMFS (collectively referred to as the Services) as threatened or endangered, including the destruction of habitat that could hinder species recovery. The term "take" is defined by Federal ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct, with habitat protected under the "harm" and "harass" definitions. The USFWS and NMFS oversee the implementation of Federal ESA (50 Code of Federal Regulations (CFR) § 402.7, Section 305(b)(4)(B)) and have regulatory authority over listed plants, wildlife, and fish. When species are listed as endangered or threatened under Federal ESA, the federal government is also directed to designate critical habitat for these species. To remain compliant with the Federal ESA, federal action agencies, such as USACE, are required to consult with the Services prior to issuance of a permit if a project "may affect" a federally listed species or designated critical habitat. If the federal action agency determines the federal action would have no effect on a listed species (when there is no potential for presence of a listed species) or designated critical habitat, no consultation with the Services is required.

The USFWS and NMFS administer the Federal ESA and authorize exceptions to the take prohibition through issuance of Biological Opinions in consultation with the federal action agency. The USFWS has primary responsibility for terrestrial and freshwater organisms, whereas the responsibilities of the NMFS are mainly marine wildlife, such as whales, and anadromous fish, such as salmon.

3.1.2 Migratory Bird Treaty Act (MBTA)

The MBTA of 1918 (16 United States Code (U.S.C.) 703-712; Ch. 128; July 13, 1918; 40 Stat. 755; as amended in 1936; 1960, 1968, 1969, 1974, 1978, 1986, and 1998) (between the United States, Canada, Mexico, and Japan) prohibits the take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct) of any migratory bird or any part, nest, or egg of any such bird. The USFWS issues permits for take of migratory birds related to scientific collecting, banding and marking, falconry, raptor

propagation, depredation, import, export, taxidermy, waterfowl sale and disposal, and special purposes.

3.1.3 California Endangered Species Act (CESA)

The CESA prohibits the "take" of any wildlife species listed as endangered and threatened by the State of California. The term "take" is defined by Fish and Game Code Section 86 as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Section 2090 of the CESA requires state agencies to comply with regulations for protection and recovery of listed species and to promote conservation of these species. CDFW administers the CESA and authorizes exceptions to the take prohibition through Section 2081 agreements (Incidental Take Permits) (except for designated "fully protected species"). Species that the California Fish and Game Commission has accepted as candidates for listing are likewise given full CESA protection.

3.1.4 California Native Plant Protection Act (NPPA)

The NPPA allows the Fish and Game Commission to designate plants as rare or endangered. The NPPA prohibits take of endangered or rare native plants but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations.

3.1.5 California Fish and Game Code (Fully Protected Species)

The State of California designated 37 species of wildlife that were rare or faced possible extinction with the classification of Fully Protected in the 1960s to provide additional protection to those species. To provide additional protections for wildlife that is rare or faces potential extinction, California Fish and Game Code Sections 3511, 4700, 5050, and 5515 designate "fully protected" status for specific birds, mammals, reptiles, amphibians, and fish. Fully protected species cannot be taken or possessed at any time and no licenses or permits can be issued for their take. Exceptions are established for scientific research collection, relocation of the bird species for the protection of livestock and take resulting from recovery activities for state-listed species.

3.1.6 California Fish and Game Code (Birds)

California Fish and Game Code Section 3503 prohibits the take of nest or eggs of any bird. Raptors and other fully protected bird species are further protected in Sections 3503.5 and 3511, which state that these species or parts thereof may not be taken or possessed at any time.

3.1.7 CEQA

CEQA is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. The planning process entered into with the County of Santa Cruz (County) will identify the County's specific CEQA process and what issues they would like to see addressed in a CEQA analysis. Certain species and habitats are afforded protection solely through the CEQA process.

3.1.7.1 CDFW Species of Special Concern

A species of special concern is an administrative designation given by CDFW to a native species that meets one or more of the following criteria: is extirpated from the state; is federally (but not state) listed; is experiencing, or formerly experienced, population declines or range restrictions; or has naturally small populations at high risk of declines. While this designation carries no legal status, CEQA Guidelines Section 15380 clearly indicates that species of special concern should be included in an analysis of project impacts.

3.1.7.2 CNPS Inventory of Rare and Endangered Plants

CNPS designates California rare plants through a ranking system, maintaining an Inventory of Rare, Threatened, and Endangered Plants of California. Many plant species have a CNPS rare plant rank but are not afforded legal protection under the NPPA or CESA. These species may still meet the CEQA definition of rare and endangered and therefore fall under Section 15380 of the CEQA Guidelines.

3.2 METHODOLOGY

Information about special-status species that could occur on the Project site was obtained from the following sources:

- California Natural Diversity Database (CNDDB) (CDFW 2024a)
- CNPS Inventory of Rare, Threatened, and Endangered Plants of California (CNPS 2024)
- USFWS Information for Planning and Consultation (IPaC) (USFWS 2024b)
- Personal observations

The CNDDB was used to query all special-status species with occurrences that are not identified as "extirpated" within 3 miles of the Project site. A query of the CNPS Inventory of Rare, Threatened, and Endangered plants of California was conducted for CNPS-ranked plant species with recorded occurrences on the same USGS 7.5-minute quadrangle as the Project site (Soquel quadrangle). An IPaC list was generated using the property boundary. The species

identified in these searches were compiled in tables (Appendix E, Tables 2 and 3) and evaluated for likelihood of occurrence on the Project site. The potential for species to be present on the Project site was classified as high, moderate, low, or none using the following definitions:

- **High**: The potential for a species to occur was considered high when the Project site was located within the range of the species, recorded observations were identified within known dispersal distance of the Project site, and suitable habitat was present on the Project site.
- **Moderate**: The potential for a species to occur was considered moderate when the Project site was located within the range of the species, recorded observations were identified nearby but outside known dispersal distance of the Project site, and suitable habitat was present on the Project site. A moderate classification was also assigned when recorded observations were identified within known dispersal distance of the Project site but habitat on the Project site was of limited or marginal quality.
- **Low**: The potential for a species to occur was considered low when the Project site was within the range of the species, but no recorded observations within known dispersal distance were identified, and habitat on the Project site was limited or of marginal quality. The potential for a species to occur was also classified as low when the Project site was located at the edge of a species' range and recorded observations were extremely rare, but habitat on the Project site was suitable.
- **None**: The potential for a species to occur was considered nonexistent when a species was not expected to occur within or adjacent to the Project site due to lack of suitable habitat and recorded observations within dispersal distance from the Project site.

3.3 POTENTIAL FOR OCCURRENCE OF SPECIAL-STATUS PLANTS

According to the CNDDB, the CNPS Inventory of Rare, Threatened, and Endangered Plants of California, and the USFWS IPaC, a total of 18 special-status plant species have potential to occur in the vicinity of the Project site. A brief description of each of these species is included in Appendix E, Table 2, including the species' status, habitat, and probability of occurrence on the Project site.

Most of the regionally known special-status plant species require specialized soils or habitats that are not found on the Project site. Additionally, the entire Project site and the adjoining properties are developed or otherwise disturbed. While the outfall construction area occurs within riparian habitat, the only riparian species with presumed extant records in the area is the California bottle-brush grass (*Elymus californicus*), and no grasses were observed within the densely vegetated outfall construction area. This species is not expected to occur therein

due to the disturbed nature of the area (within the road prism) and the dense perennial vegetative cover. Therefore, no special-status plants are expected to occur.

3.4 POTENTIAL FOR OCCURRENCE OF SPECIAL-STATUS WILDLIFE

According to the CNDDB, records for a total of 15 special-status wildlife species have been documented within three miles of the Project site. A brief description of each of these species is included in Appendix E, Table 3, including the species' status, habitat, and probability of occurring within the Project site. Ten additional FESA species were identified by IPaC. Most of these regionally known special-status species require specialized habitats that do not occur on the Project site and therefore are not expected to occur. Additionally, the entire Project site and the adjoining properties are developed or otherwise disturbed. However, the outfall construction area occurs within riparian habitat. Therefore, only nesting birds, special-status bats, and San Francisco dusky-footed woodrats (*Neotoma fuscipes annectens*) have potential to occur on the Project site and/or the offsite outfall construction area.

3.4.1 Special-Status Wildlife with Potential to Occur

3.4.1.1 Bats

Two species of special-status bats have been observed in the vicinity of the Project site per CNDDB: Townsend's big-eared bat (*Pelcotus townsendii*) and pallid bat (*Antrozous pallidus*). Trees and structures on the Project site and within the outfall construction area may provide suitable roosting habitat for these special-status bat species, though the likelihood is relatively low. Townsend's big-eared bat is particularly unlikely to roost on the property since it is extremely sensitive to disturbance of roosting sites and there is ongoing activity on the site.

3.4.1.2 Nesting Birds

The trees that occur on and adjacent to the Project site and within the outfall construction area provide suitable nesting habitat for many species of passerine birds and raptors known to occur in the region. No nests were observed during the site visits. However, owing to the mobile nature of birds and the seasonality of their nesting cycle, it is possible that birds will nest within the Project site during future nesting seasons.

3.4.1.3 San Francisco Dusky-footed Woodrat

During the August 2025 site visit, multiple San Francisco dusky-footed woodrat (woodrat) middens were observed between 10 and 25 feet from the outfall construction area. The riparian area within the outfall construction area provides suitable habitat for this species.

3.5 IMPACT ASSESSMENT

3.5.1 Special-Status Plants

The entire Project site and the adjoining properties are developed or otherwise disturbed. Therefore, no special-status plants are expected to occur, and Project implementation would not result in impacts to special-status plants.

3.5.2 Special-Status Wildlife

3.5.2.1 Bats

There is potential for special-status bats, including Townsend's big-eared bat and pallid bat, to occur on the Project site. Nine trees and all existing structures and structure-like items (e.g., storage containers, campers, etc.) that could provide suitable roosting habitat would be removed for the development of the site. If bats are roosting in the Project vicinity, roost abandonment could occur as a result of disturbance. However, impacts to special-status bats would be avoided through implementation of Avoidance and Minimization Measures in Section 8.2. *Accordingly, while Project implementation could result in impacts to roosting bats, with implementation of these measures, these impacts would be reduced to a level considered less than significant pursuant to CEQA and do not exceed those considered in the 2008 IS/MND*.

3.5.2.2 Nesting Birds

There is potential for birds to nest on the Project site. The removal of nine trees from the Project site and indirect impacts to trees adjacent to the Project site has the potential to result in nest abandonment by special-status birds. However, impacts to nesting birds would be avoided through implementation of Avoidance and Minimization Measures in Section 8.2. *Accordingly, while Project implementation could result in impacts to nesting birds, with implementation of these measures, these impacts would be reduced to a level considered less than significant pursuant to CEQA and do not exceed those considered in the 2008 IS/MND*.

3.5.2.3 San Francisco Dusky-footed Woodrat

There is potential for woodrats to occur within or near the outfall construction area. However, impacts to woodrats would be avoided through isolation of the work area from the adjacent Rodeo Creek riparian corridor and implementation of Avoidance and Minimization Measures in Section 8.2. *Accordingly, while Project implementation could result in impacts to woodrats, with implementation of these measures, these impacts would be reduced to a level considered less than significant pursuant to CEQA and do not exceed those considered in the 2008 IS/MND.*

4 POTENTIAL IMPACTS TO SPECIAL-STATUS HABITATS

4.1 APPLICABLE LAWS

Certain habitats are regulated by state and federal resource agencies and are accordingly legally protected via the federal and/or state laws defined below.

4.1.1 Section 401 and 404 of the Clean Water Act (CWA)

Section 404 of the CWA, administered by the U.S. Environmental Protection Agency and USACE, establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including traditionally navigable waters, relatively permanent tributaries to those waters, and wetlands with a continuous surface connection to regulated waters. Per Section 404, a permit is required prior to discharge of dredged or fill material into waters of the United States, unless the activity is exempt from Section 404 regulation.

Under Section 401 of the CWA, a federal agency may not issue a permit or license to conduct any activity that may result in any discharge into waters of the United States unless a Section 401 water quality certification is issued, or certification is waived. States and authorized tribes where the discharge originate are generally responsible for issuing water quality certifications. In the State of California, the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (Regional Water Boards) are the State certifying authorities.

4.1.2 National Pollutant Discharge Elimination System (NPDES) Permit Program

The NPDES Permit Program, also authorized by the CWA, controls water pollution by regulating point sources (discrete conveyances such as pipes or constructed ditches) that discharge pollutants into waters of the United States. The NPDES Permit Program includes the Municipal Storm Water Permitting Program, which regulates storm water discharges from municipal separate storm sewer systems (MS4s). The MS4 Permit Program was established to restore and maintain the chemical, physical, and biological integrity waters of the U.S./State and reduce/eliminate storm water pollution. The implementation of these federal programs has been charged to the State of California for implementation through the SWRCB and Regional Water Boards. In California, NPDES permits are also referred to as waste discharge requirements (WDR) that regulate discharges to waters of the United States.

4.1.3 Porter Cologne Water Quality Control Act

The SWRCB and its nine regional water boards have been charged with the protection and enhancement of water quality in the State of California. Pursuant to the Porter Cologne Water

Quality Control Act (Porter-Cologne Act), waters of the State are defined as "any surface water or groundwater, including saline waters, within the boundaries of the state." This is generally taken to include all waters of the U.S., all surface waters not considered to be waters of the U.S. (e.g., non-jurisdictional wetlands), groundwater, and territorial seas (with territorial boundaries extending 3.0 nautical miles beyond outermost islands, reefs, and rocks and includes all waters between the islands and the coast). Per the Porter-Cologne Act, the Regional Water Board has authority to regulate discharges of fill and dredged material into waters of the State.

4.1.4 Fish and Game Code Section 1600 *et seq.*

CDFW regulates diversions and obstructions of the natural flows, and material changes or uses of the beds, channels, or banks, of rivers, streams, and lakes under Section 1600 *et seq.* of California Fish and Game Code. The term stream, which includes creeks and rivers, is defined in 14 California Code of Regulations Section 1.72 as follows: "A stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation." Per Section 1.56, the term lake "includes natural lakes or man-made reservoirs."

4.1.5 FESA

When species are listed as endangered or threatened under FESA, the federal government is also directed to designate critical habitat for these species. Critical habitat is designated by the Services to protect areas that are essential to the survival of federally listed species. Under FESA, critical habitat is defined as a "specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection." When designating critical habitat, the Services focus on the principal biological or physical features (PBFs) in the defined area that are essential to the conservation of the listed species. The FESA requires Federal agencies to use their authorities to conserve endangered and threatened species and to consult USFWS and/or NMFS about actions that they carry out, fund, or authorize to ensure that they will not destroy or adversely modify critical habitat.

4.1.6 CEQA

4.1.6.1 Sensitive Biotic Communities

CDFW ranks Natural Communities according to their rarity and threats using NatureServe's Heritage Methodology. Natural Communities with ranks of S1-S3 are considered Sensitive Biotic Communities and are required to be addressed in the environmental review processes of CEQA and its equivalents.

4.2 METHODOLOGY

Information about aquatic resources and special-status habitats that could occur on the Project site was obtained from the following sources:

- Integral site visits (April 4, and October 8, 2024; see Section 2.1)
- CNDDB (CDFW 2024a)
- USFWS Critical Habitat shapefiles

The CNDDB was used to query all special-status habitats with known occurrences within 3 miles surrounding the Project site. USFWS shapefiles were used to map critical habitat in the vicinity of the Project site.

4.3 SENSITIVE BIOTIC COMMUNITIES

The Project site supports approximately 0.041 acre (455 linear feet) of aquatic resources, including 0.031 acre of seasonal wetlands (W-1, W-2, and W-4), 0.010 acre (290 linear feet) of other waters (OW-1), and 165 linear feet of culverted waters (C-1 and C-2) (Appendix C). An additional 0.002-acre wetland (W-3) proposed for avoidance was mapped immediately east of the Project site. In addition, the outfall construction area occurs within 0.07 acre of the Rodeo Creek riparian corridor. Aquatic resources on the Project site are *potentially* regulated as waters of the U.S. pursuant to the Clean Water Act and waters of the State pursuant to the Porter-Cologne Act and Fish and Game Code Section 1600 *et seq.* Aquatic resources proposed to be impacted by the Project are displayed in Appendix A, Figure 6a and 6b.

There are no CNDDB records of Sensitive Biotic Communities within 3 miles of the Project site, however, wetlands and riparian corridors like that associated with Rodeo Creek are considered Sensitive Biotic Communities.

4.4 CRITICAL HABITAT

No designated critical habitat occurs on or adjacent to the Project site. However, designated critical habitat for four species occurs within 3 miles of the Project site: Santa Cruz tarplant (*Holocarpha macradenia*), Zayante band-winged grasshopper (*Trimerotropis infantilis*), tidewater goby (*Eucyclogobius newberryi*), and robust spineflower (*Chorizanthe robusta* var. *robusta*). The closest designated critical habitat is for Santa Cruz tarplant and is approximately 0.6 mile from the Project site.

4.5 WILDLIFE CORRIDORS AND NURSERY SITES

The Project site does not act as a wildlife corridor or a nursery site. A wildlife corridor is a portion of land that adjoins two or more larger areas of similar natural environment, often connecting wildlife populations separated by natural or created activities, disturbances, or structures. Wildlife corridors are used for dispersal and migration of wildlife, allowing for genetic exchange, population growth, and access to larger stretches of suitable habitats, and reducing habitat fragmentation. While the Project site provides some foraging and marginal resting habitat, it is regularly disturbed, is surrounded on four sides by developed landscapes, and does not offer the necessary protection or resources required to be considered a wildlife corridor. Riparian corridors like that associated with Rodeo Creek are generally considered wildlife corridors.

A nursery site is an area where juveniles occur at higher densities, avoid predation more successfully, or grow faster there than in a different habitat (Beck et. al. 2001). The Project site exhibits no evidence of being a nursery site. As an active towing, storage, and concrete business site that is subject to regular disturbance, the Project site is not buffered from the adjacent urban landscape and does not provide enhanced protection or nesting/roosting habitats that would be components of nursery sites. Riparian corridors like that associated with Rodeo Creek are generally considered nursery sites.

4.6 IMPACT ASSESSMENT

4.6.1 Sensitive Biotic Communities

Approximately 0.041 acre (455 linear feet) of artificial wetlands and other waters would be impacted by the Project. The permanent loss of waters of the U.S. and/or State would be avoided through the creation of a seasonal wetland within the northwest corner of the Project site. Similarly, the permanent loss of 0.07 acre of riparian habitat would be avoided through the replacement of trees removed at a 3:1 ratio. *While Project implementation* would *result in impacts to aquatic resources, the functions and values of these resources will be replaced onsite and these impacts would be reduced to a level considered less than significant pursuant to CEQA and permanent loss of aquatic resources does not exceed those considered in the 2008 IS/MND*.

The outfall construction area occurs within the Rodeo Creek riparian corridor, which is considered a Sensitive Biotic Community. As the outfall construction component of the project is limited in nature, impacts to Sensitive Biotic Communities would be avoided through tree replacement, implementation of Avoidance and Minimization Measures in Section 8.2. *Accordingly, while Project implementation could result in impacts to Sensitive Biotic Communities, with implementation of these measures, these impacts would be reduced to a level considered less than significant pursuant to CEQA and do not exceed those considered in the 2008 IS/MND.*

4.6.2 Critical Habitat

The Project site does not occur within or near any designated critical habitat units. Therefore, Project implementation would not result in impacts to critical habitat.

4.6.3 Wildlife Corridors and Nursery Sites

The Project site does not occur within a wildlife corridor and does not support any wildlife nursery sites. However the outfall construction area occurs within the Rodeo Creek riparian corridor, which would be considered both a wildlife corridor and nursery site. As the outfall construction component of the project is limited in nature, impacts to wildlife corridors and nursery sites would be avoided through tree replacement, implementation of Avoidance and Minimization Measures in Section 8.2. *Accordingly, while Project implementation could result in impacts to wildlife corridors and nursery sites, with implementation of these measures, these impacts would be reduced to a level considered less than significant pursuant to CEQA and do not exceed those considered in the 2008 IS/MND.*

5 NIGHTTIME LIGHTING

Work is proposed to take place Monday through Saturday (6 days per week), between 7:00 a.m. to 5:00 p.m. (10 working hours per day). Some work could occur after hours or during the night-time, if necessary, and with appropriate permits and approvals. This remains consistent with the 2008 IS/MND.

6 REDUCTION OF SPECIES

The Project site is developed or otherwise disturbed. According to a 2021 Draft Environment Impact Report prepared for the property by the County of Santa Cruz, existing uses on the site include storage, salvage, and salvage yard purposes. Towing, storage, and concrete businesses operate from the site, and storage containers, vehicles, boats, and campers are scattered across the site. Three sheds and an office trailer with an attached workshop are also present. The Project site does not provide habitat conducive to supporting significant populations of native plants or animals.

While the outfall construction area occurs within riparian habitat, the outfall construction component of the project is limited in nature, and impacts to any significant number of species of plants or animals would be avoided through tree replacement and implementation of Avoidance and Minimization Measures in Section 8.2.

Implementation of the proposed Project would not result in significant reduction in the number of species or plants or animals at the Project site. This remains consistent with the 2008 IS/MND.

7 APPLICABLE LOCAL PLANS, ORDINANCES, AND LAWS

7.1 SANTA CRUZ COUNTY GENERAL PLAN 2024

The 2024 General Plan for the County of Santa Cruz (also known as the Local Coastal Program (LCP)) serves to guide and regulate land use and development in unincorporated Santa Cruz County. The following goals in the 2024 General Plan (County of Santa Cruz, 2024b) are relevant to the development of the Property with regard to biological resource constraints; the project complies with all of these goals. Justification for how the Project complies with each goal is provided in *italics* below the General Plan text.

7.1.1 Objective ARC-3.1 Biological Diversity

To maintain the biological diversity of the County through an integrated program that includes open space acquisition and protection; identification and protection of plant habitat and wildlife corridors and habitats; protection and restoration of habitat for local, state, and federally protected species; careful regulation of low-intensity and resource compatible land uses in sensitive habitats; and mitigation for project impacts and resource extraction.

The Project will maintain the biological diversity of the County by replacing impacted wetlands on the Project site with a single larger, higher quality wetland. The Project will also replace riparian trees removed from the riparian corridor at the offsite outfall construction area at a 3:1 ratio.

7.1.1.1 ARC-3.1.2 Definition of Sensitive Habitat

An area is defined as a sensitive habitat if it meets one or more of the following criteria:

(1) Areas of special biological significance as identified by the State Water Resources Control Board.
(2) Areas that provide habitat for locally unique biotic species/communities, including coastal scrub, maritime chaparral, native rhododendrons and associated Elkgrass, mapped grasslands in the coastal zone and sand parkland; and Special Forests including San Andreas Live Oak Woodlands, Valley Oak, Santa Cruz Cypress, indigenous Ponderosa Pine, indigenous Monterey Pine and ancient forests.
(3) Areas adjacent to essential habitats of rare, endangered or threatened species as defined in (5) and (6) below.
(4) Areas that provide habitat for Species of Special Concern as listed by the California Department of Fish and Wildlife in the Special Animals list, California Natural Diversity Database.
(5) Areas that provide habitat for rare or endangered species that meet the definition of Section 15380 of the California Environmental Quality Act guidelines.

(6) Areas that provide habitat for rare, endangered or threatened species as designated by the California Fish and Game Commission, United States Fish and Wildlife Service or California Native Plant Society.
(7) Nearshore reefs, rocky intertidal areas, sea caves, islets, offshore rocks, kelp beds, marine mammal hauling grounds, sandy beaches, shorebird roosting, resting and nesting areas, cliff nesting areas and marine, wildlife or educational/research reserves.
(8) Dune plant habitats.
(9) All lakes, wetlands, estuaries, lagoons, streams and rivers.
(10) Riparian corridors.

Wetlands are the only sensitive habitats on the Project site. Additionally, a riparian corridor is present at the offsite outfall construction area.

7.1.1.2 ARC-3.1.4 Sensitive Habitat Protection Ordinance

Implement protection of sensitive habitats and of ESHA [Environmentally Sensitive Habitat Areas] through SCCC [Santa Cruz County Code] Chapters 16.32 Sensitive Habitat Protection, 16.30 Riparian Corridor and Wetlands Protection, and 13.20 Coastal Zone Regulations. Any amendments to this ordinance shall require a finding that sensitive habitats shall be afforded equal or greater protection by the amended language.

The Project will protect sensitive habitats, including wetlands and riparian corridors, by replacing and enhancing the functions and values of the impacted areas within these habitats. The low-quality wetlands on the Project site will be replaced with a higher quality wetland, and riparian trees removed at the offsite outfall construction area will be replaced at a 3:1 ratio within Rodeo Creek.

7.1.1.3 ARC-3.1.6 Development Within Sensitive Habitats

Sensitive habitats shall be protected against any significant disruption of habitat values, and any proposed development within or adjacent to these areas must maintain or enhance the functional capacity of the habitat. Reduce in scale, redesign, or, if no other alternative exists, deny any project that cannot sufficiently mitigate significant adverse impacts on sensitive habitats unless approval of a project is legally necessary to allow a reasonable use of the land.

The Project will not significantly disrupt habitat values of sensitive habitats, and impacted sensitive habitats will be enhanced by the Project. The wetlands on the Project site are considered low quality because they are small, surrounded by development, and receive untreated runoff. The riparian habitat at the outfall construction area is also relatively low quality because it is located along a trash-covered roadway embankment. The Project will enhance these impacted habitats by constructing a high-quality seasonal wetland on the Project site and by replacing riparian trees impacted by the work in Rodeo Gulch at a 3:1 ratio.

7.1.1.4 ARC-3.1.7 Site Design and Use Regulations

Protect sensitive habitats against any significant disruption or degradation of habitat values in accordance with the Sensitive Habitat Protection ordinance. Utilize the following site design and use regulations on parcels containing these resources, excluding existing agricultural operations:

(1) Structures, when allowed, shall be placed as far from the habitat as feasible.
(2) Delineate development envelopes to specify location of development in minor land divisions and subdivisions.
(3) Consider use of conservation or open space easements, deed restrictions, Conditions of Approval or equivalent measures to protect that portion of a sensitive habitat on a project parcel which is undisturbed by a proposed development activity or to protect sensitive habitats on adjacent parcels.
(4) Limit or restrict outdoor access of domestic animals where they threaten sensitive habitats.
(5) Limit removal of native vegetation to the minimum amount necessary for structures, landscaping, driveways, septic systems and gardens.
(6) Maintain regulations and impose development permit conditions of approval as warranted, to limit landscaping with invasive or exotic species and to strongly encourage or require the use of characteristic native species, as well as consistency with the Water Efficient Landscaping Ordinance.

Sensitive habitats will be protected by replacing them in-kind with higher quality habitats and by expanding the area of the sensitive habitats. Impacts to sensitive habitats are the minimum necessary to achieve the Project purpose.

7.1.2 Objective ARC-3.3 Riparian Corridors and Wetlands

To preserve, protect, and restore all riparian corridors and wetlands for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.

As outlined above, the Project will restore and enhance impacted riparian corridors and wetlands.

7.1.2.1 ARC-3.3.1 Designation of Riparian Corridors and Wetlands

Designate and define the following areas as Riparian Corridors:

(1) 50’ from the top of a distinct channel or physical evidence of high-water mark of a perennial stream;
(2) 30’ from the top of a distinct channel or physical evidence of high water mark of an intermittent stream as designated on the General Plan maps and through field

inspection of undesignated intermittent and ephemeral streams;
(3) 100' of the high water mark of a lake, wetland, estuary, lagoon, or natural body of standing water;
(4) The landward limit of a riparian woodland plant community (water-dependent woodland areas); and
(5) Wooded arroyos within urban areas.

The riparian corridor at the outfall construction area has been mapped in accordance with this definition.

7.1.2.2 ARC-3.3.2 Riparian Corridor and Wetland Protection Ordinance

Implement the protection of riparian corridors and wetlands through the Riparian Corridor and Wetland Protection ordinance to ensure no net loss and to encourage restoration and a net increase of riparian corridors and riparian wetlands. Any amendments to this ordinance shall require a finding that riparian corridors and wetlands shall be afforded equal or greater protection by the amended language.

As outlined above, the Project will result in a net increase in riparian corridor and wetland area and function.

7.1.2.3 ARC-3.3.3 Activities Within Riparian Corridors and Wetlands

Development activities, land alteration, and vegetation disturbance within riparian corridors and wetlands and required buffers shall be prohibited unless an exception permit is granted per the Riparian Corridor and Wetlands Protection ordinance. As a condition of a riparian exception permit, require evidence of compliance with applicable permit or review requirements of the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and other federal or state agencies that may have regulatory authority over activities within riparian corridors and wetlands.

A Riparian Exception was granted for the outfall riparian impacts in 2008. The Project will comply with the Riparian Corridor and Wetlands Protection ordinance by resulting in a net increase in riparian corridor and wetland area and function. The Project will obtain permits from CDFW and the Regional Water Board and will comply with applicable permit requirements.

7.1.2.4 ARC-3.3.5 Setback from Wetlands

Prohibit development within the 100-foot riparian corridor of all wetlands. Permit exceptions to this setback only where consistent with the Riparian Corridor and Wetlands Protection ordinance, and in all cases, maximize distance between proposed structures and wetlands as feasible and mitigated. Require measures to prevent water quality degradation from adjacent land uses, as outlined in Goal ARC-4: Water Resources.

The Project will comply with the Riparian Corridor and Wetlands Protection ordinance by resulting in a net increase in riparian corridor and wetland area and function. Impacts to riparian corridors and wetlands are the minimum necessary to achieve the Project purpose.

7.1.2.5 ARC-3.3.8 Environmental Review for Riparian Corridor and Wetland Protection

Require environmental review of all proposed development projects affecting riparian corridors or wetlands and preparation of a Biotic Report for projects that, as proposed, may have a significant effect on the corridors or wetlands. Compliance with County regulations is generally considered to prevent the possibility of significant environmental impacts, and any biotic and/or riparian exception permit process may involve project specifications and/or conditions that would also prevent the possibility of significant environmental impacts.

This document implements this requirement.

7.1.2.6 ARC-3.3.9 Management Plans for Wetland Protection

Require development in or adjacent to wetlands to incorporate the recommendations of a management plan that evaluates: migratory waterfowl use from December 1 to April 30, native fish migration, compatibility of agricultural uses and biotic and water quality protection, maintenance of biologic productivity and diversity, flood protection and hydrologic value, and the permanent protection of adjoining uplands.

The wetland created on the Project site will be managed in accordance with a long-term management plan, Stormwater Control Plan, and the Covenants, Conditions, and Restrictions (CC&Rs) for the development.

7.1.2.7 ARC-3.3.10 Development in Wetland Drainage Basins

Require development projects in wetland drainage basins to include drainage facilities or Best Management Practices (BMPs) that will maintain surface runoff patterns and water quality, unless a wetland management plan specifies otherwise, and will minimize erosion, sedimentation, and introduction of pollutants.

The wetland created on the Project site will be managed in accordance with a long-term management plan, Stormwater Control Plan, and the CC&Rs for the development. These documents will ensure that the Homeowners Association maintains drainage facilities providing hydrology to the wetland and protects the water quality of the wetland.

8 IMPACTS, MONITORING PLANS, AVOIDANCE MEASURES

With compliance with regulatory authorizations, implementation of compliance plans and monitoring programs, and AMMs, all Project-related impacts on biological resources would be reduced to a level considered less than significant and would not exceed those considered in the 2008 IS/MND.

8.1 REGULATORY AUTHORIZATIONS

Implementation of the Project would result in impacts to a total of approximately 0.041 acre (455 linear feet) of aquatic resources on the Project site and 0.07 acre of riparian habitat within the outfall construction area. Preparation and implementation of the below Environmental Monitoring Plans and avoidance and minimization measures, in addition to agency consultation and compliance with Project authorizations issued by applicable regulatory agencies, would ensure reduction of impacts to protected habitats to a level considered less than significant pursuant to CEQA.

Prior to Project commencement, consultation with and/or authorization from applicable state agencies (e.g., Regional Water Board and CDFW) and federal agencies (e.g., USACE) charged with overseeing potential impacts on special-status habitats shall be secured. All terms and/or conditions (e.g., monitoring, reporting, timing, and work limits) established within the agency consultations and authorizations would be fully implemented. Any identified compensatory mitigation would be completed consistent with agency consultation and authorization requirements.

8.2 ENVIRONMENTAL MONITORING PLANS

As discussed in Section 1.3.3, the compliance and monitoring plans described below would be incorporated into the Project's Contract Documents to ensure protection of the environment.

8.2.1 Stormwater Pollution Prevention Plan

Construction activities that would disturb 1 acre or more of soil, or that would disturb less than 1 acre but are part of a larger common plan of development that in total would disturb 1 or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ (Construction General Permit). The Construction General Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. The SWPPP would describe the best management practices (BMPs) to address potential stormwater runoff impacts from construction activities.

The temporary construction site BMPs to be included in the SWPPP will include but not be limited to the following:

a. Measures for managing runoff when water is used for dust control on stockpiles.
b. Measures for monitoring erosion and sediment migration from stockpiles.
c. Specific practices that may be implemented to reduce the sediment load of stormwater runoff, including stormwater control devices (earth berms, silt fences/curtains, or other barriers) installed along the perimeter of stockpile areas and protection of existing catch basins with silt fences or gravel bags.
d. Chemical and fuel storage plans (secondary containment and other measures).
e. Inspection and maintenance of protected areas regularly during the course of the work.
f. Sealing or placing filter fabric at storm drains and using other appropriate BMPs.

8.2.2 Wetland Monitoring Plan

A Wetland Monitoring Plan (WMP) will be developed for the created wetland. The WMP will be prepared by a qualified biologist or restoration professional and will include the following minimum elements:

a. Design plans for the created wetland.
b. Criteria and standards by which the wetland will compensate for impacts of the proposed Project on aquatic resources.
c. Discussion of the following shall be included: (1) the objectives of the created wetland, including the hydrologic and biotic conditions of the created wetland; (2) the specific methods to be employed for wetland creation and plant establishment; (3) success criteria and monitoring requirements to ensure the achievement of objectives; and, (4) remedial measures to be implemented in the event that performance standards are not achieved.
d. Site-specific native seed mixes and/or plantings proposed to achieve the desired plant community in the mitigation wetland.
e. A five-year management plan for maintenance and monitoring of the created wetland to ensure performance standards are achieved. Annual habitat monitoring reports will be submitted to the County Planning Department by January 31 of each monitoring year.

The project proponent will be responsible for execution of the 5-year management plan for maintenance and monitoring of the created wetland. If responsibility is transferred legally to

another entity, County Environmental Planning Staff will be informed of any such transfer of responsibility.

8.3 AVOIDANCE AND MINIMIZATION MEASURES

The environmental component of the Project's monitoring program will include the following AMMs relevant to biological resources, as discussed in Section 1.3.3.

8.3.1 General Avoidance and Minimization Measures

During construction, measures shall be implemented to mitigate temporary construction impacts on the environment and surrounding community, including engineering controls and/or operational BMPs.

1. Worker Environmental Awareness Training: All construction personnel (hereinafter referred to as personnel) shall attend a mandatory environmental education program facilitated by the Project biologist prior to the initiation of construction activities. Training sessions shall be repeated for all new personnel before they are allowed access to the job site. All personnel shall complete the training and sign a form stating that they completed the training and understand all applicable agency regulations and consequences of non-compliance. The Project sponsor shall keep the forms on file and make them available to the regulatory agencies upon request.
2. Best Management Practices: Every reasonable precaution to protect offsite biological resources from construction by-products and pollutants such as debris, construction chemicals, fresh cement, saw water, or other deleterious materials shall be exercised. Measures will ensure minimization of disruptions to surrounding neighbourhoods, resources, and land uses and will include but not be limited to debris and dust controls, air and water pollution controls, water usage controls, and noise and vibration controls. The measures identified in these plans shall be based on the best available technology and shall include, but not be limited to, the following:
    - During construction, all onsite and/or construction related debris shall be disposed of at an authorized offsite disposal location.
    - All hazardous materials shall be stored and handled in strict accordance with the Safety Data Sheets for the products. The storage and handling of potential pollution-causing and hazardous materials, including but not necessarily limited to gasoline, oil, and paint, shall be in accordance with applicable federal, state, and local laws and regulations.
    - Erodible construction material shall be covered every night and during any rainfall event.
    - Vehicles and equipment that are used during the course of construction shall be fueled and serviced in an appropriate manner. Fueling locations shall be inspected after fueling

to document that no spills have occurred. Any incidental spills shall be cleaned up immediately.

- Once the Project is completed, construction material, wastes, debris, sediment, rubbish, trash, fencing, and other construction items shall be removed from the site and transported to an authorized disposal area or recycling facility, as appropriate, in compliance with applicable federal, state, and local laws and regulations.

8.3.2 Special-Status Species Avoidance and Minimization Measures

- If construction and tree removal activities must occur during the migratory bird nesting season (February 1 through September 15), an avian nesting survey of the Project site and accessible contiguous habitat within 300 feet of all impact areas shall be conducted for active nests of protected migratory birds. The avian nesting survey shall be performed by a qualified wildlife biologist within 7 days prior to the start of ground or vegetation disturbance or building demolition activities. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans, along with an appropriate no disturbance buffer, which shall be determined by the biologist based on the species' sensitivity to disturbance (generally 50-250 feet for passerines and 250-500 feet for raptors and special-status species). The nest buffer shall be demarcated in the field with flagging and stakes or construction fencing. Work within the nest avoidance buffer shall be prohibited until the juveniles have fledged.

- A bat habitat assessment and preconstruction bat survey shall be conducted within 14 days of the removal of any trees or demolition of buildings within the Project site. The biologist shall have access to all structures and interior attics, as needed. The survey shall consist of an acoustic and visual emergence survey for bats, completed by a qualified biologist with experience identifying bat roosts and behavior. If a colony of bats is found roosting in a structure or vegetation, surveys will determine the species present and the type of roost, such as day, night, or maternity roost.

  If a non-maternity and non-wintering bat colony is found, the biologist shall develop and implement acceptable passive exclusion methods in coordination with or based on CDFW recommendations to ensure their protection and to avoid unnecessary harm. If a maternity colony or overwintering colony is found on the project site, then the qualified biologist shall establish a suitable non-disturbance buffer around the location in coordination with CDFW. The non-disturbance buffer shall remain in place until the qualified biologist determines that the maternal colony or wintering roost is no longer active.

- During the preconstruction surveys for nesting birds, the qualified biologist shall survey for San Francisco dusky woodrat middens within and adjacent to the outfall construction area; all nests (active and inactive) shall be mapped and flagged. To the

extent feasible, San Francisco dusky woodrat nests shall be avoided during construction. If any existing nests can be avoided, they shall be isolated from the work area with the installation of wildlife exclusion fencing.

If individual woodrats are found within the Project work area during preconstruction surveys, work will not commence until the individual leaves the work area of its own volition. If woodrat middens are observed within the Project work area during preconstruction surveys, a relocation plan for woodrat nests affected by the Project will be prepared and approved by CDFW prior to implementation.

9 REFERENCES

CDFW. 2024a. California Natural Diversity Database. Available from: https://wildlife.ca.gov/Data/CNDDB

CDFW. 2024b. Life History Accounts. Available from: https://wildlife.ca.gov/Data/CWHR/Life-History-and-Range

CNPS. 2024. Inventory of Rare, Threatened, and Endangered Plants of California. Available from: https://rareplants.cnps.org/

County of Santa Cruz. 2021. Medical Office Building Project Draft Environmental Impact Report. June 2021.

County of Santa Cruz. 2024a. Stormwater Conduits File Geodatabase. Santa Cruz County GIS. Available from: https://arc-gis-hub-homearcgishub.hub.arcgis.com/datasets/c235869b3728451cabb08646516a44d2_1/explore

County of Santa Cruz. 2024b. General Plan and Local Coastal Program. March 18, 2024.

County of Santa Cruz. 2024c. Real Property Parcels GIS Data. Available from: https://www.santacruzcountyca.gov/Departments/GeographicInformationSystems(GIS).aspx

Natural Resources Conservation Service. 2024. Web Soil Survey. Available from: https://websoilsurvey.nrcs.usda.gov/app/

State Water Resources Control Board (SWRCB). 2021. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State.

USACE. 2008b. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

USFWS. 2024a. FWS Focus. Available from: https://www.fws.gov/species

USFWS. 2024b. Information for Planning and Consultation. Available from: https://ipac.ecosphere.fws.gov/

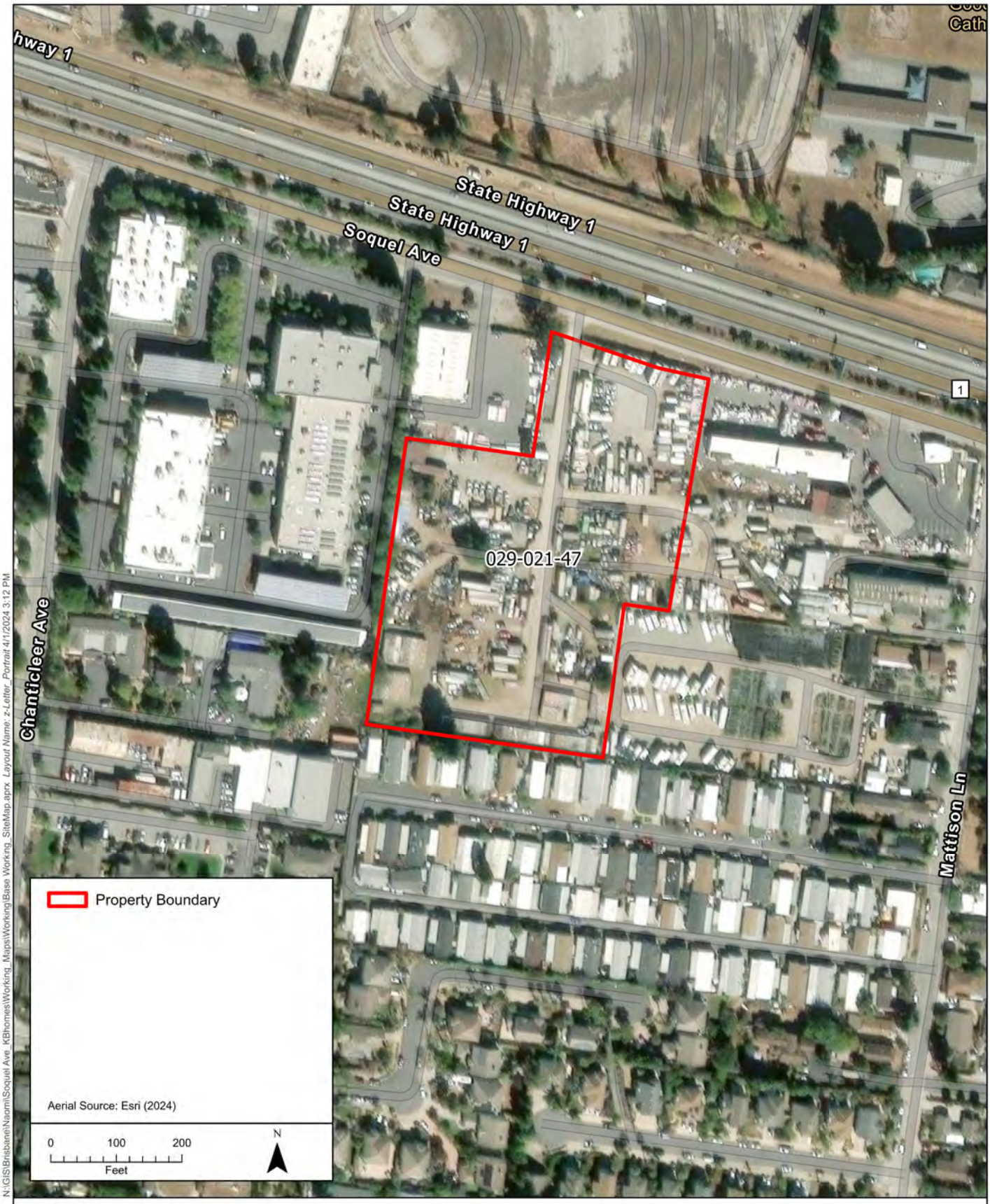
Appendix A. Figures

Exhibit D

integral consulting inc.

5940 Soquel Avenue
Figure 1. Site and Vicinity Map

Exhibit D



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integral consulting inc.

5940 Soquel Avenue
Figure 2. Site Map

Exhibit D

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integral consulting inc.

5940 Soquel Avenue
Figure 3. Watershed Map

Exhibit D

Soquel Ave

W-1
SP-8
SP-9
W-2
C-1
C-2
W-3
SP-5
SP-6
SP-7
SP-2
W-4
SP-3
SP-4
OW-1
SP-1

Study Area (5.218 AC)
Sample Points
Potential Waters of the U.S./State
Culvert (165 LF)
Non-Wetland Ditch (0.010 AC/290 LF)
Wetland (0.033 AC)

Aerial Source: Esri (2024)

0 25 50
Feet

N

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5940 Soquel Avenue
Figure 4. Delineation Map

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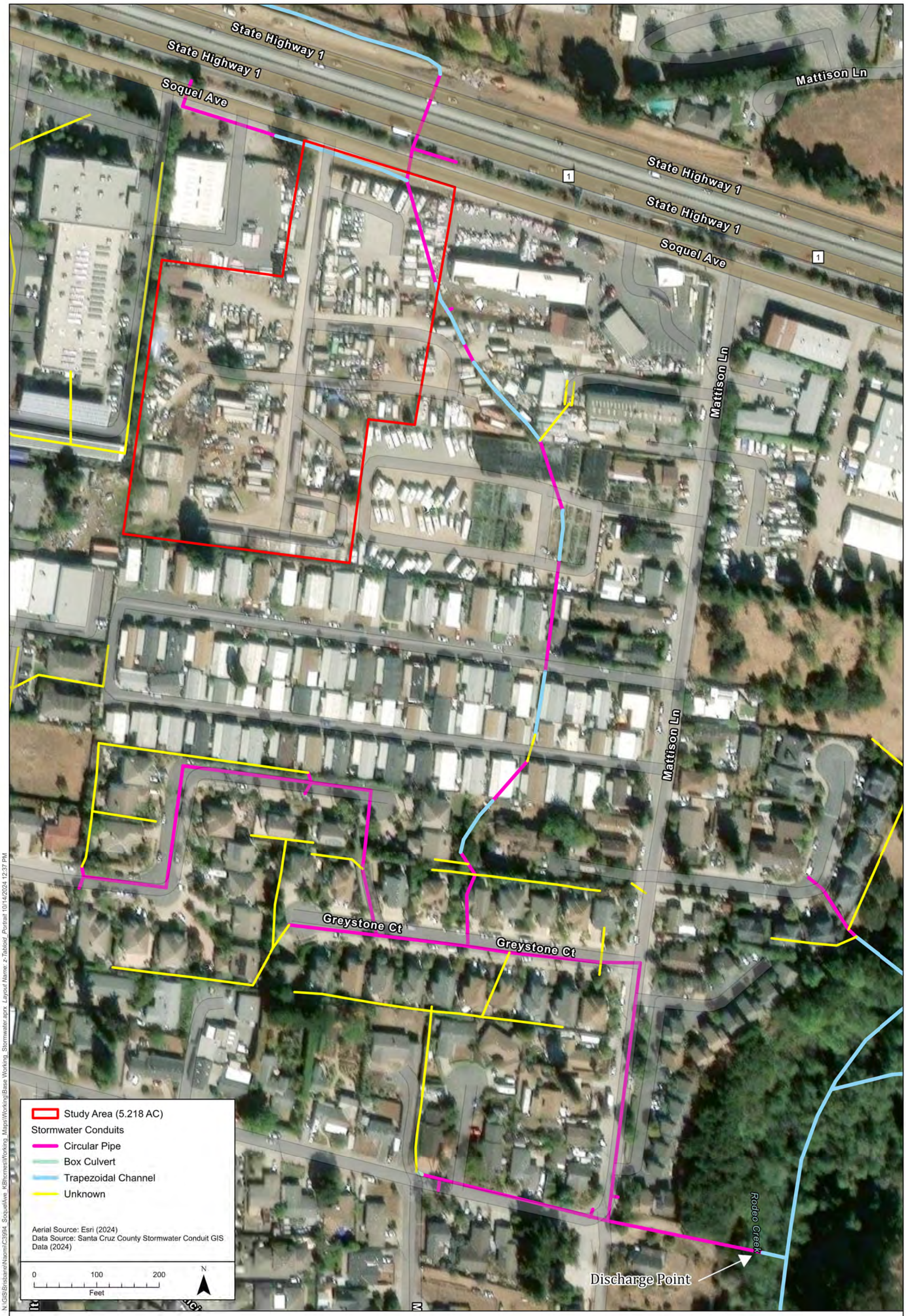

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integral consulting inc.

5940 Soquel Avenue
Figure 5. Stormwater Map

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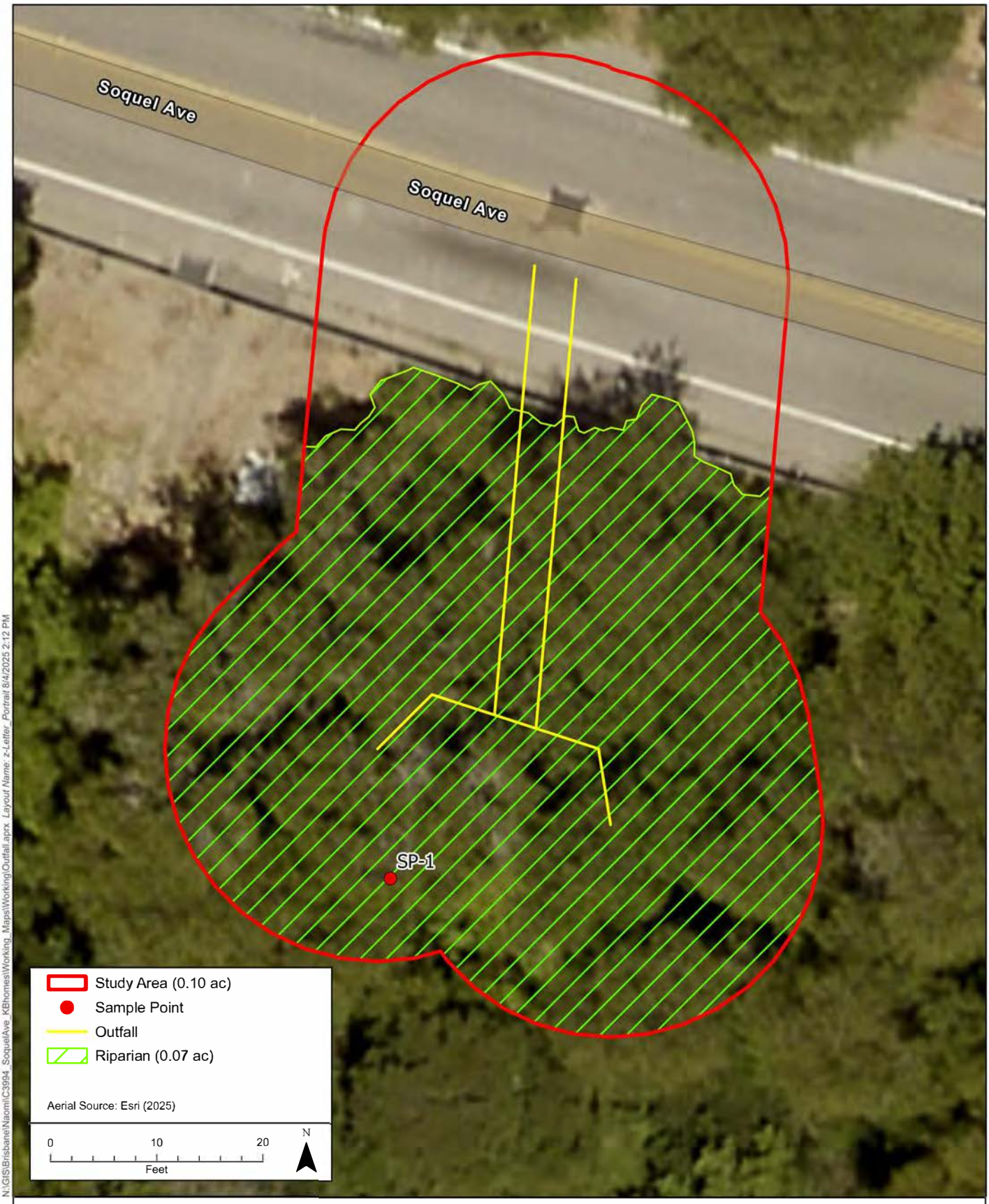
5940 Soquel Avenue
Figure 6a. Impacts to Aquatic Resources Map

Exhibit D



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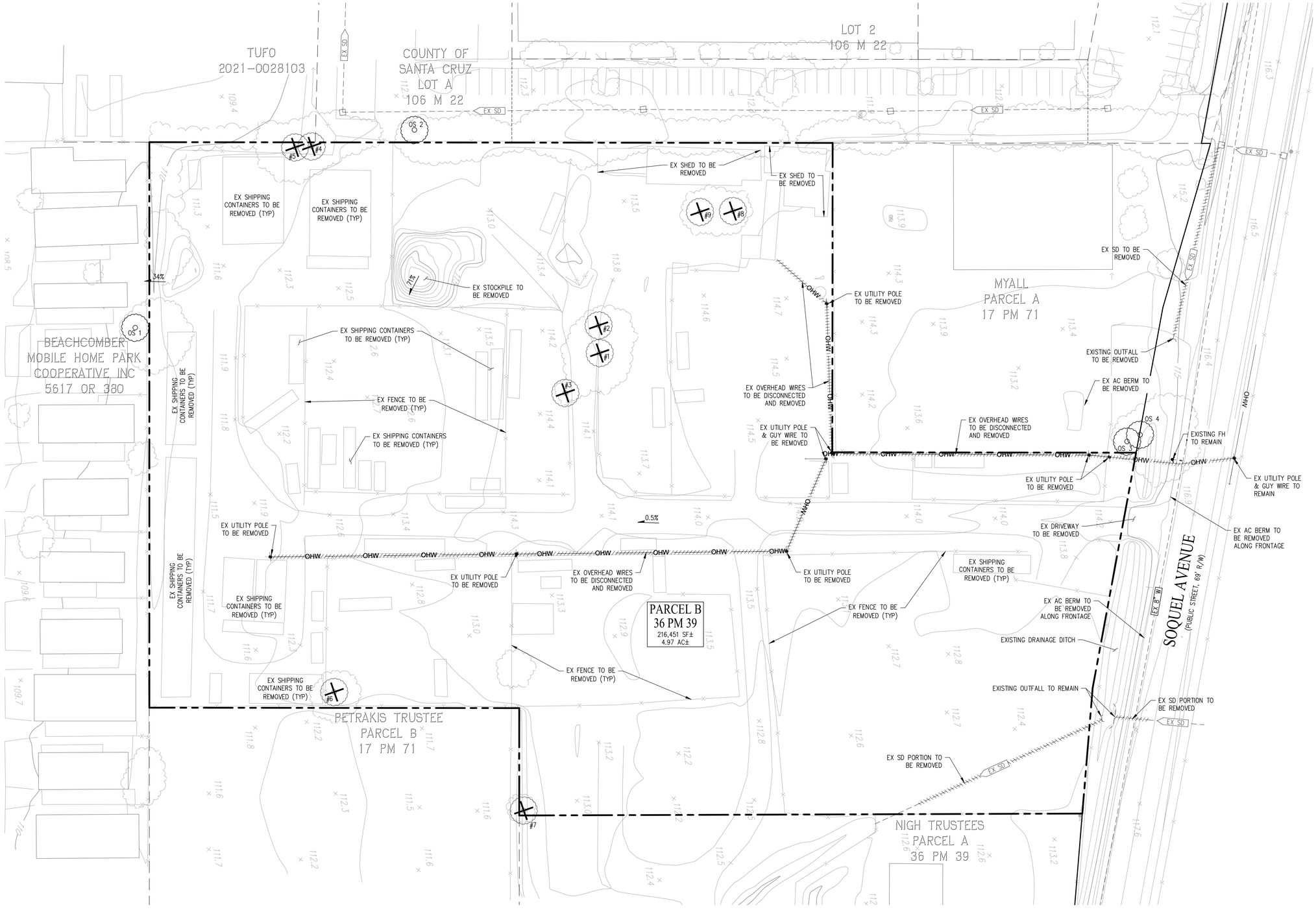
integral consulting inc.

5940 Soquel Avenue
Figure 6b. Impacts to Aquatic Resources Map at the Outfall Construction Area

Exhibit D

Appendix B. Site Plans

Exhibit D



LEGEND

- EXISTING BOUNDARY
- RIGHT OF WAY
- EXISTING CONTOUR
- EXISTING OVERHEAD WIRES
- EXISTING OVERHEAD WIRES TO BE REMOVED
- EXISTING STORM DRAIN
- EXISTING STORM DRAIN TO BE REMOVED
- EXISTING WATER MAIN
- EXISTING STORM DRAIN HEADWALL
- EXISTING FIELD INLET
- EXISTING FIRE HYDRANT
- EXISTING FENCE
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO REMAIN

ABBREVIATIONS

AC	ACRE
EX	EXISTING
FH	FIRE HYDRANT
R/W	RIGHT OF WAY
SD	STORM DRAIN
SF	SQUARE FEET
TYP	TYPICAL
W	WATER

ONSITE TREE SUMMARY

TREE #	COMMON NAME	DIAMETER (BREAST HEIGHT)(INCHES)
1	SILVER WATTLE	20
2	SILVER WATTLE	MULTI (8.2, 9.3, 5.3)
3	RED MAPLE	5
4	RIVER RED GUM	10.7
5	RIVER RED GUM	MULTI (19, 11)
6	COAST LIVE OAK	NOT ACCESSIBLE
7	BLACKWOOD ACACIA	9
8	RAYWOOD ASH	NOT ACCESSIBLE
9	RAYWOOD ASH	NOT ACCESSIBLE

OFFSITE TREE SUMMARY

TREE #	COMMON NAME	DIAMETER BREAST HEIGHT (INCHES)
OS 1	COAST REDWOOD	UNKNOWN
OS 2	LONDON PLANE	UNKOWN
OS 3	MONTEREY PINE	37.7
OS 4	MONTEREY PINE	41.1

NOTES:

1) ENTIRE SITE TO BE CLEARED; ALL EXISTING STRUCTURES, TREES, DEBRIS, AND UTILITIES TO BE REMOVED.

2) AVERAGE SITE SLOPE: 0.50%±
MAXIMUM SITE SLOPE: 71%±

MAXIMUM SITE SLOPE IS LOCALIZED TO EXISTING STOCKPILE AND NOT REFLECTIVE OF SITE CONDITIONS.

3) REFER TO ARBORIST REPORT BY HMH, DATED NOVEMBER 12, 2024 FOR TREE DATA.

4) REFER TO GEOTECHNICAL FEASIBILITY REVIEW BY CORNERSTONE EARTH GROUP, DATED MARCH 29, 2024 FOR SOILS DATA.

3903-000

5940 Soquel Avenue

Santa Cruz, CA

December 12, 2024

APN: 029-021-047

EXISTING SITE PLAN

TM-2

KB Home

5000 Executive Parkway, Suite 125, San Ramon, CA 94583
650.288.5970

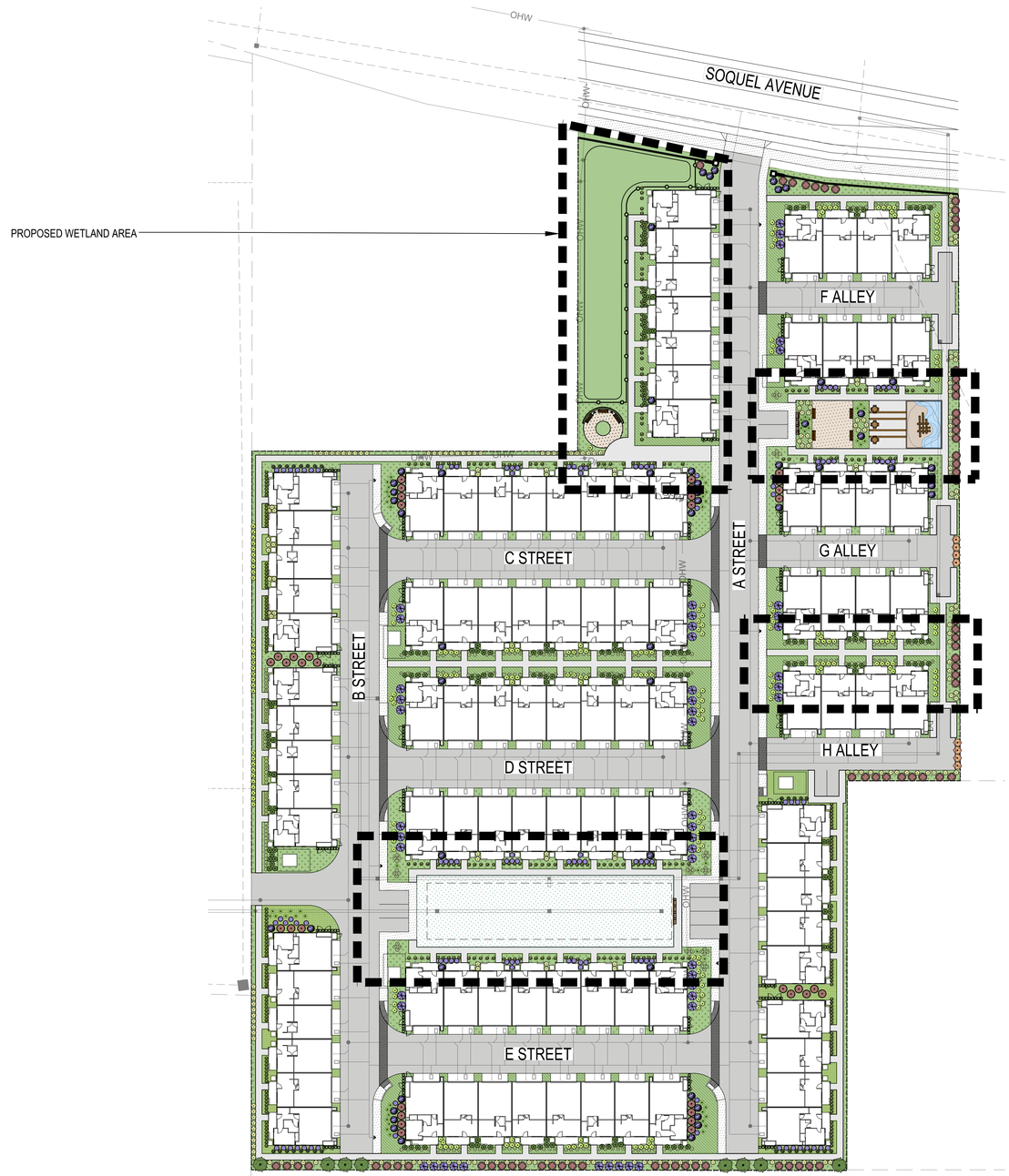
SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

0 30 60 90

REGISTERED PROFESSIONAL ENGINEER RYAN T. HANSEN 80557 CIVIL STATE OF CALIFORNIA

cbg CIVIL ENGINEERS SURVEYORS PLANNERS
SAN RAMON · ROSEVILLE

Exhibit D



GRAPHIC SCALE

40 0 20 40 80 160

(In Feet)

1 inch = 40 feet

HMH

Land Use Entitlements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance

1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

SOQUEL AVENUE
SANTA CRUZ, CA
KB HOME

NO	DATE	DESCRIPTION

PROJECT NO:	6986.00
CAD DWG FILE:	698600CL.DWG
DESIGNED BY:	KY
DRAWN BY:	TC
CHECKED BY:	CM
DATE:	APRIL 16, 2025
SCALE:	1" = 40'

OVERALL LANDSCAPE PLAN

L3

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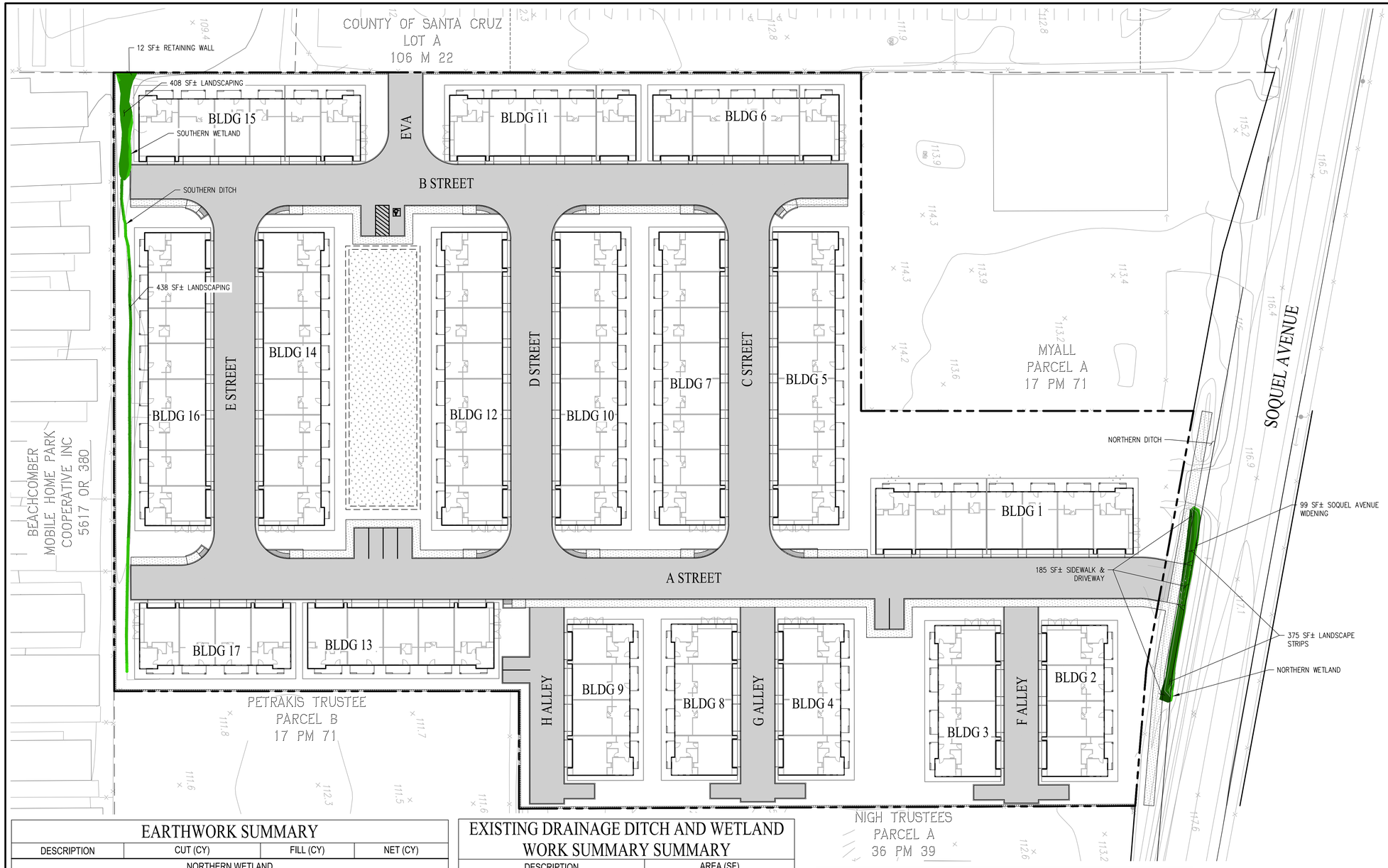
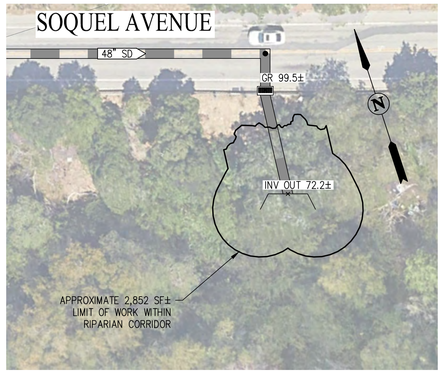
Exhibit D





SOQUEL AVENUE STORM DRAIN OUTFALL

NOT TO SCALE

OUTFALL EARTHWORK SUMMARY

DESCRIPTION	CUT (CY)	FILL (CY)	NET (CY)
OUTFALL & 48" SD	250	0	250 (C)

NOTES:

(1) STORM DRAIN & OUTFALL DESIGNS AND ALIGNMENT ARE PRELIMINARY, SUBJECT TO FIELD VERIFICATION AND FINAL DESIGN.
(2) ALL EARTHWORK & QUANTITIES ARE PRELIMINARY, SUBJECT TO FINAL DESIGN.

EARTHWORK SUMMARY

DESCRIPTION	CUT (CY)	FILL (CY)	NET (CY)
NORTHERN WETLAND			
DRIVEWAY & SIDEWALK	0	31	31 (F)
LANDSCAPE STRIPS	0	60	60 (F)
SOQUEL AVENUE WIDENING	0	13	13 (F)
SUBTOTAL (NORTHERN WETLAND)	0	104	104 (F)
SOUTHERN WETLAND			
RETAINING WALLS	0	1	1 (F)
LANDSCAPING	0	51	51 (F)
SUBTOTAL (SOUTHERN WETLAND)	0	52	52 (F)
SOUTHERN DITCH			
LANDSCAPING	0	50	50 (F)
SUBTOTAL (SOUTHERN DITCH)	0	50	50 (F)
TOTAL	**0**	**206**	**206 (F)**

NOTE: ALL EARTHWORK & QUANTITIES ARE PRELIMINARY, SUBJECT TO FINAL DESIGN.

EXISTING DRAINAGE DITCH AND WETLAND WORK SUMMARY SUMMARY

DESCRIPTION	AREA (SF)
NORTHERN WETLAND	
SOQUEL AVENUE STREET WIDENING	99
SIDEWALK & DRIVEWAY	185
LANDSCAPE STRIPS	375
SUBTOTAL (NORTHERN WETLAND)	659
SOUTHERN WETLAND	
RETAINING WALLS	12
LANDSCAPING	408
SUBTOTAL (SOUTHERN WETLAND)	420
SOUTHERN DITCH	
LANDSCAPING	438
SUBTOTAL (SOUTHERN DITCH)	438
TOTAL	**1,517**

NOTES:

(1) DRAINAGE DITCH AND WETLAND LOCATIONS ARE APPROXIMATE, SUBJECT TO FIELD VERIFICATION.
(2) ALL DRAINAGE DITCH AND WETLAND WORK IS PRELIMINARY, SUBJECT TO FINAL DESIGN.

ELEVATION TABLE

MINIMUM ELEVATION	MAXIMUM ELEVATION	AREA (SF)	COLOR
0.00	1.00	1,093	
1.00	2.00	1,483	
2.00	3.00	3,082	
3.00	4.00	3,752	
4.00	5.00	1,666	
5.00	6.00	427	

LEGEND

PROPERTY LINE
PROPOSED SIDEWALK
PROPOSED RETAINING WALL
PROPOSED ASPHALT CONCRETE
PROPOSED DRIVEWAY CONCRETE

CDFW JURISDISCTION WORK

5940 SOQUEL AVENUE

SANTA CRUZ COUNTY CALIFORNIA

SCALE: 1" = 30' DATE: AUGUST 5, 2025

0 30 60 90

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Appendix C. Aquatic Resource Delineation Report

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Aquatic Resource Delineation Report

5940 Soquel Avenue

Prepared for
KB Home South Bay
5000 Executive Pkwy, Ste 125
San Ramon, CA 94583

Prepared by

433 Visitacion Avenue
Brisbane, CA 94005

October 2024

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ACRONYMS AND ABBREVIATIONS

AJD	Approved Jurisdictional Determination
APN	accessor parcel number
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
Court	U.S. Supreme Court
CWA	Clean Water Act
EPA	Environmental Protection Agency
FAC	facultative
FACU	facultative upland
FACW	facultative wetland
Field Guide	*A Field Guide to Lake and Streambed Alteration Agreements: Section 1600-1607 California Fish and Game Code*
FR	Federal Register
GNSS	Global Navigation Satellite System
HQUSACE	Headquarters, U.S. Army Corps of Engineers
NL	not listed
NRCS	Natural Resources Conservation Service
OBL	obligate
OHWM	ordinary high water mark
ORM	OMBIL Regulatory Module
PDSI	Palmer Drought Severity Index
Procedures	*State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*
RWQCB	Regional Water Quality Control Board
Sackett	*Sackett v. EPA*
SWRCB	State Water Resources Control Board
UPL	upland

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U.S.	United States
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USGS	U.S. Geological Survey
WDR	waste discharge requirements

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1 INTRODUCTION

This report describes the extent and location of potential waters of the United States (U.S.) that may be subject to the U.S. Army Corps of Engineers (USACE) jurisdiction pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. [United States Code] Section 1344), potential waters of the State that may be subject to Regional Water Quality Control Board (RWQCB) jurisdiction pursuant to Section 401 of the CWA (33 U.S.C. Section 1341) and the Porter-Cologne Water Quality Control Act (Porter-Cologne Act), and streams, lakes, and riparian vegetation subject to California Department of Fish and Wildlife (CDFW) jurisdiction pursuant to Section 1602 of California Fish and Game Code within the 5940 Soquel Avenue Study Area (Study Area). This investigation of potentially jurisdictional waters of the U.S. and State follows the methods described in *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE 2008a); the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987), supplemented with guidance as directed by the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (USACE 2008b); and the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (SWRCB 2021). The boundaries of potential waters of the U.S. and State depicted in this report represent a calculated estimation and are subject to modification following the regulatory review process. All provided maps are consistent with the most recent Map and Drawing Standards for the South Pacific Division Regulatory Program.

We are requesting that USACE issue a verification of the delineation map appended to this report. Though some of the aquatic resources present in the Study Area do not appear to meet the current regulatory definition of waters of the U.S., we do not believe that requesting an Approved Jurisdictional Determination (AJD) will result in improved permitting outcomes for KB Home South Bay.

1.1 STUDY AREA LOCATION

The approximately 5.2-acre Study Area is located at 5940 Soquel Avenue in the unincorporated Live Oak community of Santa Cruz County, California (Appendix A, Figure 1). The Study Area includes Accessor Parcel Number (APN) 029-021-47 and is within the Soquel, CA, U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle (Appendix A, Figure 2). The approximate center point is at latitude 36.9833278°, longitude -121.9765361°.

1.2 WATERSHED

The Study Area is in the Monterey Bay watershed (Hydrologic Unit Code 12: 180600150305). Monterey Bay is approximately 1.5 miles south of the Study Area. The closest relatively

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permanent tributary to Monterey Bay, Rodeo Creek Gulch, is located approximately one-quarter mile east of the Study Area (Appendix A, Figure 3).

1.3 SURROUNDING LAND USE

The Study Area is surrounded by development on all sides, including light-industrial, commercial, residential, and institutional developments. Soquel Avenue, a frontage road to State Route 1, borders the northern Study Area boundary.

1.4 TOPOGRAPHY

The Study Area is nearly flat, gently sloping southeast and southwest. Topographic depressions in the Study Area are associated with constructed ditches at the northern, southern, and eastern edges of the Study Area. Mounds of dirt and debris are scattered across the site.

1.5 EXISTING SITE CONDITIONS

The entire Study Area is developed or otherwise disturbed. According to a 2021 Draft Environment Impact Report prepared for the property by the County of Santa Cruz, existing uses on the site include storage, salvage, and salvage yard purposes. Towing, storage, and concrete businesses operate from the site, and storage containers, vehicles, boats, and campers are scattered across the site. Three sheds and an office trailer with an attached workshop are also present. There is a single ingress/egress point from Soquel Avenue and coarsely paved internal roadways throughout the Study Area.

1.6 VEGETATION COMMUNITIES

Vegetation communities in the Study Area include non-native annual grassland, seasonal wetland, ruderal, and ornamental/urban. Each of these vegetation communities is described below.

Non-Native Annual Grassland

This community is located within portions of the Study Area that are not subject to routine disturbance or planted with vegetation. This vegetation community occurs in patches throughout the Study Area and in linear strips at the edge of the Study Area. Typical plant species include *Festuca perennis* (Italian rye grass), *Avena* sp. (oats), *Bromus* sp. (brome), *Carduus pycnocephalus* (Italian thistle), *Erharta erecta* (panic veldt grass), *Geranium dissectum* (cutleaf geranium), *Helminthotheca echioides* (bristly ox tongue), *Hordeum murinum* (foxtail barley), *Hypochaeris* sp. (cat's ear), *Lysimachia arvensus* (scarlet pimpernel), *Medicago polymorpha*

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(burclover), *Plantago lanceolata* (narrowleaf plantain), *Raphanus* sp. (radish), and *Rumex crispus* (curly dock). A low cover of *Rubus armeniacus* (Himalayan blackberry) was commonly observed in this vegetation community.

Seasonal Wetland

This community is located in topographic low points at the southwestern, northern, and northeastern edges of the Study Area. During the October 2024 site visit, this community was characterized by a significant cover of plant species that generally occur in wetlands, including *Cyperus eragrostis* (tall flatsedge), *Mentha pulegium* (pennyroyal), *Epilobium ciliatum* (slender willow herb), and *Polypogon viridis* (beardless rabbitsfoot grass), mixed with plant species that are common to both wetlands and uplands, including Italian rye grass, Himalayan blackberry, and curly dock.

Ruderal

This community is located in portions of the Study Area subject to routine disturbance. This community contains species quick to colonize disturbed surfaces, such as *Foeniculum vulgare* (fennel), *Fumaria capreolata* (white ramping fumitory), *Parietaria Judaica* (spreading pellitory), and various species common in the non-native annual grassland community. Plant cover and species diversity are generally lower in the ruderal community than the non-native annual grassland community.

Ornamental/Urban

This community is located throughout the Study Area and consists of planted native and non-native species, including *Platanus acerifolia* (London planetree), *Fraxinus velutina* (Arizona ash), *Acacia baileyana* (bailey acacia), *Fraxinus angustifolia* (Raywood ash), *Cortaderia jubata* (pampas grass), *Crassula ovata* (jade), *Echium candicans* (pride of Madeira), *Herdera helix* (English ivy), *Lonicera japonica* (Japanese honeysuckle), *Eucalyptus globulus* (blue gum), and *Quercus agrifolia* (coast live oak).

1.7 SOILS

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, one soil map unit is present in the Study Area: Elkhorn sandy loam, 2 to 9 percent slopes. Elkhorn soils are derived from marine deposits and occur on terraces and alluvial fans. The typical soil profile is composed of sandy loam and sandy clay loam. Elkhorn soils are well drained with low runoff and no shallow restrictive features. One percent of this soil map unit has a hydric soil rating.

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1.8 HYDROLOGY

Most of the Study Area drains southwest and derives hydrology primarily from direct precipitation. However, the northern and eastern portions of the Study Area drain southeast and derive hydrology from runoff from Soquel Avenue, State Route 1, and lands north of State Route 1.

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2 REGULATORY SETTING

2.1 WATERS OF THE UNITED STATES

Waters of the U.S. are regulated by USACE and the RWQCB in accordance with Section 404 and 401 the Clean Water Act, respectively. The definition of waters of the U.S. has been the subject of significant litigation and repeated regulatory revisions. The current definition of waters of the U.S. at 33 Code of Federal Regulations (CFR) Part 328 is the direct result of the May 25, 2023, U.S. Supreme Court (Court) decision in *Sackett* v. *Environmental Protection Agency* (EPA), 598 U.S._, 143 S. Ct. 1322 (2023) (*Sackett*). In the *Sackett* ruling, the Court concluded that "the [Clean Water Act]'s use of `waters' encompasses `only those relatively permanent, standing or continuously flowing bodies of water "forming geographic[al] features" that are described in ordinary parlance as "streams, oceans, rivers, and lakes." ' " *Id.* at 1336 (quoting *Rapanos*, 547 U.S. at 739). The Court thereby eliminated all ephemeral waterbodies from the definition of waters of the U.S. The Court further concluded that wetlands are only waters of the U.S. "when wetlands have `a continuous surface connection to bodies that are "waters of the United States" in their own right, so that there is no clear demarcation between "waters" and wetlands.' " *Id.* at 1344 (citing *Rapanos*, 547 U.S. at 742, 755). Therefore, wetlands without a "continuous surface connection" to a relatively permanent water were eliminated from the definition of waters of the U.S. Finally, the Court concluded that wetlands do not qualify as waters of the U.S. solely because they are interstate. According to the Court, only open waters qualify as waters of the U.S. on the sole basis of being interstate. The *Sackett* decision has therefore reduced the authority of regulatory agencies under the Clean Water Act.

On September 8, 2023 (88 FR [Federal Register] 61964), the EPA and the Department of the Army amended the regulatory definition of waters of the U.S. under the Clean Water Act to conform with the *Sackett* ruling. The current definition of waters of the U.S. at 33 CFR § 328.3 reads as follows:

(a) Waters of the United States means:

(1) Waters which are:

(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(ii) The territorial seas; or

(iii) Interstate waters;

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(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;

(3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;

(4) Wetlands adjacent to the following waters:

(i) Waters identified in paragraph (a)(1) of this section; or

(ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;

(5) Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.

(b) The following are not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5) of this section:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;

(2) Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;

(3) Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;

(4) Artificially irrigated areas that would revert to dry land if the irrigation ceased;

(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;

(6) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;

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(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

(8) Swales and erosional features (e.g., gullies, small washes) characterized by low volume, infrequent, or short duration flow.

2.1.1 Limit of Jurisdiction in Non-Tidal Waters

Per 33 CFR § 328.4(c), the limit of Clean Water Act jurisdiction in non-tidal waters is either the "ordinary high water mark" (OHWM) or the wetland edge. Wetlands are defined as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR § 328.3(c)(1), 51 FR 41251, November 13, 1986). The OHWM is defined as the "line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas" (33 CFR § 328.3(c)(4), 51 FR 41251, November 13, 1986).

2.1.2 Wetland Determinations

Consistent with the *Army Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (USACE 2008b), to be designated a wetland, the following three parameters must be met if normal circumstances are present:

(1) a majority of dominant vegetation species are wetland-associated species;

(2) hydrologic conditions exist that result in periods of flooding, ponding, or saturation during the growing season; and

(3) hydric soils are present.

The criteria necessary to meet these three wetland parameters are outlined below.

2.1.2.1 Vegetation

Hydrophytic vegetation is defined as "the sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanent or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present" (Environmental Laboratory 1987). The USACE definition of wetlands includes

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"a prevalence of vegetation typically adapted for life in saturated soil conditions," with prevalence determined by the dominant plant species comprising the plant community (op. cit.).

The "50/20 rule" is generally used to determine dominant plant species at each sample point location. The rule states that for each stratum in the plant community, dominant species are the most abundant plant species (when ranked in descending order of abundance and cumulatively totaled) that immediately exceed 50 percent of the total dominance measure for the stratum, plus any additional species that individually comprise 20 percent or more of the total dominance measure for the stratum (HQUSACE [Headquarters, USACE] 1992). Dominant plant species observed at each sample point are classified according to their indicator status (probability of occurrence in wetlands) (Table 1). If more than 50 percent of the dominant vegetation on a site is classified as obligate (OBL), facultative wetland (FACW), or facultative (FAC), then the site meets the wetland vegetation parameter under the 50/20 rule.

Table 1. Classification of Wetland-Associated Plant Species

Plant Species Classification	Abbreviation	Probability of Occurring in Wetland
Obligate	OBL	Almost always occur in wetlands
Facultative Wetland	FACW	Usually occur in wetlands but may occur in non-wetlands
Facultative	FAC	Occur in wetlands and non-wetlands
Facultative Upland	FACU	Usually occur in non-wetlands but may occur in wetlands
Upland	UPL	Almost never occur in wetlands
Plants that are not listed	NL (UPL)	Assumed upland species

2.1.2.2 Hydrology

By definition, wetlands are seasonally inundated or saturated at or near (within 12 inches of) the soil surface. To be classified as a wetland, a site should have at least one primary indicator or two secondary indicators of wetland hydrology. Examples of primary indicators of wetland hydrology include surface soil cracks, water-stained leaves, and biotic crust. In addition to the primary indicators, there are a variety of secondary wetland hydrology indicators. Examples of secondary indicators include drainage patterns, saturation visible on aerial imagery, and dry-season water table.

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2.1.2.3 Soils

A hydric soil is defined as a soil that is formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (NRCS 2003). Indicators that a hydric soil is present include soil color (gleyed soils and soils with bright mottles and/or low matrix chroma), aquic or preaquic moisture regime, reducing soil conditions, sulfidic material (odor), soils listed on hydric soils list, iron and manganese concretions, organic soils (Histosols), histic epipedon, high organic content in surface layer in sandy soils, and organic streaking in sandy soils. A soil pit is excavated to the depth of refusal at each sample point. The soil is then examined for hydric soil indicators. The matrix color and mottle color (if present) of the soil are determined using the Munsell Soil Color Charts (Kollmorgen Instruments Co. 1990).

2.2 WATERS OF THE STATE

The RWQCB also is authorized under Section 13263 of the Porter-Cologne Act to regulate discharges to waters of the State through issuance of permits referred to as waste discharge requirements (WDRs). In Section 13050(e), the act defines waters of the State to mean any surface water or groundwater, including saline waters, within the boundaries of California. This definition may include wetlands and drainages that are outside federal jurisdiction.

The State Water Resources Control Board (SWRCB) further clarified the definition of wetlands that qualify as waters of the State through adoption of the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures) (SWRCB 2021). Under the Procedures, the State defines wetlands as follows:

> "An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation."

The Procedures further state that waters of the State include all waters of the U.S., including all "features that are consistent with any current or historic final judicial interpretation of 'waters of the U.S.' or any current or historic federal regulation defining 'waters of the U.S.' under the Clean Water Act." USACE wetland delineation procedures are to be used to identify State-regulated wetlands, and the following wetland types are waters of the State:

(1) natural wetland;

(2) wetlands created by modification of a surface water of the State; and

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(3) artificial wetlands that meet certain criteria.

All artificial wetlands that are less than an acre in size are not waters of the State unless they were created by modification of a surface water of the State; approved as compensatory mitigation for impacts to other waters of the State; specifically identified in a water quality control plan as a wetland or other water of the state; or resulted from historic human activity, is not subject to ongoing operation and maintenance, and has become a relatively permanent part of the natural landscape.

2.3 CDFW 1602 JURISDICTION

CDFW regulates diversions and obstructions of the natural flows, and material changes or uses of the beds, channels, or banks, of rivers, streams, and lakes under Section 1602 of California Fish and Game Code (CFGC). The term stream, which includes creeks and rivers, is defined in 14 California Code of Regulations (CCR) Section 1.72 as follows: "A stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation." Per Section 1.56, the term lake "includes natural lakes or man-made reservoirs."

Per *A Field Guide to Lake and Streambed Alteration Agreements: Section 1600-1607 California Fish and Game Code* (Field Guide; California Department of Fish and Game (CDFG) 1994), this definition is not complete with respect to Sections 1601 or 1603 because it does not define the terms bed, channel, or bank, and does not define stream related features such as aquatic life, riparian vegetation, etc. The Field Guide clarifies the definition as follows.

(1) The term stream can include intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams (USGS Maps), and watercourses with subsurface flow. Canals, aqueducts, irrigation ditches, and other means of water conveyance can also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent wildlife.

(2) Biologic components of a stream may include aquatic and riparian vegetation.

(3) A stream not only includes water (at least on an intermittent or ephemeral basis), but also a bed, bank, and/or levee.

(4) The lateral extent of a stream can be measured in ways depending on a particular situation and the type of fish or wildlife resources at risk. The following criteria are applicable to the proposed project.

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a. The outer edge of riparian vegetation is generally used as the line of demarcation between riparian and upland habitats and is therefore a reasonable and identifiable boundary for the lateral extent of a stream.

b. Most streams have a natural bank which confines flows to the bed or channel except during flooding. In some instances, particularly on smaller streams or dry washes with little or no riparian habitat, the bank should be used to mark the lateral extent of a stream.

c. A levee or other artificial stream bank could be used to mark the lateral extent of a stream. However, in many instances, there can be extensive areas of valuable riparian habitat located behind a levee (CDFG 1994).

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3 METHODS

Aquatic resources in the Study Area were mapped using a Juniper Systems Geode Global Navigation Satellite System (GNSS) with sub-meter accuracy. All wetland data was recorded on Arid West Routine Wetland Determination Data Forms (Appendix B). The shapefiles obtained from the mapping effort were projected onto an aerial map using ArcGIS Pro, Version 3.3.1 (Appendix A, Figure 4). Munsell Soil Color Charts (Kollmorgen Instruments Co. 1990) were used to aid in identifying hydric soils in the field. The Jepson eFlora (Jepson Flora Project 2024) was used for plant nomenclature and identification. Plant wetland indicator status was provided by the National Wetland Plant List 2020 wetland ratings (USACE 2020).

Field surveys were conducted on April 4 and October 8, 2024, by Naomi Schowalter, Shea Grady, and Sarah Beilman of Integral Consulting Inc. Representative photographs of the Study Area are provided in Appendix C. The April 4 survey was a reconnaissance-level effort, and the formal delineation of aquatic resources was conducted on October 8. A total of nine sample points, including three paired and three unpaired sample points, were evaluated to determine whether the vegetation, hydrology, and soils data supported a determination of wetland or non-wetland status. The paired sample points were established such that one point was located within the estimated wetland area and the other point was located outside the limits of the estimated wetland area.

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4 RESULTS

A total of 0.043 acre (455 linear feet) of aquatic resources potentially jurisdictional pursuant to the Clean Water Act and Porter-Cologne Act were mapped in the Study Area, including 0.033 acre of seasonal wetlands, 0.010 acre (290 linear feet) of non-wetland waters, and 165 linear feet of culverted waters. Potential waters of the U.S/State in the Study Area are summarized in Table 2. A delineation map is provided in Appendix A, Figure 4, and an OMBIL Regulatory Module (ORM) upload sheet is provided in Appendix D.

Table 2. Potential Waters of the U.S./State

Feature ID	Cowardin Code	Acres	Linear Feet
W-1	PEM (palustrine, emergent)	0.005	N/A
W-2	PEM (palustrine, emergent)	0.015	N/A
W-3	PEM (palustrine, emergent)	0.002	N/A
W-4	PEM (palustrine, emergent)	0.011	N/A
OW-1	R6 (riverine, ephemeral)	0.010	290
C-1	R4 (riverine, intermittent)	N/A	11
C-2	R4 (riverine, intermittent)	N/A	154
TOTAL		0.043	455

4.1 WETLANDS

Four seasonal wetlands (W-1, -2, -3, and -4) totaling 0.033 acre were identified in the Study Area (Table 2). Dominant plant species in the wetlands included tall flatsedge (FACW), Italian rye grass (FAC), beardless rabbitsfoot grass (FACW), and pennyroyal (OBL). Hydric soil indicators included Redox Dark Surface (F6) and Sandy Redox (S5). Hydrology indicators included Saturation Visible on Aerial Imagery (C9), Shallow Aquitard (D3), and FAC-Neutral Test (D5). Surface water was noted in W-1, -2, and -4 during the April site visit (W-3 was not observed at this time).

Wetlands in the Study Area are associated with topographic depressions receiving channelized runoff from upslope surfaces. Geospatial data from Santa Cruz County (2024) indicates that W-1, W-2, and W-3 are part of the County's stormwater conduit system (Appendix A, Figure 5), and stormwater pipes drain to and from each wetland. However, no culverts were visible at W-1 during the field surveys, and the culvert between W-2 and W-3 was mostly filled with sediment. W-4 is not part of the County's stormwater conduit system but occurs at the terminus of a drainage ditch (OW-1) along the southern boundary of the Study Area.

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4.2 OTHER WATERS

One other water (OW-1) was identified along the southern boundary of the Study Area, consisting of a 1.5-foot-wide constructed ditch. It is assumed that this ditch was constructed to prevent runoff from the Study Area from flooding the residential development to the south. Indicators of the OHWM included scour, sediment sorting, and shifts in vegetation characteristics. This ditch is anticipated to receive ephemeral flows in response to major precipitation events.

Another ditch was observed along the eastern portion of the Study Area that did not contain an OHWM (located at SP-7 on Appendix A, Figure 4). This ditch was constructed between two graded lots. A sample point was documented due to a low cover of tall flatsedge and pennyroyal observed in the ditch. It was concluded that this ditch is neither a wetland nor an other water.

4.3 CULVERTED WATERS

Two culverted waters were identified in the Study Area (C-1 and -2). C-1 is a 36-inch pipe that conveys flows from north of State Route 1 under the highway. Also, a drop inlet was observed along the southern edge of State Route 1 that conveys runoff from the highway directly into C-1. C-2 conveys flows from C-1 and W-2 to W-3. However, the inlet to C-2 is mostly filled with sediment, and the headwall is separated from the culvert. C-2 was estimated to be 18 inches wide. Both C-1 and C-2 are assumed to have intermittent flow based upon the standing water observed in W-2 during the April site visit.

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5 JURISDICTION DISCUSSION

5.1 CLEAN WATER ACT

W-1, W-4, and OW-1 do not appear to qualify as waters of the U.S. under the current regulatory definition resulting from the *Sackett* ruling. OW-1 appears to have ephemeral flow and therefore does not meet the definition of a "tributary." W-1 and W-4 do not appear to have any existing connectivity to waters of the U.S. W-1 is currently a closed depression without any visible culvert inlets or outlets. W-4 appears to end on the adjacent property without flowing into any other aquatic features or the storm drain system. Santa Cruz County's stormwater conduit data does not display any stormwater facilities in the vicinity of W-4 (Appendix A, Figure 5). Therefore, W-1 and W-4 are not "adjacent" wetlands.

W-2 and W-3 are wetland ditches connected to Rodeo Creek Gulch via approximately 2,100 linear feet of stormwater pipes and ditches according to the County's stormwater conduit data (Appendix A, Figure 5). While it is unclear whether this connection to Rodeo Creek Gulch is sufficient to qualify the features as adjacent wetlands, USACE could also evaluate these features as potential tributary waters. It seems likely that these features would qualify as tributaries based on being relatively permanent standing or continuously flowing bodies of water connected to Monterey Bay via Rodeo Creek Gulch. Standing/flowing water observed in W-2 during the April site visit (W-3 was not observed at this time) and surface water visible in multiple aerial photos indicate that these features meet the "relatively permanent" criterion. Therefore, W-2 and W-3 are expected to meet the current definition of waters of the U.S.

Since some of the aquatic resources in the Study Area appear to meet the definition of waters of the U.S. and the total area of aquatic resources in the Study Area is so low, there does not appear to be any benefit from requesting that USACE disclaim jurisdiction over isolated features through issuance of an AJD. A request for an AJD is likely to delay the permitting process while not resulting in reduced permit requirements. Therefore, we are requesting that USACE verify the delineation map in writing.

5.2 PORTER-COLOGNE ACT

All aquatic features identified in the Study Area are regulated by the RWQCB pursuant to the Porter-Cologne Act.

5.3 CDFW 1602 JURISDICTION

We do not believe that any of the aquatic features identified in the Study Area qualify as rivers, streams, or lakes regulated pursuant to CFGC Section 1602. The Study Area only contains

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constructed ditches and associated wetlands. Evidence indicates that the ditches were constructed for the purpose of managing runoff from disturbed surfaces with low or no permeability rather than re-routing a natural watercourse. There are no records of historic stream channels in or near the Study Area that would have been diverted into the ditches. Additionally, the ditches are set within a heavily developed landscape and provide little value to wildlife resources. Therefore, CDFW does not appear to have regulatory authority pursuant to CFGC Section 1602. However, CDFW exercises a broad interpretation of their regulatory authority under CFGC Section 1602, and if CDFW is questioned regarding their jurisdictional authority, we expect them to take jurisdiction over most or all of the aquatic features in the Study Area. Since failing to provide CDFW with a Notification of Lake or Streambed Alteration may result in the issuance of a violation, project delays, and little cost savings (due to overlapping RWQCB jurisdiction), CDFW should likely be engaged.

Exhibit D

6 CONCLUSION

A total of 0.043 acre (455 linear feet) of aquatic resources potentially jurisdictional pursuant to the Clean Water Act, Porter-Cologne Act, and CFGC Section 1602 were mapped in the Study Area. Of these aquatic features, 0.033 acre were seasonal wetlands, 0.010 acre (290 linear feet) were ephemeral other waters, and 165 linear feet were culverted waters. The mapped extent of all aquatic features and determinations regarding jurisdiction are subject to modification following the regulatory review process.

Exhibit D

7 REFERENCES

CDFW (California Department of Fish and Wildlife). 1994. A Field Guide to Lake and Streambed Alteration Agreements, Sections 1600- 1607, California Fish and Game Code. Environmental Services Division (ESD).

County of Santa Cruz. 2021. Medical Office Building Project Draft Environmental Impact Report. June 2021.

County of Santa Cruz. 2024. Stormwater Conduits File Geodatabase. Santa Cruz County GIS. Available from: https://arc-gis-hub-home-arcgishub.hub.arcgis.com/datasets/c235869b3728451cabb08646516a44d2_1/explore.

Environmental Laboratory. 1987. Army Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. U. S. Army Engineer Waterways Experiment Station. Vicksburg, Mississippi.

HQUSACE (Headquarters, U.S. Army Corps of Engineers). 1992. Clarification and Interpretation of the 1987 Manual. Memorandum from Major General Arthur E. Williams. Dated: 6 March 1992.

Jepson Flora Project. 2024. Jepson eFlora. Available from: http://ucjeps.berkeley.edu/eflora/.

Kollmorgen Instruments Company. 1990. Munsell Soil Color Charts. Kollmorgen Corporation. Baltimore, Maryland.

NRCS (Natural Resource Conservation Service). 2003. Field Indicators of Hydric Soils in the United States, Version 5.01. G.W. Hurt, P.M. Whited, and R.F. Pringle (eds.). USDA, NRCS in cooperation with the National Technical Committee for Hydric Soils, Fort Worth, TX.

NRCS. 2024. Web Soil Survey. Available from: http://websoilsurvey.nrcs.usda.gov/app/.

State Water Resources Control Board (SWRCB). 2021. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State.

USACE (United States Army Corps of Engineers). 2008a. A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States. R.W. Lichvar and S.M. McColley. ERDC/CRREL TR-08-12. Hanover, NH: Cold Regions Research and Engineering Laboratory, U.S. Army Engineer Research and Development Center.

USACE. 2008b. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

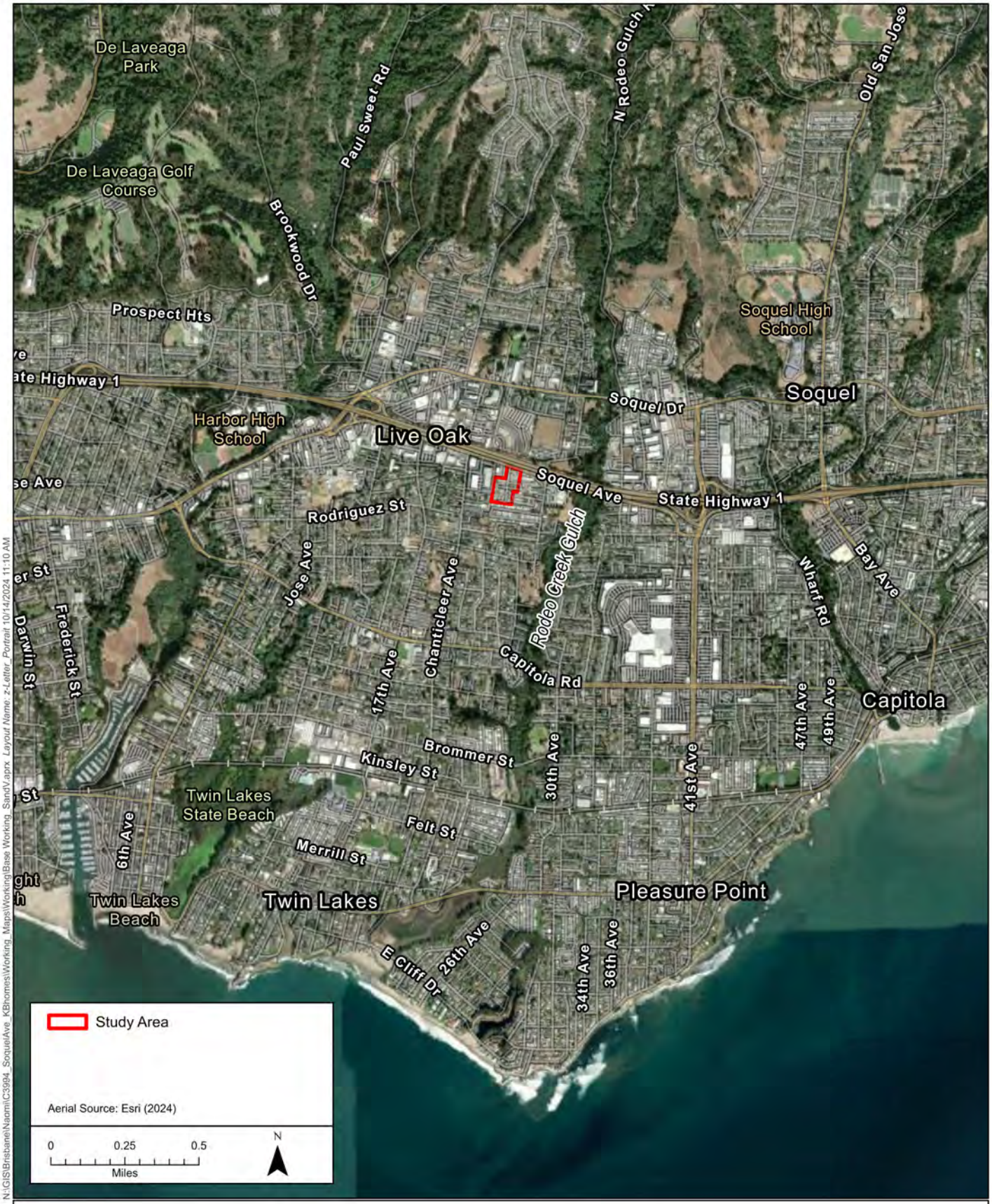
Exhibit D

USACE. 2020. National Wetland Plant List, Version 3.5. Available from: https://cwbi-app.sec.usace.army.mil/nwpl_static/v34/home/home.html.

Exhibit D

Appendix A. Figures

Exhibit D



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5940 Soquel Avenue
Figure 1. Site and Vicinity Map

Exhibit D

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5940 Soquel Avenue
Figure 2. USGS Topographic Map

Exhibit D

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5940 Soquel Avenue
Figure 3. Watershed Map

Exhibit D

Soquel Ave

W-1
SP-8
SP-9
W-2
C-1
C-2
W-3
SP-5
SP-6
SP-7
SP-2
W-4
SP-3
SP-4
OW-1
SP-1

Study Area (5.218 AC)
Sample Points
Potential Waters of the U.S./State
Culvert (165 LF)
Non-Wetland Ditch (0.010 AC/290 LF)
Wetland (0.033 AC)

Aerial Source: Esri (2024)

0 25 50
Feet

N

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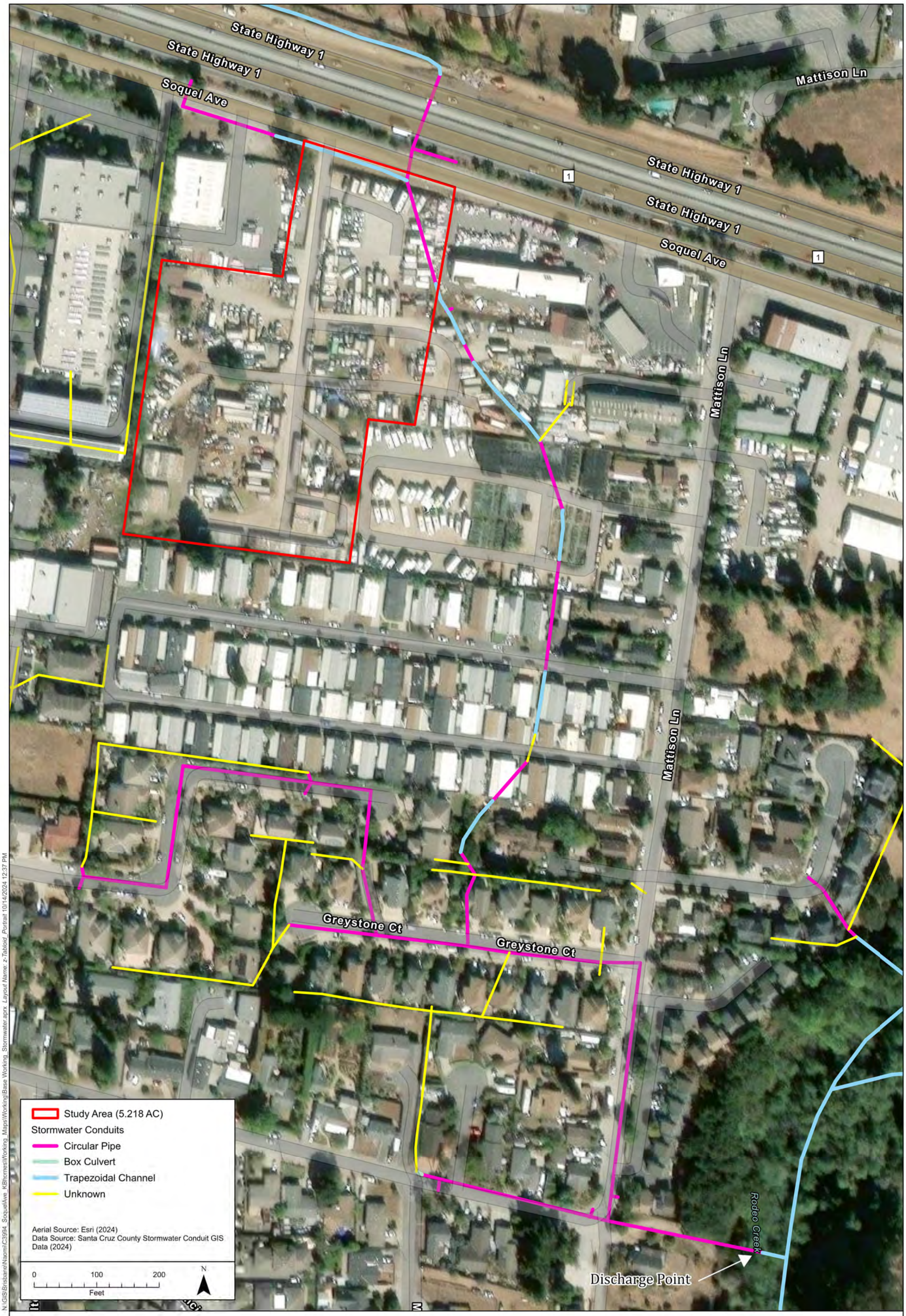
5940 Soquel Avenue
Figure 4. Delineation Map

Exhibit D



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5940 Soquel Avenue
Figure 5. Stormwater Map

Exhibit D

Appendix B. Wetland Determination Data Forms

Exhibit D

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Arid West Region
See ERDC/EL TR-08-28; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 11/30/2024
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: 5940 Soquel Avenue City/County: Santa Cruz County Sampling Date: 10/8/2024
Applicant/Owner: KB Homes State: CA Sampling Point: SP-1
Investigator(s): Naomi Schowalter, Shea Grady Section, Township, Range: Sec. 9, T11S, R1W
Landform (hillside, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%):
Subregion (LRR): LRR C Lat: 36.9825050 Long: -121.9762510 Datum: WGS 84
Soil Map Unit Name: Elkhorn sandy loam, 2 to 9 percent slopes NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)
Are Vegetation X, Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes X No
Hydric Soil Present? Yes No X
Wetland Hydrology Present? Yes No X

Is the Sampled Area within a Wetland? **Yes** **No** X

Remarks:
Vegetation appears to have been weed wacked.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size:)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	=Total Cover		
Sapling/Shrub Stratum (Plot size:)			
1.			
2.			
3.			
4.			
5.			
	=Total Cover		
Herb Stratum (Plot size: 1 m)			
1. *Lolium perenne*	80	Yes	FAC
2. *Rubus armeniacus*	20	No	FAC
3. *Lactuca serriola*	2	No	FACU
4.			
5.			
6.			
7.			
8.			
	102 =Total Cover		
Woody Vine Stratum (Plot size:)			
1.			
2.			
	=Total Cover		

% Bare Ground in Herb Stratum % Cover of Biotic Crust

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species	x 1 =
FACW species	x 2 =
FAC species	x 3 =
FACU species	x 4 =
UPL species	x 5 =
Column Totals: (A)	(B)
Prevalence Index = B/A =	

Hydrophytic Vegetation Indicators:
X Dominance Test is >50%
Prevalence Index is ≤3.0[1]
Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
Problematic Hydrophytic Vegetation[1] (Explain)
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No**

Remarks:
Grass composition difficult to determine with certainty due to weed wacking.

Exhibit D

SOIL

Sampling Point: SP-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-11	10YR 2/1	99	7.5YR 4/4	1	C	M	Loamy/Clayey	Prominent redox concentrations

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Iron-Manganese Masses (F12) **(LRR D)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No ___ Depth (inches): ___

Water Table Present? Yes ___ No ___ Depth (inches): ___

Saturation Present? Yes ___ No ___ Depth (inches): ___

(includes capillary fringe)

Wetland Hydrology Present? **Yes** ___ **No** X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Exhibit D

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Arid West Region
See ERDC/EL TR-08-28; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 11/30/2024
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: 5940 Soquel Avenue City/County: Santa Cruz County Sampling Date: 10/8/2024
Applicant/Owner: KB Homes State: CA Sampling Point: SP-2
Investigator(s): Naomi Schowalter, Shea Grady Section, Township, Range: Sec. 9, T11S, R1W
Landform (hillside, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): ____
Subregion (LRR): LRR C Lat: 36.9826079 Long: -121.9773589 Datum: WGS 84
Soil Map Unit Name: Elkhorn sandy loam, 2 to 9 percent slopes NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes ____ No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes X No ____
Hydric Soil Present? Yes X No ____
Wetland Hydrology Present? Yes X No ____

Is the Sampled Area within a Wetland? **Yes** X **No** ____

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____	=Total Cover	
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____	=Total Cover	
Herb Stratum (Plot size: 1 m)			
1. *Polypogon viridis*	50	Yes	FACW
2. *Rubus armeniacus*	20	No	FAC
3. *Cyperus eragrostis*	40	Yes	FACW
4. *Mentha pulegium*	10	No	OBL
5.			
6.			
7.			
8.			
	120	=Total Cover	
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____	=Total Cover	

% Bare Ground in Herb Stratum ____ % Cover of Biotic Crust ____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)
Total Number of Dominant Species Across All Strata: 2 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species ____	x 1 = ____
FACW species ____	x 2 = ____
FAC species ____	x 3 = ____
FACU species ____	x 4 = ____
UPL species ____	x 5 = ____
Column Totals: ____ (A)	____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:
X Dominance Test is >50%
____ Prevalence Index is ≤3.0[1]
____ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
____ Problematic Hydrophytic Vegetation[1] (Explain)
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No** ____

Remarks:

Exhibit D

SOIL

Sampling Point: SP-2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-9	10YR 2/1	90	7.5YR 4/4	10	C	M	Loamy/Clayey	Prominent redox concentrations

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- X Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Iron-Manganese Masses (F12) **(LRR D)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** X **No** ___

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- X Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No ___ Depth (inches): ___

Water Table Present? Yes ___ No ___ Depth (inches): ___

Saturation Present? Yes ___ No ___ Depth (inches): ___

(includes capillary fringe)

Wetland Hydrology Present? **Yes** X **No** ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

This area was ponded during an April 2024 site visit.

Exhibit D

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Arid West Region
See ERDC/EL TR-08-28; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 11/30/2024
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: 5940 Soquel Avenue City/County: Santa Cruz County Sampling Date: 10/8/2024
Applicant/Owner: KB Homes State: CA Sampling Point: SP-3
Investigator(s): Naomi Schowalter, Shea Grady Section, Township, Range: Sec. 9, T11S, R1W
Landform (hillside, terrace, etc.): terrace Local relief (concave, convex, none): convex Slope (%): ____
Subregion (LRR): LRR C Lat: 36.9825965 Long: -121.9773732 Datum: WGS 84
Soil Map Unit Name: Elkhorn sandy loam, 2 to 9 percent slopes NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes ____ No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	**Is the Sampled Area within a Wetland?** Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____ =Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____ =Total Cover		
Herb Stratum (Plot size: 1 m)			
1. *Hedera helix*	5	Yes	FACU
2. *Rubus armeniacus*	10	Yes	FAC
3.			
4.			
5.			
6.			
7.			
8.			
	15 =Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ =Total Cover		

% Bare Ground in Herb Stratum ____ % Cover of Biotic Crust ____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 50.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	10	x 3 =	30
FACU species	5	x 4 =	20
UPL species	0	x 5 =	0
Column Totals:	15 (A)		50 (B)

Prevalence Index = B/A = 3.33

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%
___ Prevalence Index is ≤3.0[1]
___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

Exhibit D

SOIL

Sampling Point: SP-3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-10	10YR 2/2	100					Loamy/Clayey	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Iron-Manganese Masses (F12) **(LRR D)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No ___ Depth (inches): ___

Water Table Present? Yes ___ No ___ Depth (inches): ___

Saturation Present? Yes ___ No ___ Depth (inches): ___

(includes capillary fringe)

Wetland Hydrology Present? **Yes** ___ **No** X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

This area was ponded during an April 2024 site visit.

Exhibit D

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Arid West Region
See ERDC/EL TR-08-28; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 11/30/2024
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: 5940 Soquel Avenue City/County: Santa Cruz County Sampling Date: 10/8/2024
Applicant/Owner: KB Homes State: CA Sampling Point: SP-4
Investigator(s): Naomi Schowalter, Shea Grady Section, Township, Range: Sec. 9, T11S, R1W
Landform (hillside, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): ____
Subregion (LRR): LRR C Lat: 36.9825673 Long: -121.9768776 Datum: WGS 84
Soil Map Unit Name: Elkhorn sandy loam, 2 to 9 percent slopes NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes ____ No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes X No ____
Hydric Soil Present? Yes ____ No X
Wetland Hydrology Present? Yes ____ No X

Is the Sampled Area within a Wetland? **Yes** ____ **No** X

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____ =Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____ =Total Cover		
Herb Stratum (Plot size: 1 m)			
1. *Lolium perenne*	60	Yes	FAC
2. *Cyperus eragrostis*	15	No	FACW
3. *Lonicera japonica*	15	No	FACU
4.			
5.			
6.			
7.			
8.			
	90 =Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ =Total Cover		

% Bare Ground in Herb Stratum ____ % Cover of Biotic Crust ____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species ____	x 1 = ____
FACW species ____	x 2 = ____
FAC species ____	x 3 = ____
FACU species ____	x 4 = ____
UPL species ____	x 5 = ____
Column Totals: ____ (A)	____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:
X Dominance Test is >50%
____ Prevalence Index is ≤3.0[1]
____ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
____ Problematic Hydrophytic Vegetation[1] (Explain)
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No** ____

Remarks:

SOIL

Sampling Point: SP-4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	10YR 2/1	99	7.5YR 4/4	1	C	M	Loamy/Clayey	Prominent redox concentrations

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Iron-Manganese Masses (F12) **(LRR D)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No ___ Depth (inches): ___

Water Table Present? Yes ___ No ___ Depth (inches): ___

Saturation Present? Yes ___ No ___ Depth (inches): ___

(includes capillary fringe)

Wetland Hydrology Present? **Yes** ___ **No** X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

This area was ponded during an April 2024 site visit.

Exhibit D

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Arid West Region
See ERDC/EL TR-08-28; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 11/30/2024
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: 5940 Soquel Avenue City/County: Santa Cruz County Sampling Date: 10/8/2024
Applicant/Owner: KB Homes State: CA Sampling Point: SP-5
Investigator(s): Naomi Schowalter, Shea Grady Section, Township, Range: Sec. 9, T11S, R1W
Landform (hillside, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): ____
Subregion (LRR): LRR C Lat: 36.9837067 Long: -121.9757287 Datum: WGS 84
Soil Map Unit Name: Elkhorn sandy loam, 2 to 9 percent slopes NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes ____ No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes X No ____
Hydric Soil Present? Yes X No ____
Wetland Hydrology Present? Yes X No ____

Is the Sampled Area within a Wetland? **Yes** X **No** ____

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____ =Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____ =Total Cover		
Herb Stratum (Plot size: 1 m)			
1. *Lolium perenne*	60	Yes	FAC
2. *Cyperus eragrostis*	15	No	FACW
3. *Mentha pulegium*	15	No	OBL
4.			
5.			
6.			
7.			
8.			
	90 =Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ =Total Cover		

% Bare Ground in Herb Stratum ____ % Cover of Biotic Crust ____

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species ____	x 1 = ____
FACW species ____	x 2 = ____
FAC species ____	x 3 = ____
FACU species ____	x 4 = ____
UPL species ____	x 5 = ____
Column Totals: ____ (A)	____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:

X Dominance Test is >50%
____ Prevalence Index is ≤3.0[1]
____ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
____ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No** ____

Remarks:

SOIL

Sampling Point: SP-5

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-12	10YR 4/2	98	10YR 4/6	2	C	M	Sandy	Prominent redox concentrations

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- X Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Iron-Manganese Masses (F12) **(LRR D)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** X **No** ___

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- X Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No ___ Depth (inches): ___

Water Table Present? Yes ___ No ___ Depth (inches): ___

Saturation Present? Yes ___ No ___ Depth (inches): ___

(includes capillary fringe)

Wetland Hydrology Present? **Yes** X **No** ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Exhibit D

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Arid West Region
See ERDC/EL TR-08-28; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 11/30/2024
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: 5940 Soquel Avenue City/County: Santa Cruz County Sampling Date: 10/8/2024
Applicant/Owner: KB Homes State: CA Sampling Point: SP-6
Investigator(s): Naomi Schowalter, Shea Grady Section, Township, Range: Sec. 9, T11S, R1W
Landform (hillside, terrace, etc.): terrace Local relief (concave, convex, none): convex Slope (%): ____
Subregion (LRR): LRR C Lat: 36.9837126 Long: -121.9757164 Datum: WGS 84
Soil Map Unit Name: Elkhorn sandy loam, 2 to 9 percent slopes NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes ____ No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	**Is the Sampled Area within a Wetland?** Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____ =Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____ =Total Cover		
Herb Stratum (Plot size: 1 m)			
1. *Avena barbata*	30	Yes	UPL
2. *Verbena bonariensis*	40	Yes	FACU
3. *Cynodon dactylon*	15	No	FACU
4.			
5.			
6.			
7.			
8.			
	85 =Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ =Total Cover		

% Bare Ground in Herb Stratum ____ % Cover of Biotic Crust ____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)
Total Number of Dominant Species Across All Strata: 2 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 0.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	55	x 4 =	220
UPL species	30	x 5 =	150
Column Totals:	85 (A)		370 (B)
Prevalence Index = B/A =			4.35

Hydrophytic Vegetation Indicators:
____ Dominance Test is >50%
____ Prevalence Index is ≤3.0[1]
____ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
____ Problematic Hydrophytic Vegetation[1] (Explain)
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

Exhibit D

SOIL

Sampling Point: SP-6

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-1	10YR 2/2	100					Loamy/Clayey	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Iron-Manganese Masses (F12) **(LRR D)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No ___ Depth (inches): ___

Water Table Present? Yes ___ No ___ Depth (inches): ___

Saturation Present? Yes ___ No ___ Depth (inches): ___

(includes capillary fringe)

Wetland Hydrology Present? **Yes** ___ **No** X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

This area was ponded during an April 2024 site visit.

Exhibit D

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Arid West Region
See ERDC/EL TR-08-28; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 11/30/2024
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: 5940 Soquel Avenue City/County: Santa Cruz County Sampling Date: 10/8/2024
Applicant/Owner: KB Homes State: CA Sampling Point: SP-7
Investigator(s): Naomi Schowalter, Shea Grady Section, Township, Range: Sec. 9, T11S, R1W
Landform (hillside, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): ____
Subregion (LRR): LRR C Lat: 36.9831332 Long: -121.9760169 Datum: WGS 84
Soil Map Unit Name: Elkhorn sandy loam, 2 to 9 percent slopes NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes ____ No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ____	**Is the Sampled Area within a Wetland?** Yes ____ No X
Hydric Soil Present?	Yes ____	No X	
Wetland Hydrology Present?	Yes ____	No X	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____	=Total Cover	
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____	=Total Cover	
Herb Stratum (Plot size: 1 m)			
1. *Lolium perenne*	80	Yes	FAC
2. *Rubus armeniacus*	5	No	FACU
3. *Cyperus eragrostis*	2	No	FACW
4.			
5.			
6.			
7.			
8.			
	87	=Total Cover	
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____	=Total Cover	

% Bare Ground in Herb Stratum ____ % Cover of Biotic Crust ____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species ____	x 1 = ____
FACW species ____	x 2 = ____
FAC species ____	x 3 = ____
FACU species ____	x 4 = ____
UPL species ____	x 5 = ____
Column Totals: ____ (A)	____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:
X Dominance Test is >50%
___ Prevalence Index is ≤3.0[1]
___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No ____

Remarks:

Exhibit D

SOIL

Sampling Point: SP-7

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features				Texture	Remarks
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]		
0-12	10YR 2/1	100					Loamy/Clayey	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5) **(LRR C)**
___ 1 cm Muck (A9) **(LRR D)**
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Loamy Mucky Mineral (F1)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

___ 1 cm Muck (A9) **(LRR C)**
___ 2 cm Muck (A10) **(LRR B)**
___ Iron-Manganese Masses (F12) **(LRR D)**
___ Reduced Vertic (F18)
___ Red Parent Material (F21)
___ Very Shallow Dark Surface (F22)
___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: ______
Depth (inches): ______

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

___ Surface Water (A1)
___ High Water Table (A2)
___ Saturation (A3)
___ Water Marks (B1) **(Nonriverine)**
___ Sediment Deposits (B2) **(Nonriverine)**
___ Drift Deposits (B3) **(Nonriverine)**
___ Surface Soil Cracks (B6)
___ Inundation Visible on Aerial Imagery (B7)
___ Water-Stained Leaves (B9)
___ Salt Crust (B11)
___ Biotic Crust (B12)
___ Aquatic Invertebrates (B13)
___ Hydrogen Sulfide Odor (C1)
___ Oxidized Rhizospheres on Living Roots (C3)
___ Presence of Reduced Iron (C4)
___ Recent Iron Reduction in Tilled Soils (C6)
___ Thin Muck Surface (C7)
___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

___ Water Marks (B1) **(Riverine)**
___ Sediment Deposits (B2) **(Riverine)**
___ Drift Deposits (B3) **(Riverine)**
___ Drainage Patterns (B10)
___ Dry-Season Water Table (C2)
___ Crayfish Burrows (C8)
___ Saturation Visible on Aerial Imagery (C9)
___ Shallow Aquitard (D3)
___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ___	No ___	Depth (inches): ___
Water Table Present?	Yes ___	No ___	Depth (inches): ___
Saturation Present? (includes capillary fringe)	Yes ___	No ___	Depth (inches): ___

Wetland Hydrology Present? **Yes** ___ **No** X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
This area was ponded during an April 2024 site visit.

Exhibit D

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Arid West Region
See ERDC/EL TR-08-28; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 11/30/2024
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: 5940 Soquel Avenue City/County: Santa Cruz County Sampling Date: 10/8/2024
Applicant/Owner: KB Homes State: CA Sampling Point: SP-8
Investigator(s): Naomi Schowalter, Shea Grady Section, Township, Range: Sec. 9, T11S, R1W
Landform (hillside, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): ____
Subregion (LRR): LRR C Lat: 36.9842809 Long: -121.9764301 Datum: WGS 84
Soil Map Unit Name: Elkhorn sandy loam, 2 to 9 percent slopes NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes ____ No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X	No ____	**Is the Sampled Area within a Wetland?** **Yes** X **No** ____
Hydric Soil Present?	Yes X	No ____	
Wetland Hydrology Present?	Yes X	No ____	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____	=Total Cover	
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____	=Total Cover	
Herb Stratum (Plot size: 1 m)			
1. *Cyperus eragrostis*	80	Yes	FACW
2.			
3.			
4.			
5.			
6.			
7.			
8.			
	80	=Total Cover	
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____	=Total Cover	

% Bare Ground in Herb Stratum ____ % Cover of Biotic Crust ____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species ____	x 1 = ____
FACW species ____	x 2 = ____
FAC species ____	x 3 = ____
FACU species ____	x 4 = ____
UPL species ____	x 5 = ____
Column Totals: ____ (A)	____ (B)

Prevalence Index = B/A = ____

Hydrophytic Vegetation Indicators:
X Dominance Test is >50%
____ Prevalence Index is ≤3.0[1]
____ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
____ Problematic Hydrophytic Vegetation[1] (Explain)
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No** ____

Remarks:

SOIL

Sampling Point: SP-8

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-12	10YR 2/1	95	10YR 4/6	5	C	M	Loamy/Clayey	Prominent redox concentrations

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- X Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Iron-Manganese Masses (F12) **(LRR D)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** X **No** ___

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- X Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- X FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No ___ Depth (inches): ___

Water Table Present? Yes ___ No ___ Depth (inches): ___

Saturation Present? Yes ___ No ___ Depth (inches): ___

(includes capillary fringe)

Wetland Hydrology Present? **Yes** X **No** ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

This area was ponded during an April 2024 site visit.

U.S. Army Corps of Engineers
WETLAND DETERMINATION DATA SHEET – Arid West Region
See ERDC/EL TR-08-28; the proponent agency is CECW-CO-R

OMB Control #: 0710-0024, Exp: 11/30/2024
Requirement Control Symbol EXEMPT:
(Authority: AR 335-15, paragraph 5-2a)

Project/Site: 5940 Soquel Avenue City/County: Santa Cruz County Sampling Date: 10/8/2024
Applicant/Owner: KB Homes State: CA Sampling Point: SP-9
Investigator(s): Naomi Schowalter, Shea Grady Section, Township, Range: Sec. 9, T11S, R1W
Landform (hillside, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): ____
Subregion (LRR): LRR C Lat: 36.9842535 Long: -121.9764347 Datum: WGS 84
Soil Map Unit Name: Elkhorn sandy loam, 2 to 9 percent slopes NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ____ (If no, explain in Remarks.)
Are Vegetation____, Soil____, or Hydrology____ significantly disturbed? Are "Normal Circumstances" present? Yes ____ No ____
Are Vegetation____, Soil____, or Hydrology____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ____ No X
Hydric Soil Present? Yes ____ No X
Wetland Hydrology Present? Yes ____ No X

Is the Sampled Area within a Wetland? **Yes** ____ **No** X

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	____ =Total Cover		
Sapling/Shrub Stratum (Plot size: ____)			
1.			
2.			
3.			
4.			
5.			
	____ =Total Cover		
Herb Stratum (Plot size: 1 m)			
1. *Bromus carinatus*	10	Yes	UPL
2. *Lolium perenne*	15	Yes	FAC
3.			
4.			
5.			
6.			
7.			
8.			
	25 =Total Cover		
Woody Vine Stratum (Plot size: ____)			
1.			
2.			
	____ =Total Cover		

% Bare Ground in Herb Stratum 75 % Cover of Biotic Crust ____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 2 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 50.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	15	x 3 =	45
FACU species	0	x 4 =	0
UPL species	10	x 5 =	50
Column Totals:	25 (A)		95 (B)
Prevalence Index = B/A =			3.80

Hydrophytic Vegetation Indicators:
___ Dominance Test is >50%
___ Prevalence Index is ≤3.0[1]
___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ Problematic Hydrophytic Vegetation[1] (Explain)
[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** ____ **No** X

Remarks:
Mostly covered in gopher mounds.

Exhibit D

SOIL

Sampling Point: SP-9

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	10YR 2/1	100	10YR 2/1				Loamy/Clayey	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) **(LRR C)**
- ___ 1 cm Muck (A9) **(LRR D)**
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) **(LRR C)**
- ___ 2 cm Muck (A10) **(LRR B)**
- ___ Iron-Manganese Masses (F12) **(LRR D)**
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (F21)
- ___ Very Shallow Dark Surface (F22)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** ___ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ___ No ___ Depth (inches): ___

Water Table Present? Yes ___ No ___ Depth (inches): ___

Saturation Present? (includes capillary fringe) Yes ___ No ___ Depth (inches): ___

Wetland Hydrology Present? **Yes** ___ **No** X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
This area was ponded during an April 2024 site visit.

Exhibit D

Appendix C. Representative Site Photographs

Exhibit D

W-4 and southwest corner of Study Area, facing southwest (April 4, 2024)

Eastern extent of W-4, facing southeast (April 4, 2024)

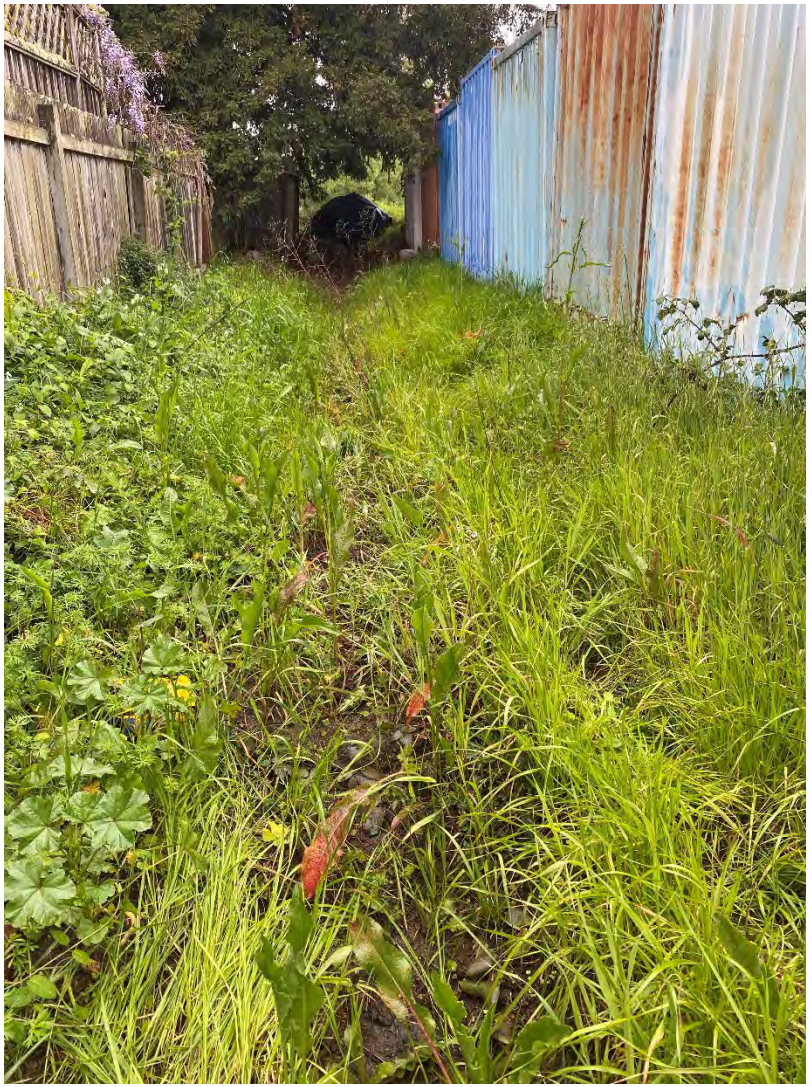
Exhibit D

Ditch near SP-7, facing east (April 4, 2024)

Center of Study Area, facing south (April 4, 2024)

Exhibit D

Eastern end of OW-1, facing west (April 4, 2024)



OW-1 near SP-4, facing west (April 4, 2024)

Exhibit D

W-1, facing northeast (April 4, 2024)

W-2, facing west (April 4, 2024)

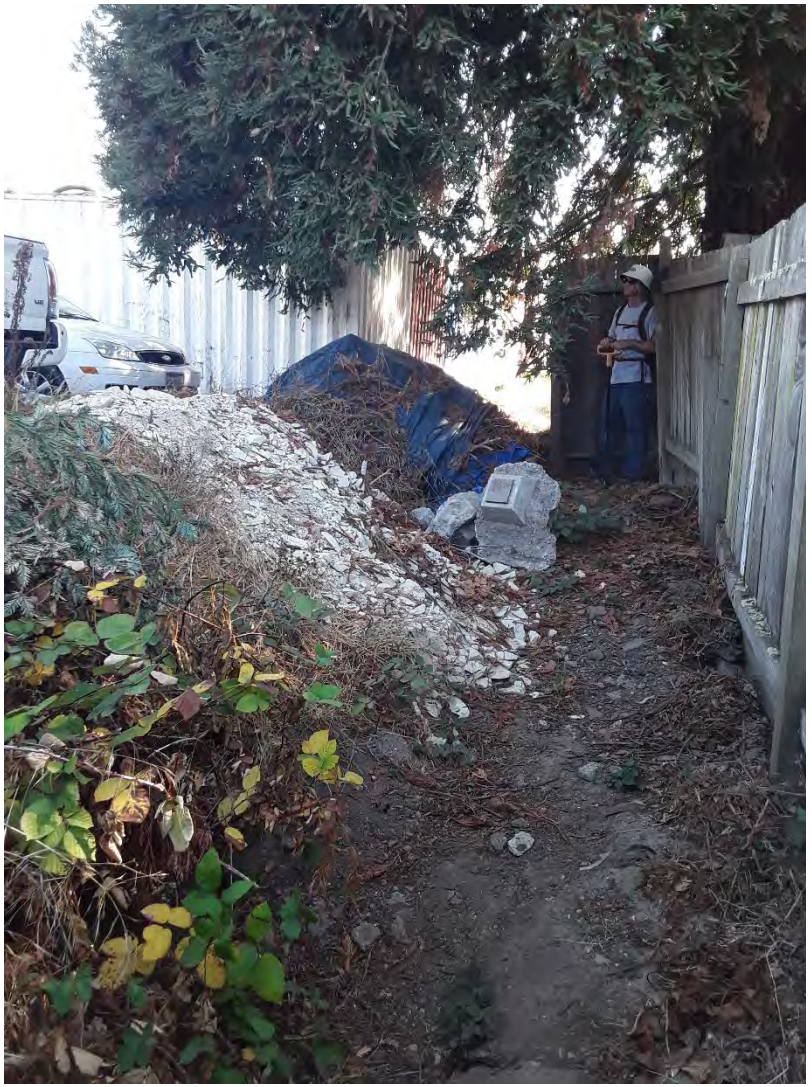
Exhibit D

C-1 outlet, facing north (April 4, 2024)

Eastern end of OW-1, facing east (October 8, 2024)

Exhibit D

Eastern end of OW-1, facing west (October 8, 2024)



Western end of OW-1, facing east (October 8, 2024)

Exhibit D

W-4, facing west (October 8, 2024)

W-3, facing northwest (October 8, 2024)

Exhibit D

W-3, facing southeast (October 8, 2024)

Ditch near SP-7, facing west (October 8, 2024)

Exhibit D

Ditch near SP-7, facing east (October 8, 2024)

W-1, facing east from west end of wetland (October 8, 2024)

Exhibit D

W-2, facing east from west end of wetland (38.7090218, -123.4478809)

East end of W-2, facing east; C-1 outlet and C-2 inlet visible (October 8, 2024)

Exhibit D

C-2 inlet; headwall disconnected from pipe (October 8, 2024)

Exhibit D

Appendix D. OMBIL Regulatory Module (ORM) Upload Sheet

Exhibit D

Waters_Name	State	Cowardin_Code	HGM_Code	Meas_Type	Amount	Units	Waters_Type	Latitude	Longitude
W-1	CALIFORNIA	PEM		Area	0.00464657	ACRE	DELIN.CONC	36.98428567	-121.97642006
W-2	CALIFORNIA	PEM		Area	0.01513606	ACRE	DELIN.CONC	36.98421344	-121.97609202
W-3	CALIFORNIA	PEM		Area	0.00223954	ACRE	DELIN.CONC	36.98371391	-121.97573259
W-4	CALIFORNIA	PEM		Area	0.01052155	ACRE	DELIN.CONC	36.98260433	-121.97731535
OW-1	CALIFORNIA	R6		Area	0.01004731	ACRE	DELIN.CONC	36.98255229	-121.97669777
C-1	CALIFORNIA	R4		Linear	11	FOOT	DELIN.CONC	36.98419570	-121.97590398
C-2	CALIFORNIA	R4		Linear	154	FOOT	DELIN.CONC	36.98395620	-121.97582885

Exhibit D

Appendix D. Resumes

Exhibit D