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

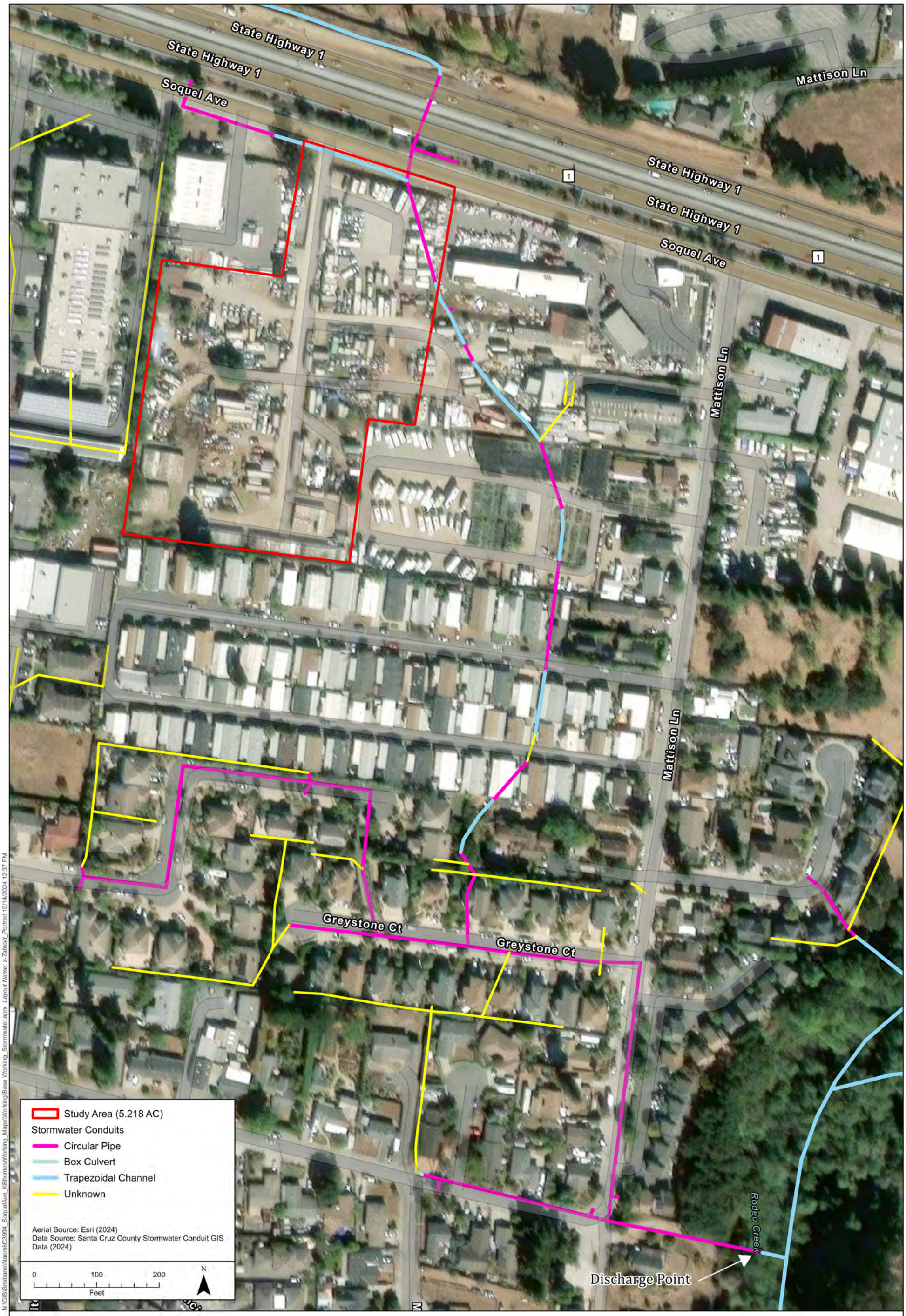
N

N:\GIS\Brisbane\Naomi\C3994_SoquelAve_KBhomes\Working_Maps\Working\Base Working_Delineation.aprx Layout Name: z-Tabloid_Portrait 10/9/2024 4:12 PM

integral consulting inc.

5940 Soquel Avenue
Figure 4. Delineation Map

Exhibit J



N:\GIS\Brisbane\Naomi\C3994_SoquelAve_KBhomes\Working_Maps\Working\Base Working_Stormwater.aprx Layout Name: z-Tabloid_Portrait 10/14/2024 12:37 PM

integral consulting inc.

5940 Soquel Avenue
Figure 5. Stormwater Map

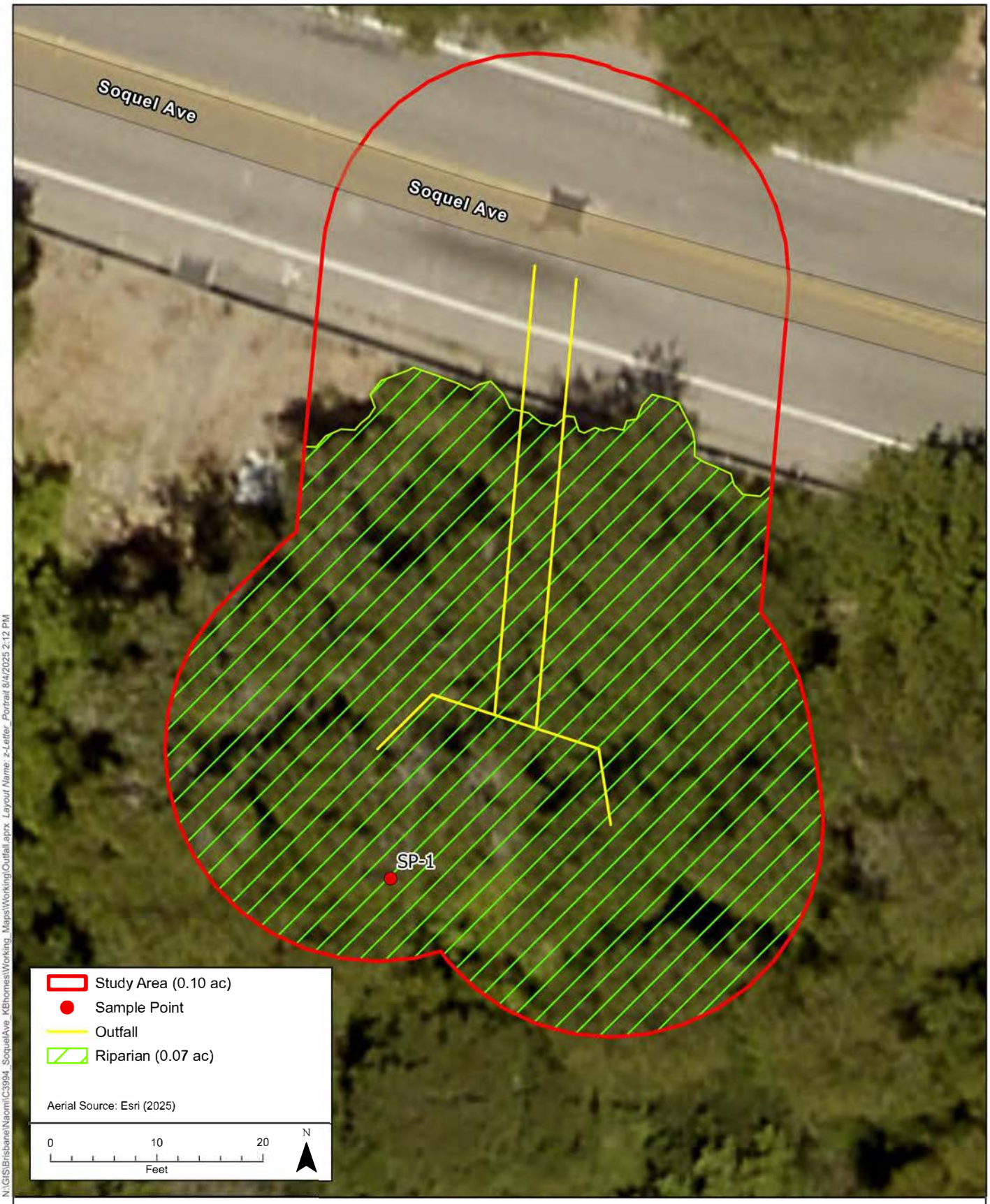
Exhibit J

N:\GIS\Brisbane\Naomi\C3994_SoquelAve_KBhomes\Working_Maps\Working\Base Working_BRAImpacts.aprx Layout Name: z-Tabloid_Portrait 4/29/2025 4:10 PM

integral consulting inc.

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

Exhibit J



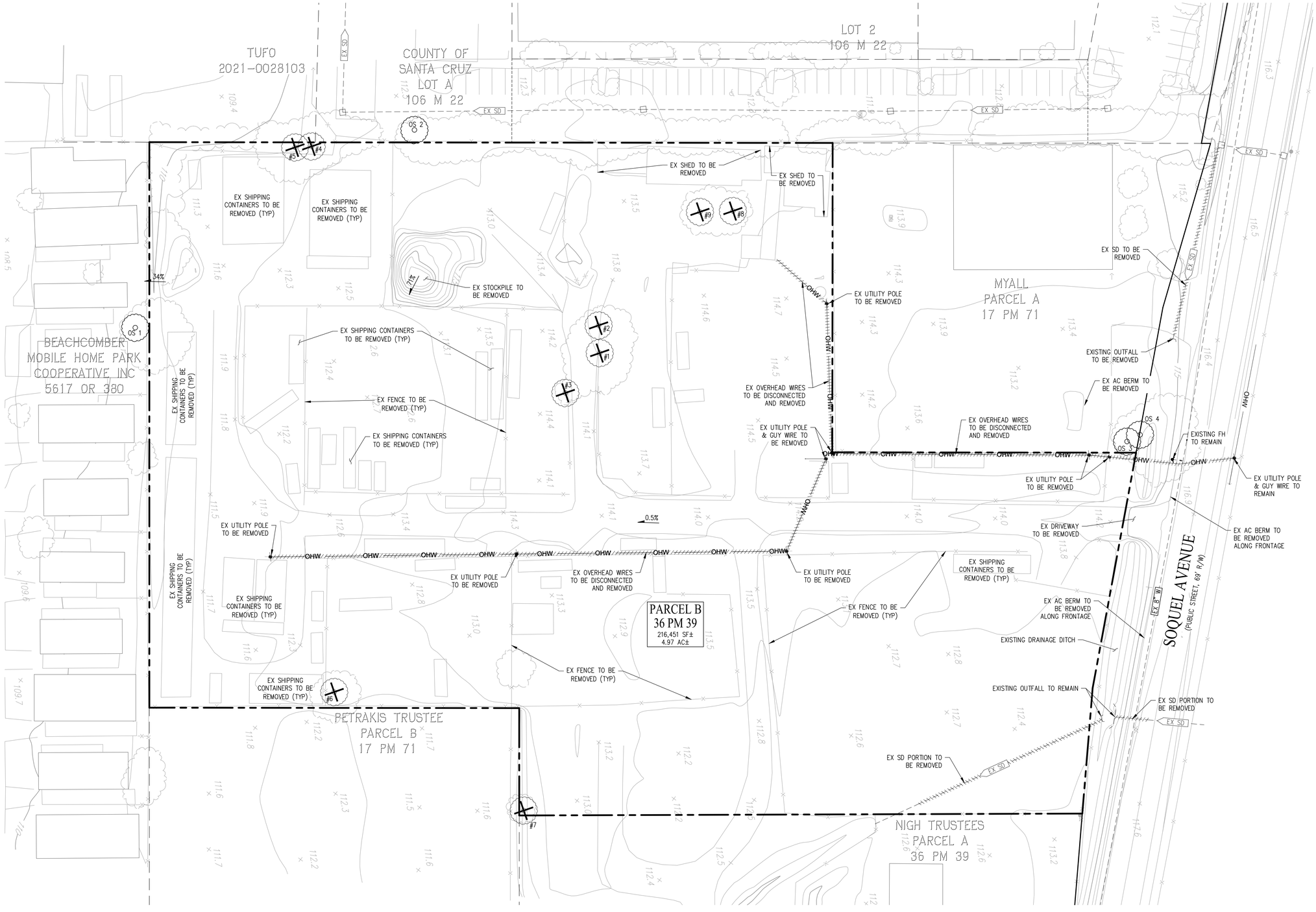
N:\GIS\Brisbane\Naomi\C3994_SoquelAve_KBhomes\Working_Maps\Working\Outfall.aprx Layout Name: z-Letter_Portrait 8/4/2025 2:12 PM

integral consulting inc.

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

Exhibit J

Appendix B. Site Plans



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

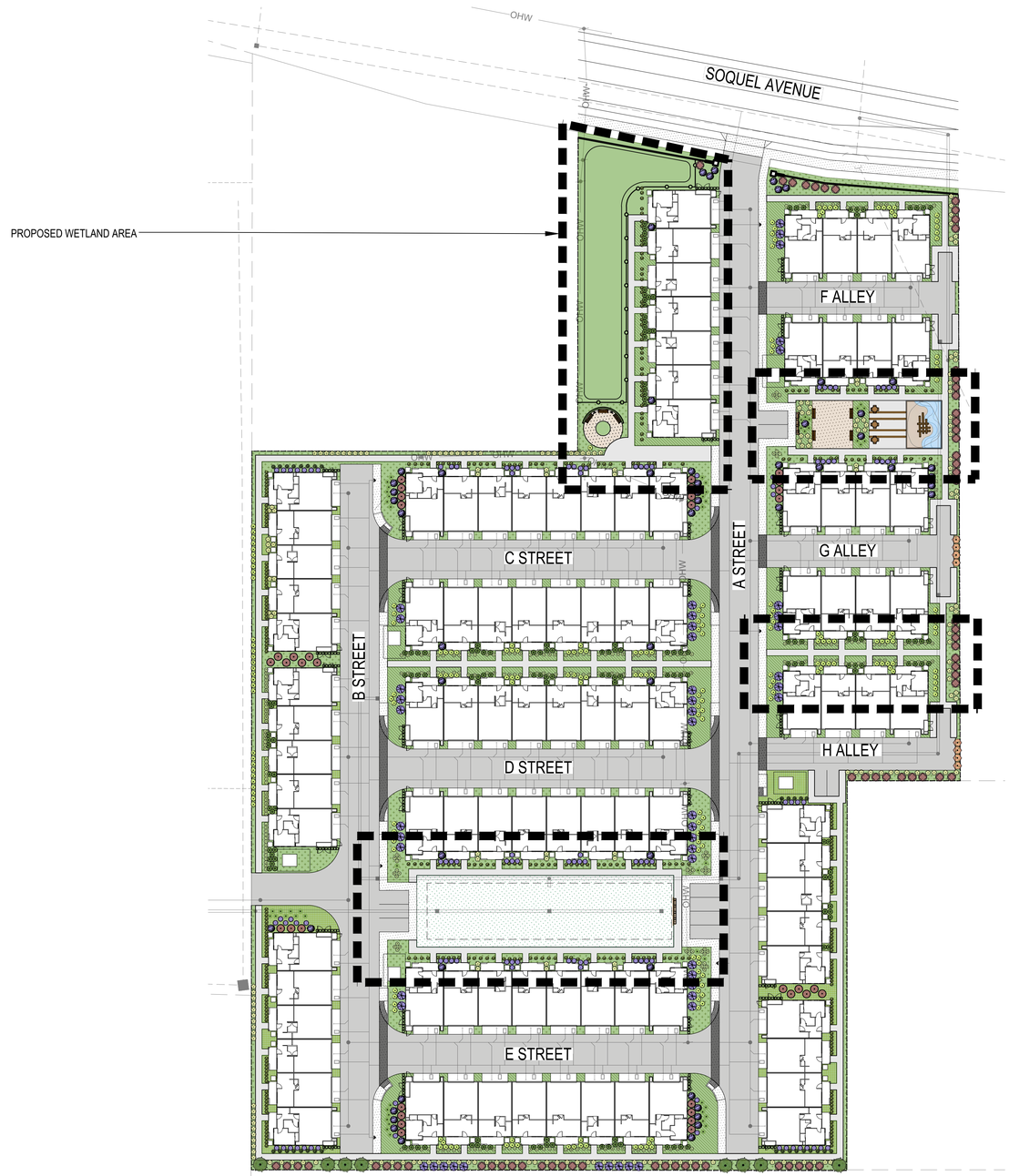
SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com

0 30 60 90

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

cbg CIVIL ENGINEERS SURVEYORS PLANNERS
SAN RAMON · ROSEVILLE

Exhibit J



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

S:\PROJECTS\698600\LA\PLANNING\698600CL.DWG

PLOTTED: 5/13/2025 3:30 PM

Exhibit J

Appendix C. Aquatic Resource Delineation Report

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

Exhibit J

CONTENTS

Exhibit J

Exhibit J

LIST OF FIGURES

Exhibit J

LIST OF TABLES

Exhibit J

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

Exhibit J

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

Exhibit J

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

Exhibit J

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*

Exhibit J

(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.

Exhibit J

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.

Exhibit J

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;

Exhibit J

(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;

Exhibit J

(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

Exhibit J

"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.

Exhibit J

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

Exhibit J

(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.

Exhibit J

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).

Exhibit J

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.

Exhibit J

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.

Exhibit J

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.

Exhibit J

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

Exhibit J

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 J

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 J

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.

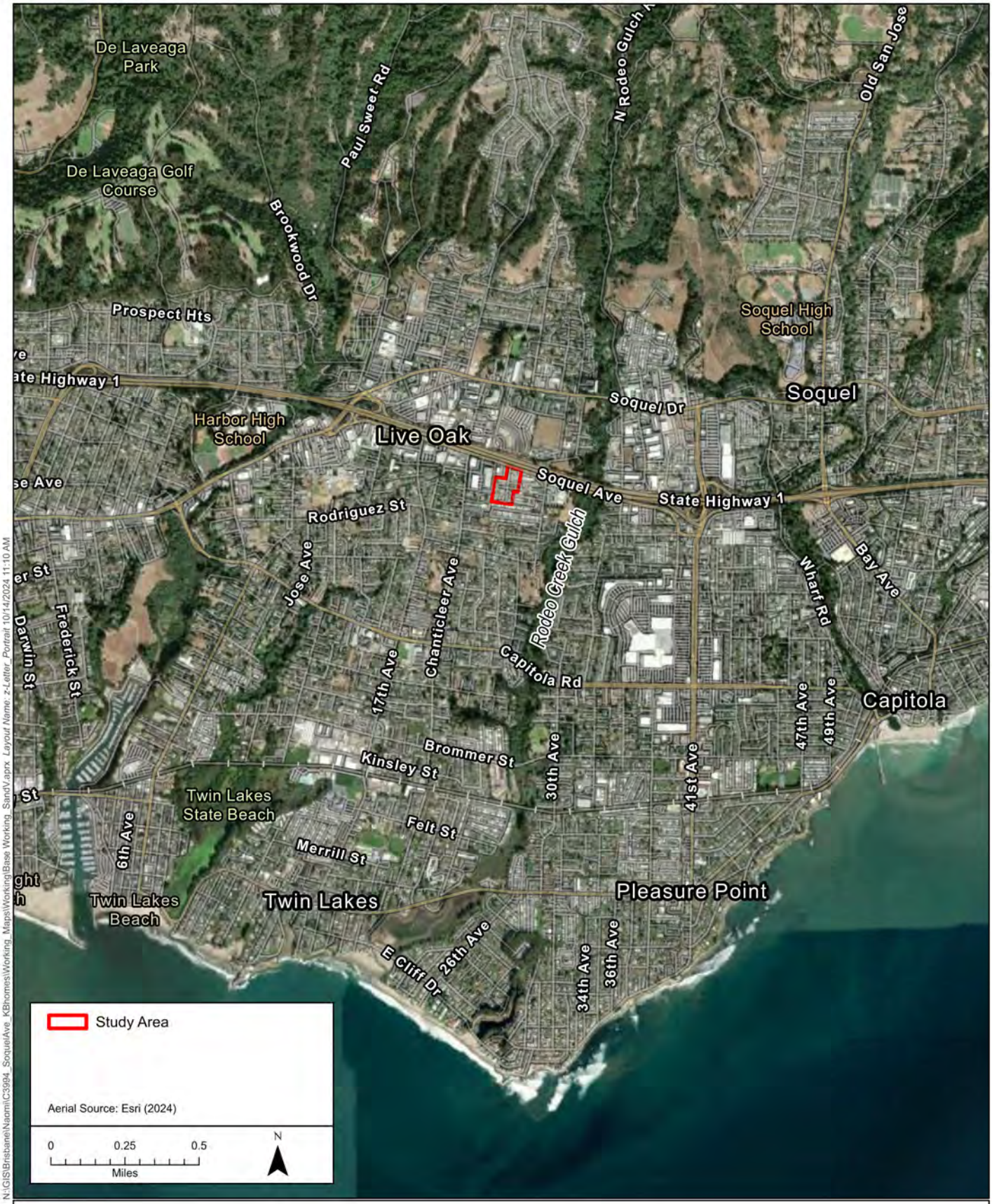
Exhibit J

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 J

Appendix A. Figures

Exhibit J



N:\GIS\Brisbane\Naomi\C3994_SoquelAve_KBhomes\Working_Maps\Working\Base Working_SandV.aprx Layout Name: z-Letter_Portrait 10/14/2024 11:10 AM

integral consulting inc.

5940 Soquel Avenue
Figure 1. Site and Vicinity Map

Exhibit J

N:\GIS\Brisbane\Naomi\C3994_SoquelAve_KBhomes\Working_Maps\Working\Base Working_USGS.aprx Layout Name: z-Letter_Portrait 10/14/2024 11:11 AM

integral consulting inc.

5940 Soquel Avenue
Figure 2. USGS Topographic Map

Exhibit J

N:\GIS\Bnsbanel\Naomi\C3994_SoquelAve_KBhomes\Working_Maps\Working\Base Working_Watershed.aprx Layout Name: z-Letter_Portrait 10/9/2024 4:46 PM

integral consulting inc.

5940 Soquel Avenue
Figure 3. Watershed Map

Exhibit J

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

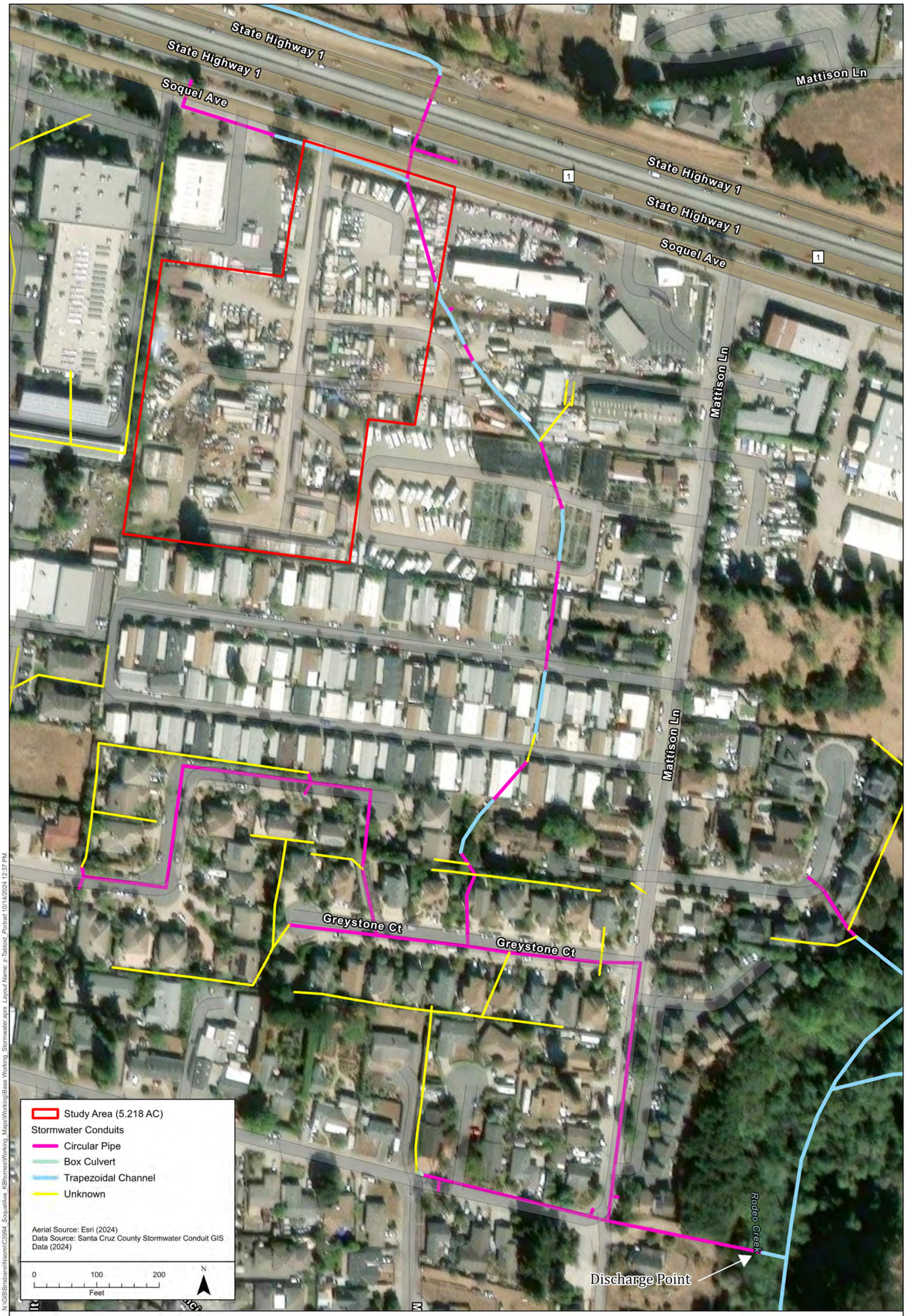
N

N:\GIS\Brisbane\Naomi\C3994_SoquelAve_KBhomes\Working_Maps\Working\Base Working_Delineation.aprx Layout Name: z-Tabloid_Portrait 10/9/2024 4:12 PM

integral consulting inc.

5940 Soquel Avenue
Figure 4. Delineation Map

Exhibit J



N:\GIS\Brisbane\Naomi\C3994_SoquelAve_KBhomes\Working_Maps\Working\Base Working_Stormwater.aprx Layout Name: z-Tabloid_Portrait 10/14/2024 12:37 PM

integral consulting inc.

5940 Soquel Avenue
Figure 5. Stormwater Map

Exhibit J

Appendix B. Wetland Determination Data Forms

Exhibit J

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.

	Absolute % Cover	Dominant Species?	Indicator Status
Tree Stratum (Plot size:)			
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 J

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 J

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 J

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 J

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 J

SOIL

Sampling Point: SP-3

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
0-10	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.

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 ____	**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*	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 (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	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 J

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:

Exhibit J

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 J

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 J

SOIL

Sampling Point: SP-6

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
0-1	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 J

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 J

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					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
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? 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.

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 ____
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. *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:

Exhibit J

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.

Exhibit J

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 J

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 J

Appendix C. Representative Site Photographs

Exhibit J

W-4 and southwest corner of Study Area, facing southwest (April 4, 2024)

Eastern extent of W-4, facing southeast (April 4, 2024)

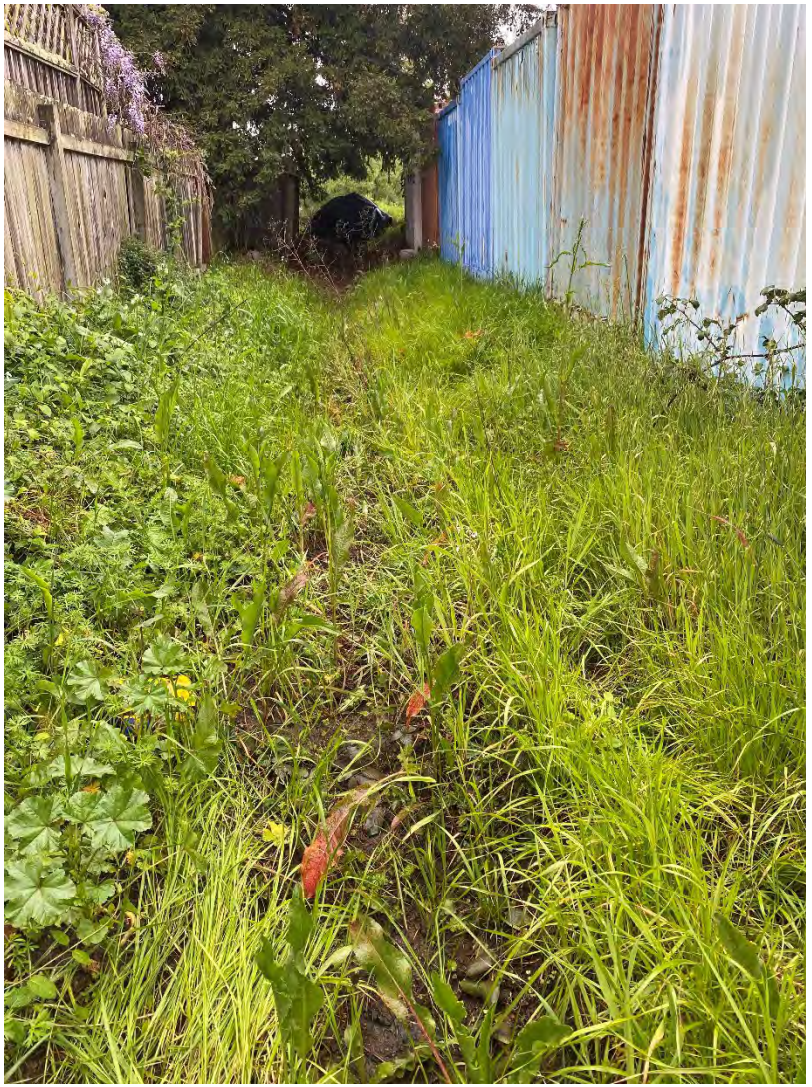
Exhibit J

Ditch near SP-7, facing east (April 4, 2024)

Center of Study Area, facing south (April 4, 2024)

Exhibit J

Eastern end of OW-1, facing west (April 4, 2024)



OW-1 near SP-4, facing west (April 4, 2024)

Exhibit J

W-1, facing northeast (April 4, 2024)

W-2, facing west (April 4, 2024)

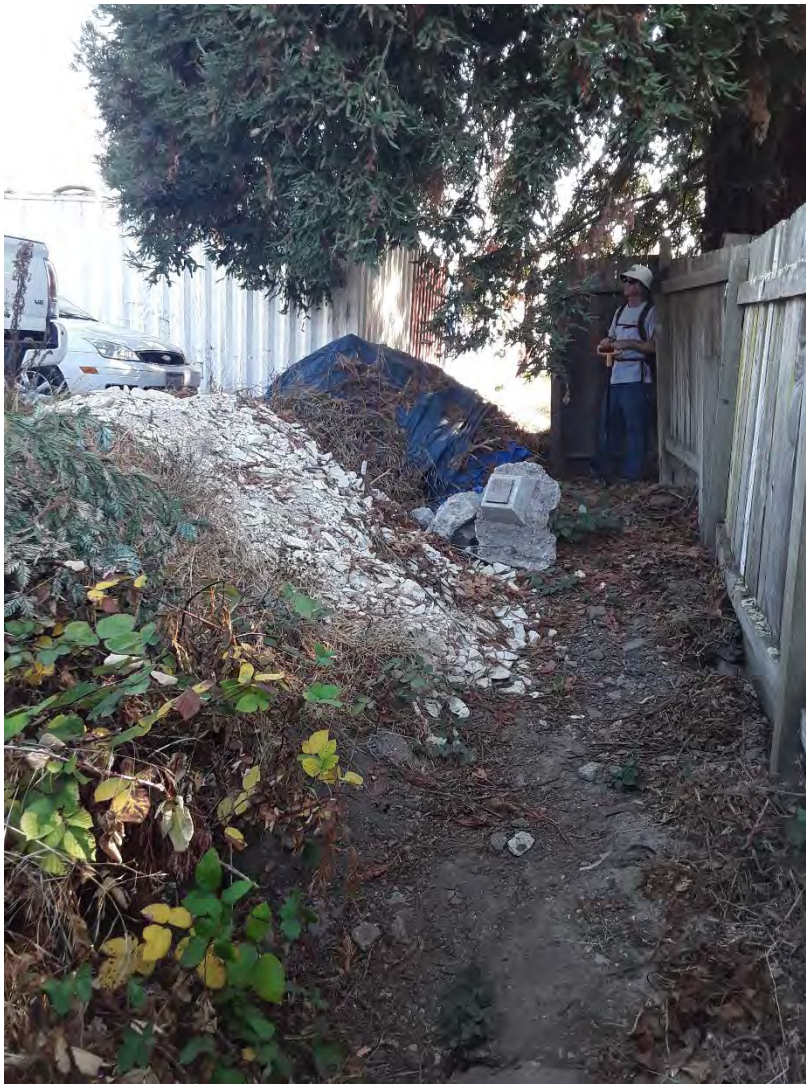
Exhibit J

C-1 outlet, facing north (April 4, 2024)

Eastern end of OW-1, facing east (October 8, 2024)

Exhibit J

Eastern end of OW-1, facing west (October 8, 2024)



Western end of OW-1, facing east (October 8, 2024)

Exhibit J

W-4, facing west (October 8, 2024)

W-3, facing northwest (October 8, 2024)

Exhibit J

W-3, facing southeast (October 8, 2024)

Ditch near SP-7, facing west (October 8, 2024)

Exhibit J

Ditch near SP-7, facing east (October 8, 2024)

W-1, facing east from west end of wetland (October 8, 2024)

Exhibit J

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 J

C-2 inlet; headwall disconnected from pipe (October 8, 2024)

Exhibit J

ARBORIST REPORT

November 12, 2024
6986.00

PROJECT
5940 Soquel Ave.
Santa Cruz, CA

PREPARED FOR
KB Home

PREPARED BY
HMH
1570 Oakland Road
San Jose, CA 95131
William Sowa
ISA Certified Arborist #WE-12270A

Digitally signed by William Sowa
Date: 2024.11.12 16:34:16-08'00'

Exhibit J

TABLE OF CONTENTS

Exhibit J

INTRODUCTION AND OVERVIEW

HMH was contracted to complete a survey, assessment and arborist report for trees located within the limit of work illustrated on Exhibit A. The project site encompasses a parcel totaling approximately 4.99 acres. There are commercial properties to the east and west, Highway 1 to the north and residential properties to the south. The parcel doesn't appear to have any permanent structures. There are numerous storage containers, cars, piles, etc. There were several areas that were fenced off or were blocked by storage items that some of the trees were inaccessible. Our scope of services includes locating, measuring DBH, assessing, and photographing the condition of all trees within the limit of work. Disposition and health recommendations are based on current site conditions. Site development/design may affect the preservation suitability. In addition, trees located outside the limit of work may be included if they may potentially be impacted by development of the site. These trees will not be measured, nor health assessed due to limited access. Tree locations are approximate, and their exact location should be determined by a licensed land surveyor. It should not be assumed that all trees inventoried are owned by the property owner. Check city and/or county codes for regulations regarding trees in the public right of way, setbacks, and/or easements.

METHODOLOGY

Our tree survey work is a deliberate and systematic methodology for cataloging trees on site:

1. Identify each tree species.
2. Note each tree's location on a site map.
3. Measure each trunk circumference at 4.5' above grade per ISA standards.
4. Evaluate the health and structure of each tree using the following numerical standard:

   5 *- A healthy, vigorous tree, reasonably free of disease, with good structure and form typical of the species.*

   4 *- A tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.*

   3 *- A tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that may be mitigated with care.*

   2 *- A tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.*

   1 *- A tree in severe decline, dieback of scaffold branches and or trunk, mostly epicormic growth; extensive structural defects that cannot be abated.*

   0 - Tree is dead.

SUMMARY OF FINDINGS

HMH conducted a tree inventory of 9 trees located within the limit of work outlined in Exhibit A. Three (3) of the trees inventoried are classified as significant-sized trees under the county of Santa Cruz municipal code. There were three trees that were inaccessible so there is a possibility one or more of those trees are significant.

A significant-size tree is:

(A) Within the urban services line or rural services line, any tree which is equal to or greater than 20 inches d.b.h. (approximately five feet in circumference); any sprout clump of five or more stems each of which is greater than 12 inches d.b.h. (approximately three feet in circumference); or any group consisting of five or more trees on one parcel, each of which is greater than 12 inches d.b.h. (approximately three feet in circumference).

Exhibit J

(B) Outside the urban services line or rural services line, where visible from a scenic road, any beach, or within a designated scenic resource area, any tree which is equal to or greater than 40 inches d.b.h. (approximately 10 feet in circumference); any sprout clump of five or more stems, each of which is greater than 20 inches d.b.h. (approximately five feet in circumference); or, any group consisting of 10 or more trees on one parcel, each greater than 20 inches d.b.h. (approximately five feet in circumference).

(C) Any tree located in a sensitive habitat as defined in Chapter 16.32 SCCC. Also see SCCC 16.34.090(C), exemption of projects with other permits.

Table 1 - Tree Quantity Summary summarizes tree quantities by both species and size. Each species that was inventoried as part of this scope is included. This is a useful tool for analyzing the mixture of trees as part of the project. The size table is useful when calculating mitigation requirements in the case of tree removal as well as aiding in determining tree maturity.

Table 2 - Tree Evaluation Summary lists each tree number, botanical name, common name, DBH, circumference, ordinance trees, health rating, preservation suitability, general notes and observations and recommendations.

See Exhibit A for Existing Tree Locations
See Table 1 for Tree Quantity Summary by species and size.
See Table 2 for Tree Evaluation Summary for sizes, notes and recommendations regarding each tree.

GENERAL OBSERVATIONS AND RECOMMENDATIONS

The onsite trees are not growing in an ideal environment. Most of the trees haven't been irrigated and are not being maintained well. Most of them are crowded next to fences and have heavy items or storage containers in their critical root zone, which is very harmful to the tree and its structural integrity.

Species: *Acacia dealbata* (Silver Wattle)
Quantity: 2
Tree Numbers: 1-2
Observations / Recommendations:
There are two silver wattles on site. Tree 1 is a very large specimen. It is in moderate shape and health. It has a fair amount of sap sucker damage and it is crowded by a fence and storage items. Tree 2 is in fairly poor shape and health. It is growing under tree 1 and the growth has been suppressed because of this. It is growing through the fence and has structural defects. Neither of the trees appear to have been irrigated or maintained. Silver wattle is categorized as an invasive species by the California Invasive Plant Council. These trees are recommended for removal.

Species: *Acacia melanoxylon* (Blackwood Acacia)
Quantity: 1
Tree Numbers: 7
Observations / Recommendations:

Exhibit J

There is one blackwood acacia that is in moderate shape and health. Blackwood acacia is categorized as an invasive species by the California Invasive Plant Council. This tree is recommended for removal.

Species: *Acer rubrum* (Red Maple)
Quantity: 1
Tree Numbers: 3
Observations / Recommendations:
There is a red maple that is in moderate shape and condition. It has some branch die back and is growing next to a fence with storage items. The tree is growing on a small mound braced by stones. The grading surrounding a tree must be maintained if the tree is to be retained. This tree is not an exceptional specimen and is a candidate for removal.

Species: *Eucalyptus camaldulensis* (Red River Gum)
Quantity: 2
Tree Numbers: 4-5
Observations / Recommendations:
There are two red river gums that are very close to the property line, with tree 5 possibly being on the neighboring property. Before any action is taken on these trees, their exact location should be determined. They are in moderate shape and health. Red river gum is categorized as an invasive species by the California Invasive Plant Council. These trees are recommended for removal.

Species: *Fraxinus angustifolia 'Raywood'* (Raywood Ash)
Quantity: 2
Tree Numbers: 8-9
Observations / Recommendations:
The area these two Raywood ashes are growing was inaccessible, so we do not have the trunk measurements for these trees. They don't appear to be significant-sized trees. They appear to be in moderate shape and health. Tree 8 has branch die back and both appear to have signs of stress.

Species: *Quercus agrifolia* (Coast Live Oak)
Quantity: 1
Tree Numbers: 6
Observations / Recommendations:
The Coast Live Oak was in an area that was inaccessible. It appears to be a large specimen, possibly significant-size. It is difficult to assess the health of the tree without observing it more closely. There are storage containers and many large items very close to the tree and in the critical root zone which is very harmful to the tree and its structural integrity. When everything is removed from the root zone, the tree may be at risk of failure because of the damage to the root system.

Offsite Trees:

The general recommendation for all offsite trees is to follow tree protection measures for the area overhanging the property by fencing the root zone beneath the canopy. If any pruning is necessary, communicate with the property owner before any action is taken. It is never recommended to prune branches on only one side of the tree. The pruning should be kept below 20 percent of the total living crown and balanced on all sides of the tree. Any pruning

Exhibit J

should be done by a certified tree company with an arborist. Follow guidelines in the Recommendations for Tree Protection During Construction section.

Offsite Tree 1 (OS 1), a Coast Redwood, is a very large specimen that is overhanging the property by approximately 28'. Offsite Tree 2 (OS 2), a London Plane tree is overhanging the property by approximately 20'. There are many other trees on the west side of the property that are overhanging the property by approximately 20' or less. Offsite Trees 3 and 4 (OS3 and OS4) are in the frontage and overhang the property by approximately 5' and 20', respectively. They may also be considered street trees.

Exhibit J

RECOMMENDATIONS FOR TREE PROTECTION DURING CONSTRUCTION

Site preparation: All existing trees shall be fenced within or at the drip line (foliar spread) of the tree. Depending on the location of the tree the fencing may not be able to be at the dripline. Examples of this would be public right of way, near property lines or around existing structures to remain. Where complete drip line fencing is not possible, the addition of straw waddles and orange snow fencing wrapping the trunk shall be installed per the tree protection detail. The fence should be a minimum of six feet high, made of galvanized 11-gauge wire mesh with galvanized posts or any material superior in quality. A tree protection zone (TPZ) sign shall be affixed to fencing at appropriate intervals as determined by the arborist on site. If the fence is within the drip line of the trees, the foliar fringe shall be raised to offset the chance of limb damage from active construction.

Active Construction: All contractors, subcontractors and other personnel shall be warned that encroachment within the fenced area and dripline is prohibited without the consent of the certified arborist on the job. This includes, but is not limited to, storage of lumber and other materials, disposal of paints, solvents or other noxious materials, parked cars, grading equipment or other heavy equipment. If construction activity needs to happen in the TPZ the fence can be moved temporarily for delivery of construction materials. The contractor should make accommodations to off load items such as trusses, timber, plasterboard, wallboard, concrete, gypsum board, flooring, roofing or any other heavy construction material outside the foliar spread of the tree so there is no heavy equipment needed that could cause damage to the canopy of the tree or compact the root zone. The tree protection fencing should be reestablished per the plans and details immediately after any activity through the TPZ. Penalties, based on the cost of remedial repairs and the evaluation guide published by the International Society of Arboriculture, shall be assessed for damages to the trees.

Grading/excavating: All grading plans that specify grading within the drip line of any tree, or within the distance from the trunk as outlined in the site preparation section above when said distance is outside the drip line, shall first be reviewed by a certified arborist. Provisions for aeration, drainage, pruning, tunneling beneath roots, root pruning or other necessary actions to protect the trees shall be outlined by an arborist. If trenching is necessary within the area as described above, said trenching shall be undertaken by hand labor and dug directly beneath the trunk of the tree. All roots 2 inches or larger shall be tunneled under and other roots shall be cut smoothly to the trunk side of the trench. The trunk side should be draped immediately with two layers of untreated burlap to a depth of 3 feet from the surface. The burlap shall be soaked nightly and left in place until the trench is back filled to the original level. An arborist shall examine the trench prior to back filling to ascertain the number and size of roots cut, so as to suggest the necessary remedial repairs.

Remedial repairs: An arborist shall have the responsibility of observing all ongoing activities that may affect the trees and prescribing necessary remedial work to ensure the health and stability of the trees. This includes, but is not limited to, all arborist activities brought out in the previous sections. In addition, pruning, as outlined in International Society of Arboriculture Best Management Practices: Pruning and ANSI A300 Part 1 Standard Practices: Pruning, shall be prescribed as necessary. Fertilizing, aeration, irrigation, pest control and other activities shall be prescribed according to the tree needs, local site requirements, and state agricultural pest control laws. All specifications shall be in writing. For pest control operations, consult the local county agricultural commissioner's office for individuals licensed as pest control advisors or pest control operators.

Exhibit J

Final inspection: Upon completion of the project, the arborist shall review all work undertaken that may impact the existing trees. Special attention shall be given to cuts and fills, compacting, drainage, pruning and future remedial work. An arborist should submit a final report in writing outlining the ongoing remedial care following the final inspection.

MAINTENANCE RECOMMENDATIONS FOR TREES TO REMAIN

Regular maintenance, designed to promote plant health and vigor, ensures longevity of existing trees. Regular inspections and the necessary follow-up care of mulching, fertilizing, and pruning, can detect problems and correct them before they become damaging or fatal.

Tree Inspection: Regular inspections of mature trees at least once a year can prevent or reduce the severity of future disease, insect, and environmental problems. During tree inspection, four characteristics of tree vigor should be examined: new leaves or buds, leaf size, twig growth, and absence of crown dieback (gradual death of the upper part of the tree). A reduction in the extension of shoots (new growing parts), such as buds or new leaves, is a fairly reliable cue that the tree's health has recently changed. Growth of the shoots over the past three years may be compared to determine whether there is a reduction in the tree's typical growth pattern. Further signs of poor tree health are trunk decay, crown dieback, or both. These symptoms often indicate problems that began several years before. Loose bark or deformed growths, such as trunk conks (mushrooms), are common signs of stem decay. Any abnormalities found during these inspections, including insect activity and spotted, deformed, discolored, or dead leaves and twigs, should be noted and observed closely.

Mulching: Mulch, or decomposed organic material, placed over the root zone of a tree reduces environmental stress by providing a root environment that is cooler and contains more moisture than the surrounding soil. Mulch can also prevent mechanical damage by keeping machines such as lawn mowers and string trimmers away from the tree's base. Furthermore, mulch reduces competition from surrounding weeds and turf. To be most effective, mulch should be placed 2 to 4 inches deep and cover the entire root system, which may be as far as 2 or 3 times the diameter of the branch spread of the tree. If the area and activities happening around the tree do not permit the entire area to be mulched, it is recommended that as much of the area under the drip line of the tree is mulched as possible. When placing mulch, care should be taken not to cover the actual trunk of the tree. This mulch-free area, 1 to 2 inches wide at the base, is sufficient to avoid moist bark conditions and prevent trunk decay. An organic mulch layer 2 to 4 inches deep of loosely packed shredded leaves, pine straw, peat moss, or composted wood chips is adequate. Plastic should not be used as it interferes with the exchange of gases between soil and air, which inhibits root growth. Thicker mulch layers, 5 to 6 inches deep or greater, may also inhibit gas exchange.

Fertilization: Trees require certain nutrients (essential elements) to function and grow. Urban landscape trees may be growing in soils that do not contain sufficient available nutrients for satisfactory growth and development. In certain situations, it may be necessary to fertilize to improve plant vigor. Fertilizing a tree can improve growth; however, if fertilizer is not applied wisely, it may not benefit the tree at all and may even adversely affect the tree. Mature trees making satisfactory growth may not require fertilization. When considering supplemental fertilizer, it is important to consider nutrients deficiencies and how and when to amend the deficiencies. Soil conditions, especially pH and organic matter content, vary greatly, making the proper selection and use of fertilizer a somewhat complex process. To that end, it is recommended that the soil be tested for nutrient content. A soil testing laboratory and can give advice on application rates, timing, and the best blend of fertilizer for each tree and other landscape plants on site. Mature trees have expansive root systems that extend from 2 to 3 times the size of the leaf

Exhibit J

canopy. A major portion of actively growing roots is located outside the tree's drip line. Understanding the actual size and extent of a tree's root system before applying fertilizer is paramount to determine quantity, type and rate at which to best apply fertilizer. Always follow manufacturer recommendations for use and application.

Pruning: Pruning is often desirable or necessary to remove dead, diseased, or insect-infested branches and to improve tree structure, enhance vigor, or maintain safety. Because each cut has the potential to change the growth of (or cause damage to) a tree, no branch should be removed without reason. Removing foliage from a tree has two distinct effects on growth: (1) it reduces photosynthesis and, (2) it may reduce overall growth. Pruning should always be performed sparingly. Caution must be taken not to over-prune as a tree may not be able to gather and process enough sunlight to survive. Pruning mature trees may require special equipment, training, and experience. Licensed and insured tree maintenance companies are equipped to provide a variety of services to assist in performing the job safely and reducing risk of personal injury and property damage and should be consulted for this type of work. *(See also ANSI A300 Part 1 Pruning Standards- https://www.tcia.org).*

Planting and Irrigation: Any new planting and irrigation that is to occur under the drip line of an existing tree should be conducted with care to avoid the root system. Generally installation of an irrigation mainline should be avoided under the dripline of the existing tree. Refer to the Grading/Excavating section for installation of any irrigation lines to be installed under the drip line of an existing tree. Any new planting should match the water use of the existing tree (as defined by WUCOLS). The irrigation hydro zone for the new planting should also match the requirements of the existing tree.

Removal: There are circumstances when removal is necessary. An arborist can help decide whether or not a tree should be removed. Professionally trained arborists have the skills and equipment to safely and efficiently remove trees. Removal is recommended when a tree: (1) is dead, dying, or considered irreparably hazardous; (2) is causing an obstruction or is crowding and causing harm to other trees and the situation is impossible to correct through pruning; (3) is to be replaced by a more suitable specimen, and; (4) should be removed to allow for construction. Pruning or removing trees, especially large trees, can be dangerous work. It should be performed only by those trained and equipped to work safely in trees.

Exhibit J

TERMS AND CONDITIONS

The following terms and conditions apply to all oral and written reports and correspondence pertaining to consultations, inspections and activities of HMH.

1. The scope of any report or other correspondence is limited to the trees and conditions specifically mentioned in those reports and correspondence. HMH assumes no liability for the failure of trees or parts of trees, either inspected or otherwise. HMH assumes no responsibility to report on the condition of any tree or landscape feature not specifically requested by the named client.
2. No tree described in this report was climbed, unless otherwise stated. HMH does not take responsibility for any defects, which could have only been discovered by climbing. A full root collar inspection, consisting of excavating the soil around the tree to uncover the root collar and major buttress roots was not performed unless otherwise stated. HMH does not take responsibility for any root defects, which could only have been discovered by such an inspection.
3. HMH shall not be required to provide further documentation, give testimony, be deposed, or attend court by reason of this appraisal or report unless subsequent contractual arrangements are made, including payment of additional fees for such services as described by HMH or in the schedule of fees or contract.
4. HMH guarantees no warrantee, either expressed or implied, as to the suitability of the information contained in the reports for any reason. It is the responsibility of the client to determine applicability to his/her case.
5. Any report and the values, observations and recommendations expressed therein represent the professional opinion of HMH, and the fee for services is in no manner contingent upon the reporting of a specified value nor upon any particular finding to be reported.
6. Any photographs, diagrams, graphs, sketches or other graphic material included in any report, being intended solely as visual aids, are not necessarily to scale and should not be construed as engineering reports or surveys, unless otherwise noted in the report. Any reproductions of graphic material or the work produced by other persons, is intended solely for clarification and ease of reference. Inclusion of said information does not constitute a representation by HMH as to the sufficiency or accuracy of that information.
7. Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

Exhibit J

Existing Tree Map
Exhibit A

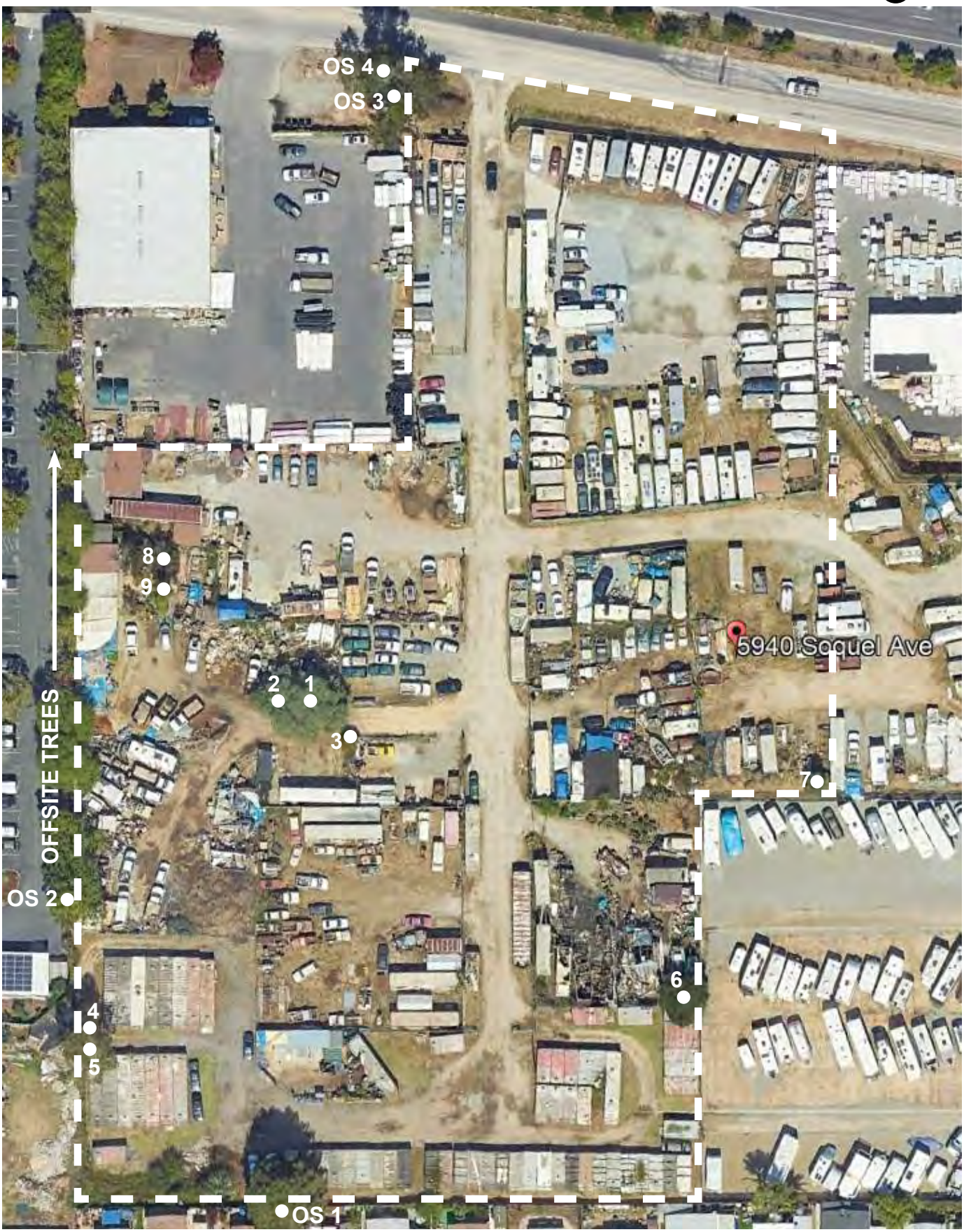


Exhibit J

TABLE 1 - TREE QUANTITY SUMMARY

Tree Quantity by Species		
Species	**Quantity**	**% of Site**
Acacia dealbata	2	22%
Acacia melanoxylon	1	11%
Acer rubrum	1	11%
Eucalyptus camaldulensis	2	22%
Fraxinus angustifolia 'Raywood'	2	22%
Quercus agrifolia	1	11%
Total Trees	**9**	**100%**

Exhibit J

TABLE 2 - TREE EVALUATION SUMMARY

Prepared By: William Sowa ISA Certified Arborist WE-12270A

DBH MEASUREMENT HEIGHT: 54"

Date of Evaluation: 11/7/2024

Suitability for Preservation is based on the following
Good - Trees with good health and structural stability that have the potential for longevity at the site.
Moderate - Trees in somewhat declining health and/or exhibits structural defects that cannot be abated with treatment. Trees will require more intense management and will have a shorter lifespan than those in the 'Good' category.
Poor - Trees in poor health or with significant structural defects that cannot be mitigated. Tree is expected to decline, regardless of treatment.

Health Rating	
5	A healthy, vigorous tree, reasonably free of disease, with good structure and form typical of the species.
4	A tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.
3	A tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that may that might be mitigated with care.
2	A tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
1	A tree in severe decline, dieback of scaffold branches and or trunk, mostly epicormic growth; extensive structural defects that cannot be abated.
0	Tree is dead.

Abbreviations and Definitions		
BDB	Branch dieback	Condition where branch tips or entire sections of branches die off. Typically indicative of tree stress.
CD	Codominant branches	Forked branches nearly the same size in diameter, arising from a common junction an lacking a normal branch union.
CDB	Dieback in Crown	Condition where branches in the tree crown die from the tips toward the center.
CR	Crowded	Tree is bounded closely by one or more of the following: structure, tree, Etc.
D	Decline	Tree shows obvious signs of decline, which may be indicative of the presence of multiple biotic and abiotic disorders.
DBH	Diameter at Breast Height	Measurement of tree diameter in inches. Measurement height varies by City and is noted above.
EG	Epicormic Growth	Watersprouting on trunk and main leaders or suckers, sprouts arising out of roots.Typically indicative of tree stress.
EH	Exposed Heartwood	Exposure of the tree's heartwood is typically seen as an open wound that leaves a tree more susceptible to pathogens, disease or infection.
GR	Girdling Roots	Roots that grow around or across other roots. Can cause restriction of nutrient and water uptake, swelling, dieback or structural instability.
H	Hazardous	A tree that in it's current condition, presents a hazard.
HD	Headed	Poor pruning practice of cutting back branches. Often practiced under utility lines to limit tree height.
IB	Included Bark	Structural defect where bark is included between the branch attachment so the wood can't join. Such defect can have a higher probability of failure.
LN	Leaning Tree	Tree leaning, see notes for severity.
MT	Multi Trunk	Multiple central leaders originating below the DBH measurement.
PT	Phototropism	Tree exhibits phototropic growth habits. Reduced trunk taper, misshapen trunk and canopy growth are examples of this growth habit.
SD	Structural Defects	Naturally or secondary conditions including cavities, poor branch attachments, cracks, or decayed wood in any part of the tree that may contribute to structural failure.
SE	Severe	Indicates the severity of the following term.
SL	Slight	Indicates the mildness of the following term.
SR	Surface Roots	Roots visible at finished grade.
ST	Stress	Environmental factor inhibiting regular tree growth. Includes drought, salty soils, nitrogen and other nutrient deficiencies in the soil.
WU	Weak Union	Weak union or fork in tree branching structure.
	Significant Tree	(A) Within the urban services line or rural services line, any tree which is equal to or greater than 20 inches d.b.h. (approximately five feet in circumference); any sprout clump of five or more stems each of which is greater than 12 inches d.b.h. (approximately three feet in circumference); or any group consisting of five or more trees on one parcel, each of which is greater than 12 inches d.b.h. (approximately three feet in circumference). (B) Outside the urban services line or rural services line, where visible from a scenic road, any beach, or within a designated scenic resource area, any tree which is equal to or greater than 40 inches d.b.h. (approximately 10 feet in circumference); any sprout clump of five or more stems, each of which is greater than 20 inches d.b.h. (approximately five feet in circumference); or, any group consisting of 10 or more trees on one parcel, each greater than 20 inches d.b.h. (approximately five feet in circumference). (C) Any tree located in a sensitive habitat as defined in Chapter 16.32 SCCC. Also see SCCC 16.34.090(C), exemption of projects with other permits.

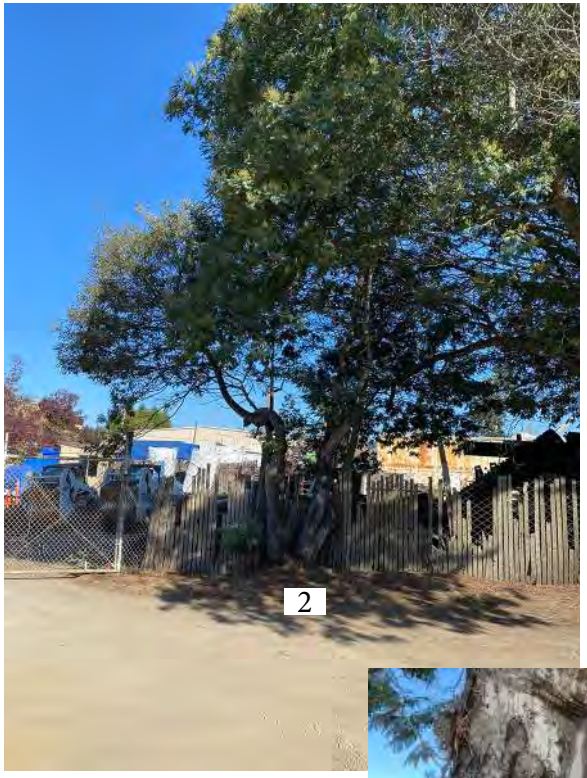
Exhibit J

TREE #	BOTANICAL NAME	COMMON NAME	DBH (INCHES)	CIRCUMF-ERENCE (INCHES)	SIGNIFICANT TREE	CANOPY (APX FEET)	HEIGHT (APX FEET)	HEALTH	PRESERVATION SUITABILITY	NOTES
1	*Acacia dealbata*	Silver Wattle	20.0	63	YES	40	35	3	Poor	CR fence & storage items, SD, sap sucker damage, invasive
2	*Acacia dealbata*	Silver Wattle	8.2, 9.3, 5.3	72	YES	25	30	2	Poor	CR fence, storage items, & tree #1, SD, ST, growing under tree #1, invasive
3	*Acer rubrum*	Red Maple	5.0	16	NO	12	15	3	Moderate	BDB, grown on mound, CR fence & storage items
4	*Eucalyptus camaldulensis*	River Red Gum	10.7	34	NO	18	40	3	Poor	ST, invasive
5	*Eucalyptus camaldulensis*	River Red Gum	19, 11	94	YES	35	55	3	Poor	ST, possibly offsite, CR fence & shed, invasive
6	*Quercus agrifolia*	Coast Live Oak	not accessible			28	40	3	Moderate	untagged, unable to get near tree
7	*Acacia melanoxylon*	Blackwood Acacia	9.0	28	NO	18	40	3	Moderate	invasive
8	*Fraxinus angustifolia 'Raywood'*	Raywood Ash	not accessible			30	35	3	Moderate	untagged, unable to get near tree, ST, BDB
9	*Fraxinus angustifolia 'Raywood'*	Raywood Ash	not accessible			20	40	3	Moderate	untagged, unable to get near tree, ST

OFF SITE TREES

OS 1	*Sequoia sempervirens*	Coast Redwood					70			Overhangs property apx. 28'
OS 2	*Platanus x hispanica*	London Plane					40			Overhangs property apx. 20'
OS 3	*Pinus radiata*	Monterey Pine	37.7	118	YES		70			Overhangs property apx. 5'
OS 4	*Pinus radiata*	Monterey Pine	41.1	129	YES		65			Overhangs property apx. 20'

Exhibit J



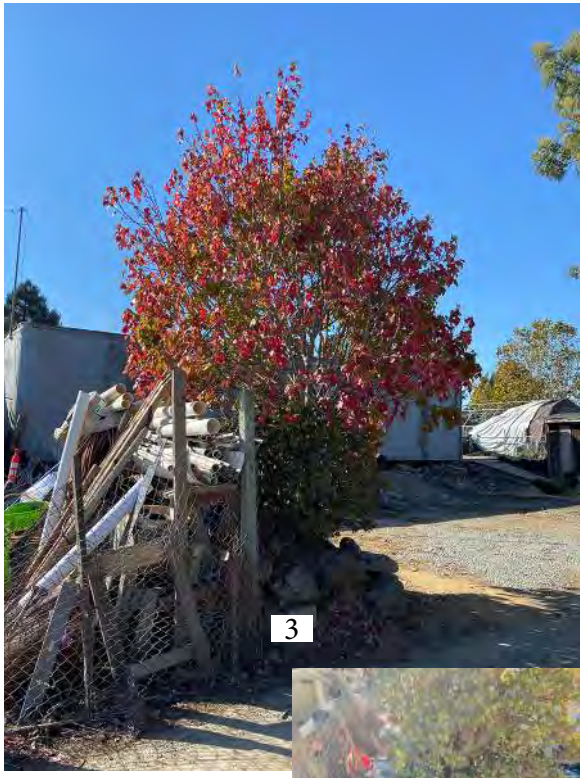


Exhibit J

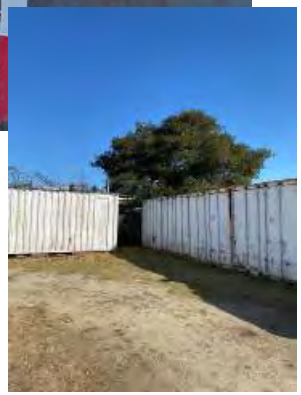
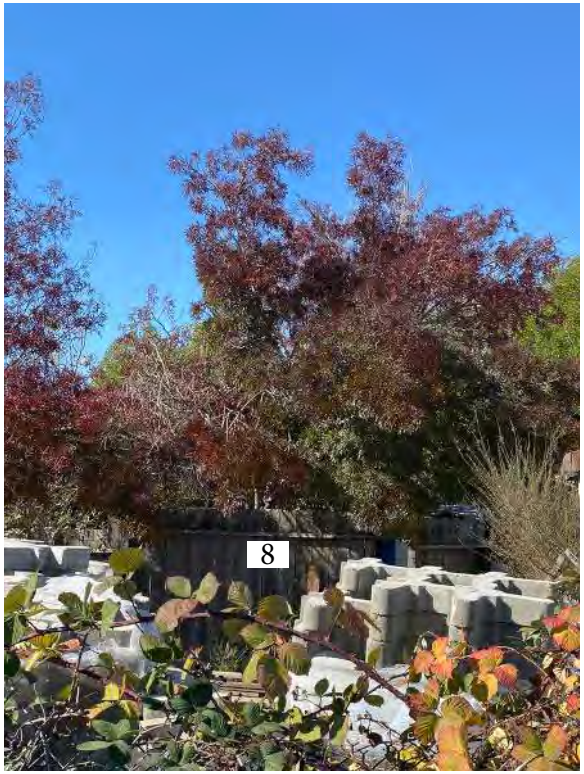


Exhibit J



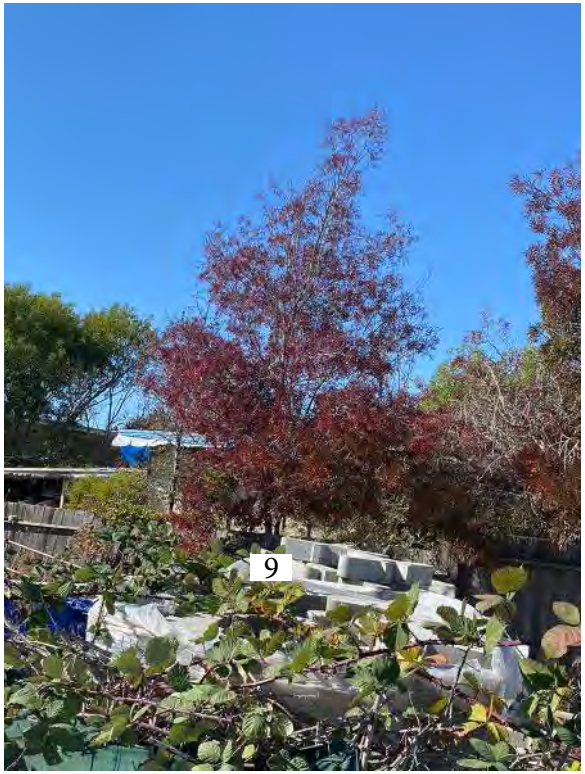


Exhibit J

OFF SITE TREES

Exhibit J

Brief Annotated Background on Regional Housing Need Combining District and Prior 40% Inclusionary Requirement in SCCC 17.10

The 40% affordability (inclusionary) requirement was based on an interim ordinance originally enacted by the Board in 2004, and later amended, which imposed a 40% inclusionary requirement on properties in nonresidential zones that were rezoned to residential zones. The 40% total consisted of the standard 15% inclusionary requirement applicable to all major residential developments, which came from the "Measure J" ballot measure passed in 1978, plus an additional 25% "enhanced" inclusionary requirement that would only apply to properties in non-residential zones (commercial, industrial, etc.) that were proposed for rezoning into a residential zone. That enhanced inclusionary requirement for non-residential property was later incorporated into a new Affordable Housing Combining District (later renamed the Regional Housing Need Combining District) policy developed in 2005, as part of an effort underway at that time to gain state certification of the County's 2000 – 2007 Housing Element. That 40% requirement was deemed feasible by the County at the time under several rationales, including that the County's then existing Redevelopment Agency (RDA) committed to offer developers of these sites $15 million in RDA housing funds to assist development of housing consistent with the combining district requirements[1], in addition to priority processing and pre-approval for the density of 20 units an acre, which at the time was considered a feasible density for lower-income housing developments, and an increase over the then-existing maximum residential density allowed by the General Plan, in the Urban High (R-UH) land use designation, which at that time was 17.4 units an acre.

Today, the R-UH designation allows up to 30 units an acre, and there is a new higher density designation of Urban High Flex, which allows up to 45 units/acre. The table below provides excerpts from prior County Housing Elements and related materials briefly outlining the history of the R-Combining District, as well as the creation of, and approximately 10 years later, the elimination of the 25% enhanced inclusionary policy, through various Board actions between 2004 and 2018.

[1] April 2005 Letter from HCD to County referencing commitment of $15 million in RDA funds, excerpted below.

Exhibit K

SOURCE	EXCERPTS
Affordable Housing/R-Combining District	
June 22, 2004 Interim Ordinance, creating initial 40% requirement	Attachment 1 0600 **ORDINANCE No.** *4764* AN ORDINANCE OF THE COUNTY OF SANTA CRUZ ADOPTING INTERIM ZONING REGULATIONS REGARDING THE CONVERSION OF NON RESIDENTIAL LAND TO RESIDENTIAL LAND 5. Non-residential to residential rezoning and/or General Plan amendment. Non-residential parcels which as a result of a rezoning and/or General Plan Amendment are rezoned or designated as residential shall be required to provide forty (40) percent of the total number of units as affordable in accordance with 13.10.215 (a) (1). A minimum of one half of the affordable units shall be affordable to low income households. All affordable units must be constructed on-site. If the calculation of the affordable housing obligation under Section 17.10.030(b) results in any fractional obligation above a whole unit, the project developer shall contribute funds equivalent to the fractional amount to the Measure J Trust Fund as provided in Section 17.10.034. No alternative options for satisfying the affordable requirement is allowed.
June 2005 Draft Housing Element	EXCERPT FROM JUNE 2005 DRAFT HOUSING ELEMENT, SECTION 4.6: **h. Affordable Housing Combining District** The Board of Supervisors adopted an ordinance on June 22, 2004 which applies to rezonings of land from non-residential zoning to residential zoning. This ordinance requires that 40% of the residential units proposed and developed as a result of such rezoning be affordable (20% to low income households). This ordinance was approved by a 5-0 vote. In expanding on this concept, a combining district will be created to address the short fall of units in the very low and low income categories. Densities for the parcels designated under the Combining District will be 20 units per acre. The number of units for each designated site will be determined based on multiplying 20 units times the number of developable acres on the site. Therefore, under the combining district, the use and density shall be allowed by right. However, the County will continue to apply Design Review, Subdivision Map Act and CEQA review as required by law to development proposals on these sites. These projects will be subject to public hearing within the confines of those regulatory limitations. With the exception of

Exhibit K

SOURCE	EXCERPTS

unmitigatable environmental impacts identified through the CEQA process, development under the Combining District policies will not be allowed lower than the designated number of units for each site.

As a further incentive to development under the overlay, the Redevelopment Agency will commit $15 million in Redevelopment Agency Low and Moderate Income Housing Fund resources to be allocated to assist such projects. This funding will be available even before the Combining District is in place to ensure the availability of funds for site acquisition. The funding will be distributed by the Redevelopment Agency Board of Directors based on adopted criteria (see below) and consistent with the Agency's Five Year Implementation Plan which was approved in December 2004. The Redevelopment Agency has a well established history of working with developers to create quality affordable housing projects throughout the County. The Combining District provides a further avenue for the Redevelopment Agency to assist in the production of affordable housing developments which benefit the community.

As past history shows, the $15 million in Redevelopment Agency funds is more than sufficient to assist in the development of the 440 low and very low income units necessary to meet the regional housing need. Since 1989, the Redevelopment Agency has used $22 million to assist 1,141 units. This represents an average subsidy of approximately $20,000 per unit. However, increasing land costs have driven the cost of development upward such that the subsidy for the recently completed Corrolitos Creek project resulted in a subsidy of $32,000 per unit. The $15 million in Redevelopment Agency funding would result in an average subsidy of $34,000 per unit for the 440 units to be constructed under the Combining District. This subsidy is designed to keep up with rising land and construction costs. In the event that funding is inadequate to adequately assist development under the Combining District, further augmentation from the Agency will be requested. Therefore, there are substantial financial incentives for developers under the Combining District.Development under the Combining District will be an attractive option for developers because the density level is certain. The Combining District focuses the decisionmaker on design and CEQA issues, and not density. The reliability of density at 20 units to the acre under the Combining District is an incentive to developers.

The 40% affordable requirement will not be a deterrent to development under the Combining District because the reliability of the density would outweigh the affordability component. The reliability of the density under the Combining District, through reducing uncertainty, outweighs the burden of integrating the 40% affordable requirement. Additionally, developers will be able to seek funding assistance from the Redevelopment Agency to offset at least a portion of the financial burden.

Exhibit K

SOURCE	EXCERPTS
May 2005 Planning Commission Meeting Materials	https://www2.santacruzcountyca.gov/planning/plnmeetings/PLNSupMaterial/PC/Minutes/2005/20050525/008.pdf EXCERPT FROM APRIL 2005 LETTER FROM HCD TO COUNTY, REVIEWING 2000-2007 HOUSING ELEMENT (ADOPTED BY BOARD IN JANUARY 2005): Affordable Housine (AH) Combining District. According to the element's land inventary, the supply of available and appropriately zoned sites is not sufficient o accommodate the County's regional housing need, particularly for lower-income households (1,439 units). In lieu of identifying sites with appropriate base densities to accommodate the County's share of the regional housing need for lower-income households, the County is proposing to develop an Affordable Housing *(AH)* Combining District designation (and ordinance) and apply it to a list of candidate sites totaling 44 acres (shown in Appendix D). Such a strategy may be appropriate to address a portion of the adequate sites requirements, providing it includes an adequate description and analysis of the AH Combining District, including incentives and implementation steps. Also, as indicated in Section B. of this Appendix, the AH Combining District program actions must be expanded and strengthened. Keep in mind, as a result of recent changes in housing element law, (i.e., Chapter 724, Statutes of 2004 [AB 2348]), at least 50 percent of the targeted 44 acres must have base underlying residential zoning designation. The element must be expanded to describe implementing standards of the proposed AHC and demonstrate their appropriateness in encouraging and facilitating the development of housing affordable to lover-income households. It is critical the County demonstrate the proposed incentives are sufficient enough to encourage developers to take advantage of the increased densities (above the underlying zone) and meet the requirement to designate 40 percent of the newly developed units as affotdablc to lower-income households. Also, it is our understanding the County will dedicate $15 million of Redevelopment Agency monies to assist in the development of the candidate AH Combining District sites (Program 1.3). As a result, the element should describe the County's specific role in administering the funds and describe the criteria that developers must meet to be eligible for funding under this program. 15
2009-2015 Housing Element (4th Cycle)	**Excerpt from version adopted by the Board of Supervisors on 1/12/2010**, certified by HCD on 5/5/2010 **p. 4-2 – 4-3:** **RELEVANCE OF A HOUSING ELEMENT – WHAT HAPPENED AS A RESULT OF THE LAST ELEMENT?** In addition to addressing a series of State legal requirements, a housing element can result in tangible changes that affect the context for housing production and housing efforts in the community. While the 2006 Housing Element took years of hearings and negotiations with the State in order to achieve certification, it resulted in a number of significant outcomes. Appendix 4.1-2 provides a comprehensive review of the program goals for that 2006 Element, with key highlights summarized below:

Exhibit K

SOURCE	EXCERPTS
	Rezoning program of six sites (30.5 acres total) for higher density housing to address the needs for housing for lower income residents. These sites will provide development potential for 610 units of new housing in the community over the years, with a high proportion protected with permanently affordability restrictions (for both rental or ownership units). Committing a minimum of $15 million of Redevelopment Agency housing funds to assist in the development of the newly rezoned higher density sites. Modifying the County's inclusionary housing policies to require broader financial contributions from developers to assist in affordable housing activities. **pp. 4-99 – 4-100** (emphasis added): Created in June of 2007, the Regional Housing Need Combining District was established as a condition of certification of the 2006 Housing Element to ensure that Santa Cruz County addressed the needs for adequate zoning to accommodate lower income housing needs. Specifically, this program required the County to rezone a minimum of 30 acres of land for by-right housing at a density of 20 units per acre. This combining district was applied to 6 sites located throughout the urban areas of the County, ultimately resulting in rezoning a total of 30.5 acres of land with a capacity of 610 housing units. All 6 sites are located within the Urban Services Boundary and are served by urban level sewer, water, and drainage infrastructure by their respective sanitation, drainage, and water agencies. It is assumed that these sites would be available to address needs of extremely low, very low, and low-income households for the next planning period. A list of the parcels included in the combining district is shown in Appendix 4.6-4. Under this combining district, a minimum of 40% of the units developed must be deed-restricted with long-term affordability covenants for low, very low, and extremely low-income households. As a part of reaching this goal, incentives such as alternative site development standards similar to those offered under State Density Bonus Law (i.e. increased height and decreased parking standards), significant financial incentives, and priority processing are provided by the County, in addition to the priority these sites must receive under state law from water, and sewer agencies. Most importantly, development of these sites is "by-right" – meaning that the use and density are by-right, with the only discretionary permit for the project being for design purposes. **Appendix p. 4-113:** **Appendix 4.6-4: Sites with a Minimum Density of 20 Units per Acre**

Table 4.6.4: Sites with a minimum density of 20 units per acre

Name of Site	Parcel Number	Developable Acreage	Total Units
Nigh	029-021-47	5.0	100
Erlach	037-101-02, 037-061-66,037-061-04	5.1	102
Poor Clares	042-011-06	4.0	80
Miller	039-471-09	2.0	40
Minto Road	051-511-35	4.4	88
Atkinson	048-211-25, 048-221-09	10.0	200
	TOTAL	**30.5**	**610**

Exhibit K

<table>
<tr><th>SOURCE</th><th>EXCERPTS</th></tr>
<tr><td></td><td>

Appendix p. 4-13:

No.	Program Description	Status	Discussion
Goal 1. Promote Production of Affordable Units			
1.1	Create Rezoning Program (20 units per acre)	The Board of Supervisors adopted Ordinance Nos. 4878 and 4879 on June 12, 2007. The Coastal Commission certified the Ordinances on October 12, 2007.	This Program is completed. No additional work is needed in the new Housing Element.
1.2	Select and Rezone 20 units per acre sites	The Board of Supervisors selected six candidate sites totaling 30.5 acres and rezoned them beginning in 2008 and completing in June 2009.	This Program is completed. No additional rezoning of sites is needed to meet the current RHNA allocation.
1.2.1	Outreach Programs to promote development on the 20 units per acre sites	Planning Department staff met with each affected property owner to discuss the Rezoning Program; in addition, several meetings were held with interested developers and prospective purchasers.	It is appropriate for the Planning Department to continue to meet with prospective purchasers/developers of the 20-unit per acre sites.
1.2.2	Monitor development on 20 units per acre sites	Staff is monitoring development of the sites. On February 11, 2009, the Board of Supervisors approved Application No. 08-0486 on APN 051-511-35 (Minto Site) for 88 affordable units.	Staff will continue to monitor the status of the sites and report the status to the Board of Supervisors as part of the Annual General Plan Report.
1.3	Allocate funding to support affordable housing on 20 units per acre sites	In June 2005, the Board of Supervisors, acting as the Redevelopment Agency Board of Directors, allocated $15 million within the Lower and Moderate Income Housing Fund.	Staff will monitor the amount of remaining funds in the Lower and Moderate Income Housing Fund and bring appropriate recommendations to the Directors of the Redevelopment Agency, if necessary.

</td></tr>
<tr><td>**8/19/2014 Board Meeting**</td><td>**Meeting Minutes: Item 66**</td></tr>
</table>

Exhibit K

SOURCE	EXCERPTS
	August 19, 2014 66. CONSIDERED consultant recommendations for modifications to County Affordable Housing Program and Requirements; Board of Supervisors received and discussed presentation by the consultants, and then provided the following direction to staff and the consultants: (1) draft amendments to Chapters 13.10, 17.10 and 17.12 and to the Affordable Housing Guidelines that reflect the staff and consultant findings and recommendations, as modified by the Housing Advisory Commission and the Board of Supervisors as described herein; and (2) upon completion of draft amendments, schedule public hearings during Fall 2014 before the Housing Advisory Commission and Planning Commission for developing recommendations to this Board and then return for a public hearing by December 16, 2014, before the Board of Supervisors for consideration of the amendments; 3) with the additional directions that we: a) retain our 15% inclusionary zoning requirements as currently constructed; b) raise the allowable sales price for inclusionary units to 110 % of the area median income c) if the fee alternative is approved, set the impact fee at $15 per square foot; d) remove any onsite inclusionary requirements for rental housing and direct staff to recommend an impact fee and consider a sliding scale for rental units based on size; e) include a $2 per square foot fee for non-residential development; f) develop clear policies on rezonings from commercial to residential; g) set the inclusionary rates for rezoning and the R Combining District sites at 15%; h) assure the density bonus provisions are administered in accordance with State law; i) exclude residential additions and Accessory Dwelling Units from the inclusionary requirements; j) Planning staff to return in December 2014 with the results of the Housing Advisory Commission and Planning Commission process I CocaME Excerpt from Attachment 1 to August 19, 2014 Staff Report (Executive Summary of 2014 Keyser Marston Nexus Study), pp. 3-4: **5. *Affordable housing obligations for properties that are rezoned from commercial to residential*** In an effort to encourage job growth and increase the amount of affordable housing, the County has adopted enhanced inclusionary requirements for residential projects built on properties that are rezoned from non-residential to residential, requiring such projects to designate 40% of on-site units as affordable to Very Low to Moderate Income Households.[1] This requirement generally renders new residential development on rezoned sites financially infeasible, as evidenced by both the findings of the financial feasibility analyses and the lack of new projects that have been built under these requirements. While adopted with noble intentions, the policy is not effective. It does not directly assist in creating new jobs, it does not create affordable housing, and it limits the County's ability to effectively manage land resources. Given these considerations, we recommend that the inclusionary requirements for these projects be changed. We recommend that these rezoned properties be subject to the standard 15% inclusionary obligation unless sufficient subsidy sources or incentives are made available so that it is financially viable to exceed a 15% inclusionary requirement.

Exhibit K

SOURCE	EXCERPTS
	0905 To provide the County with a more effective means of managing land resources, we recommend that the County identify a set of "public benefits" criteria on which to evaluate rezoning applications. Examples might include requiring a project to: ▪ include a mix of land uses, ▪ demonstrate that it will not generate a fiscal burden on the County; ▪ be located within a specific geographic area, or ▪ subject to certain site standards or criteria. This type of approach will provide the County with the opportunity to establish specific objectives and criteria for maintaining commercially zoned areas while allowing additional flexibility to optimize land use decisions. ***6. Affordable housing obligations for Regional Housing Need R Combining Districts*** The primary purpose of the Regional Housing Need R Combining Districts is to provide for densities of 20 units per acre. These districts and densities are needed in order for the County to meet its regional housing needs assessment (RHNA) obligations. The 40% inclusionary obligation that applies to these districts addresses a policy objective but is not required to meet the County's housing element obligations. The findings of the nexus analysis support, on average, a maximum inclusionary obligation (through 150% of AMI) of approximately 23%. This maximum falls short of the standard 40% inclusionary obligation for properties within the R-Combining Districts, although it has not yet been determined if this requirement must be justified by a nexus study. Additionally, the financial feasibility analysis indicates that the 40% inclusionary requirement is not financially feasible without County subsidies. Given these considerations, we recommend that the inclusionary requirements of these districts be changed. We recommend that these properties be subject to the standard 15% inclusionary obligation unless sufficient subsidy sources are made available to development projects so that they can exceed the 15% inclusionary obligation. If the County desires to encourage additional affordable housing development in these areas, then one option to consider is to target available County resources to provide financial assistance to new affordable projects in these areas.

Exhibit K

SOURCE	EXCERPTS
	5. *Affordable housing obligations for properties that are rezoned from commercial to residential* In an effort to encourage job growth and increase the amount of affordable housing, the County has adopted enhanced inclusionary requirements for residential projects built on properties that are rezoned from non-residential to residential, requiring such projects to designate 40% of on-site units as affordable to Very Low to Moderate Income Households.[1] This requirement generally renders new residential development on rezoned sites financially infeasible, as evidenced by both the findings of the financial feasibility analyses and the lack of new projects that have been built under these requirements. While adopted with noble intentions, the policy is not effective. It does not directly assist in creating new jobs, it does not create affordable housing, and it limits the County's ability to effectively manage land resources. Given these considerations, we recommend that the inclusionary requirements for these projects be changed. We recommend that these rezoned properties be subject to the standard 15% inclusionary obligation unless sufficient subsidy sources or incentives are made available so that it is financially viable to exceed a 15% inclusionary requirement.

Exhibit K

Feb. 24, 2015 Board Meeting	**Excerpt from 2/ 24/15 Meeting Minutes, p. 722,** regarding adoption of Ordinance 5200, eliminating 40% affordability requirement for R-Combining Sites: https://santacruzcountyca.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=1172&Inline=True 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;
2015-2023 (5th Cycle) Adopted Housing Element	**pp. 4-26 – 4-27** **PLANNING INITIATIVES AFFECTING HOUSING POLICY UPDATES** Santa Cruz County is consistently ranked as one of the "least affordable" places to live in the Country[13]. This ignominious ranking, which relates County incomes to housing costs, illustrates the importance of cohesive and creative policy strategies to address a complex housing market. In an environment of high housing costs and limited land availability, the overall policy framework must encourage the development and redevelopment of available land in a manner that is efficient and that results in a mix of housing products and additional units being created. The County of Santa Cruz has undertaken a number of broad policy initiatives since the last Housing Element was completed, and these inform updates to housing policy. These include: (1) The Sustainable Santa Cruz County (SSCC) Plan, a planning study exploring tools the County can use to help create more sustainable and vibrant neighborhoods that meet the needs of workers, residents, the natural environment, and future generations. The Plan focuses on land use policies that would increase the variety of housing options, promote active transportation choices, and facilitate the creation of quality jobs for local residents. (2) The Economic Vitality Strategy (EVS) acknowledges that economic vitality depends on a healthy housing market, including viable programs and regulatory approaches that support creation and availability of affordable, workforce and market rate housing that is "affordable by design". (3) The Affordable Housing Program Update of the 35 year old inclusionary housing ordinance broadens the responsibility for addressing the need for affordable housing to all new development, including non-residential spaces. The update will be discussed further below. **AFFORDABLE HOUSING RESOURCES** **Redevelopment Low and Moderate Income Housing Fund.** Any discussion of policy changes affecting affordable housing in California must acknowledge the profound impact of the elimination of redevelopment agencies. In 2011 the State of California passed legislation that eliminated redevelopment agencies in some 400 [12]Housing and Community Development, May 2015

Exhibit K

jurisdictions across the State. Redevelopment provided a vital source of locally controlled affordable housing funds that could target projects and programs from the very lowest income households to those of moderate income. The County of Santa Cruz Redevelopment Agency (RDA) had a very active housing program that utilized redevelopment funds on a range of projects and activities, creating over 1,000 affordable housing units through its investments in new construction projects and assisting hundreds of households through its programs.

Low and Moderate Income Housing Asset Fund. As a follow up to the elimination of redevelopment, in 2013 the California legislature passed SB 341, which directs jurisdictions with former redevelopment agencies to establish a Low and Moderate Income Housing Asset Fund (Housing Asset Fund). As redevelopment loans are repaid, funds are deposited into the Housing Asset Fund to be spent for the development of housing affordable to and occupied by households earning 80% of AMI with at least eighty percent of the funds to be spent for the development of rental housing for households earning sixty percent of AMI or below. In addition, a limited amount of the Housing Asset Fund may be spent on administrative costs and on homeless prevention and rapid rehousing programs.

The redevelopment funded loans due to the County over a 25 year period are projected to generate funds that will be used on at least one affordable rental project during the Housing Element period. See Appendix 4.3-1 for a list of affordable housing projects funded with former redevelopment funds.

Measure J. In 1978 voters of Santa Cruz County passed "Measure J" - an initiative that, among other goals, requires that 15% of new residential construction in the unincorporated County be affordable to "average income" residents. For many years, implementation of Measure J focused on residential projects of 5 or more units, requiring that 15% of the homes in these projects be sold at a rate affordable to moderate income households. This approach created over 550 deed-restricted units, of which 455 are still available under the program. Nonetheless, over time there has been a significant gap between housing affordability, and market prices and the proportion of the overall housing stock priced at "affordable" levels is not adequate to meet local needs. The affordability mandate of Measure J has been met in large part through investments of the former RDA in affordable rental projects undertaken by nonprofit housing development corporations. While the Measure J program had a provision for including affordable units in rental projects, it did not generate affordable rental units and the provision was eliminated in February of 2015 in response to a Palmer/Sixth Street v. city of Los Angeles. The County's dearth of rental housing projects is consistent with nationwide trends affected by years of land use, lending and housing policies that have supported homeownership over rental workforce housing projects.

Exhibit K

In 2014 the County undertook a major update of the Affordable Housing Program that implements Measure J. This update included a nexus study and feasibility analysis intended to inform the update of the Housing Program, protect its legal standing, and ensure usefulness in supporting the creation of affordable housing in the County. The revised program establishes an Affordable Housing Impact Fee (AHIF) that takes an

"everyone pays" approach. In other words, the nexus study demonstrated that *all* new development creates the need for affordable housing and therefore should participate in a solution by contributing resources used to develop new affordable housing. That said, the feasibility study was intended to demonstrate that any new fee would be set at a level that would ensure that it would not act as a constraint to new development, and that it would maximize the efficient use of limited available land by incentivizing the development of smaller homes.

Figure 4.3.1: AFFORDABLE HOUSING IMPACT FEE (2015 Level)	
Non-residential Projects	
All new commercial square footage is subject to a $2 per square foot affordable housing impact fee.	
Residential Projects	
Rental Housing Projects:	Rental housing projects are subject to an affordable housing impact fee of $2 per habitable square foot
Residential projects of 1 to 4 units are subject to a fee based on size	Up to 2,000 square feet = $2 PSF 2,001-2,500 square feet= $3 PSF 2,501-3,000 = $5 PSF 3,001-4,000 = $10 PSF 4,001 and up = $15 PSF
Residential projects with 5 or more for-sale units	Developers can meet the affordable housing obligation either through payment of an AHIF of $15 per habitable square foot for all units in the project, or provide 15% of the units as on-site deed-restricted units

Exhibit K

	p. 4-100 **Urban Sites – Multi-Family 20 Units per Acre** Created in June of 2007, the Regional Housing Need Combining District (or "R-Combining District") was established to address the need for a zoning category to accommodate lower income housing needs at the state-established default density of 20 units per acre. This combining district was applied to 5 sites located throughout the urban portion of the County, resulting in rezoning a total of 26.5 acres of land with a capacity of 530 housing units into the high density district. These sites are located within the Urban Services Line and are served by urban level sewer, water, and drainage infrastructure by their respective sanitation, drainage, and water agencies. Two of the sites have been fully developed, and one is currently planned for partial development. The remaining sites with a combined capacity of 376 units are available for future development. Development of these sites is "by-right" – meaning that the use and density are not subject to discretionary review or permit, and the only discretionary permit that may be required is for design review. See appendix 4.6-4. **p. 4-109:** • **Available Sites – Urban 20 units/acre.** Created in June of 2007, the Regional Housing Need Combining District was adopted in conjunction with a prior Housing Element as the tool for Santa Cruz County to meet its goal of providing land for housing at a density of 20 units per acre. This combining district was applied to 5 sites located throughout the urban areas of the County, which resulted in a total capacity of 530 housing units. Of those sites, two have been developed and part of another site has been approved, has an allocation of local funding, and is applying for additional funding from other sources. A total of 376 units can be accommodated on remaining sites that have not yet obtained design permits. The actual income levels of the occupied developments is reflected in the chart above, and it is assumed that within the remaining sites 50% of the units would be available for housing affordable to low-income households, with the balance split between the very low and extremely low income categories.
Dec. 4, 2018 Board Meeting	**Ordinance Adoption including clean-up provisions to several code sections, including 13.10 and 17.10 regarding R-Combining District and Affordable Housing Requirements** https://santacruzcountyca.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=1672&MediaPosition=2085.469&ID=6321&CssClass=

Exhibit K

ATTACHMENT 3

0656

ORDINANCE NO. 5027

ORDINANCE GRANTING A PLANNED UNIT DEVELOPMENT 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

A Planned Unit Development is hereby granted to the property located on the south side of Soquel Avenue about 575 feet from the intersection of Mattison Lane and Soquel Avenue, also known as the PAZ, LLC Site, and shown on Exhibit A attached hereto and subject to the conditions shown on Exhibit B, attached hereto.

SECTION II

This ordinance shall become effective 31 days after adoption.

PASSED AND ADOPTED this 9th day of December 2008 by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS	Coonerty, Beautz, Stone and Pirie
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	Campos

ELLEN PIRIE
Chairman of the Board of Supervisors

Attest: TESS FITZGERALD
Clerk of the Board

APPROVED AS TO FORM:
County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 9th DAY OF December 20 08
SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
BY Sharon Mitchell DEPUTY

57

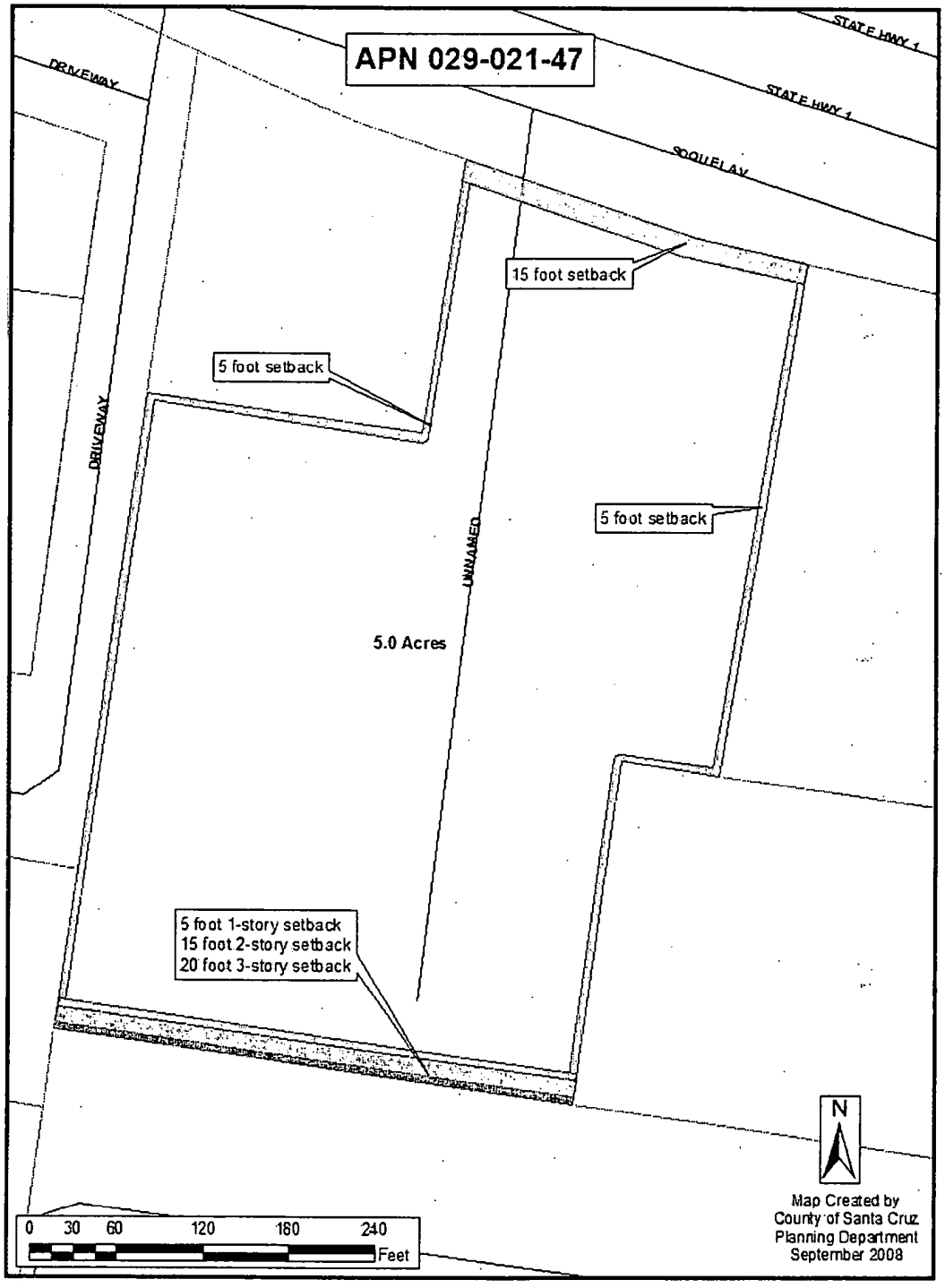
Exhibit L

EXHIBIT A

Planned Unit Development
Conditions of Approval

Property located on the south side of Soquel Avenue about 575 feet west of the intersection of Soquel Avenue and Mattison Lane; Live Oak Planning Area.

APN: 029-021-47



57
Exhibit L

EXHIBIT B

Planned Unit Development
Conditions of Approval

Property located on the south side of Soquel Avenue about 575 feet west of the intersection of Soquel Avenue and Mattison Lane; Live Oak Planning Area.

APN: 029-021-47

This site contains 5.0 useable (developable) acres, equating to 100 dwelling units, of these, 15 affordable units are required under County Code Section 17.10.030(b)(1) and 25 affordable units are required by this Planned Unit Development (PUD). Development of this site is by-right in that the use and density for the site are not discretionary. A Level VII design review hearing is required.

I) General Site Standards

A) All requirements and standards contained in Section 13.10.475 through 13.10.478 of the County Code (Regional Housing Needs "R" Combining District) shall be applicable unless expressly modified by the conditions of this Planned Unit Development.

B) Site Standards. The following development standards supersede the development standards in the County Code. Unless specifically defined below, developments must meet all required development standards in the County Code at the time the Design Review application is deemed complete. All of the site standards contained within Chapter 13.10 regarding the Multi-Family (RM) zone district shall be applicable unless modified by this Planned Unit Development.

1) Circulation and Parking Requirements

(a) Parking Requirements.

(i) 1.5 spaces per studio or one-bedroom unit;

(ii) 2.0 spaces for two-bedroom unit;

(iii) 2.5 spaces for three-bedroom unit; and

(iv) 3.0 spaces per four-bedroom unit.

(v) An additional 20% of the total number of parking spaces to accommodate guest parking.

(vi) A reduction to the required on-site parking standard may be considered by the Board of Supervisors as part of the Design Review Permit. Any request shall include an on-site parking management plan prepared by a traffic engineer.

(vii) The maximum number of required parking spaces that may be compact in size is specified in County Code Section 13.10.553 (e) or its successor ordinance.

57

Exhibit L

(viii) The standards for off-street parking facilities as outlined in County Code Section 13.10.554 at the time of application is deemed complete shall apply.

(b) Circulation Requirements. All interior driveways shall be a minimum of 20 feet in width for two-way circulation and 12 feet in width for one-way circulation. A minimum 50-foot centerline radius on all access routes is required.

(c) Bicycle Storage. At least one lockable storage space for bicycle storage shall be provided for each dwelling unit. This lockable storage area may be located within the storage area, as required in III.D.1(d).

(d) Accessibility. Developments must meet accessibility requirements of Title 24 of the Building Code or successor code in effect at the time the Building Permit application is submitted. Building Permit applications will not be processed concurrently with the Level VII Design Review application.

(i) Accessible parking shall be provided consistent with California State Law. This applies to the design of the parking spaces, location of the parking spaces, number of accessible spaces provided, and accessible path of travel through the development and to the public right-of-way.

2) Requirements for Structures

(a) Number of Stories. A maximum of three (3) stories as defined by the County Code exclusive of subsurface parking is allowed.

(i) Three stories are allowed except in areas restricted to a two-story maximum due to visual impacts. These areas are delineated in Exhibit A and are described below in Section I.B.4(c)(i).

(b) Height. Height of three-story structures may be up to 35 feet, exclusive of sub-surface parking, and the height of two-story structures may be up to 28 feet, exclusive of subsurface parking. In order to minimize grading on site, heights of buildings shall be measured only from finished grade, and in no case shall finished grade exceed natural grade by more than 3 feet.

(i) For any structure proposed to be within 2 feet of the maximum height limit, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site, which clearly depict the total height of the proposed structure above preconstruction natural grade and finished grade.

3) Developable Area Requirements

(a) Site Standards. Lot Coverage Site Standards and Floor Area Ratio Site Standards do not apply.

(b) Setbacks. The following setbacks are established from the perimeter of the property to the structures in aggregate and are as follows:

(i) North: 15 feet

(ii) East 5 feet

(iii) West: 5 feet

(iv) South: 5 feet to single story structures, 15 feet to two-story structures, 20 feet to three-story structures.

(v) For projects involving a tentative map, the interior setbacks and lot size shall be established through the Design Review process and are not subject to obtaining a Residential Development Permit under County Code Section 13.10.323(d)(1)(A) or its successor ordinance.

(c) Site Design

(i) In order to promote the development of smaller "villages" within the project site, and to prevent large, unbroken building frontages, buildings shall be clustered into groups around the site.

(ii) To the extent feasible, buildings should take advantage of solar opportunities for roof pitch and building orientation.

(iii) Structures shall be oriented and designed to create useable open space areas for each building cluster.

(iv) The Open Space requirements specified in County Code Section 13.10.323e(6)F shall not apply to this site. Instead, useable open space, including space for a community garden, shall be provided on site as specified by the Design Review permit. If family units are proposed for this site, the developer is encouraged to include one larger open space area for active use.

(v) Screening shall be installed along the eastern, western, and southern property lines consisting of masonry, wood fencing or a combination, and including vegetation, as appropriate to adjoining uses on either side of the property boundary, with materials and height to be established during the Level VII Design Review process taking into account noise and privacy issues.

(vi) The street frontage at Soquel Avenue shall include a single entrance, and should be characterized by articulated building facades or an appropriately and attractively designed sound barrier.

(vii) The developer is encouraged to separate parking areas and driveways from open space and units in order to promote pedestrian safety.

(viii) The developer is encouraged to incorporate significant landscape features in order to augment the livability of the project.

(d) Roadway Design. The following standards shall apply to internal roadways on the project site and along the Soquel Avenue frontage:

(i) Paved road width for internal two-way roads: Minimum 20'

(ii) Improvements: On Soquel Avenue, match the improvements to the west, in front of Live Oak Business Park which include a 69 foot right-of-way for the length of the site frontage, a 5 foot westbound bike lane, 12 foot travel lane, 11 foot center turn lane, 12 foot travel lane, 5 foot eastbound bike lane, 4.625 foot landscaping strip, and 6 foot sidewalk. The sidewalk shall connect to the

Exhibit L

existing sidewalk to the west of the site, subject to the conditions of County Code Section 18.10.240(d).

- When planting the landscaping strip, street trees shall conform to Redevelopment Agency standards, and plantings shall be arranged such that a METRO transit shelter could be incorporated at a future date.

(iii) 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, subject to the conditions of County Code Section 18.10.240 (d).

4) Building Design Standards

(a) It shall be an objective of building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design.

(b) Due to the required development density of this project, the requirements of Chapter 13.10 relating to distance between structures is not applicable.

(c) To reduce the potential bulk and mass of buildings, efforts shall be made to provide articulation and architectural features and to provide a transition from the adjacent properties. This transition shall be achieved by the following:

(i) Restricting buildings to 28 feet and two stories in height and set back a minimum of 15 feet adjacent to the southern property line.

(ii) Requiring that buildings facing public roads incorporate features such as step-back heights, articulation, variations in finishes, glazing, building separation and varied roof heights.

II) Project Review

A) Entitlements. All entitlements, with the exception of the building permit application review shall be processed concurrently at Level VII, subject to the processing provisions of 18.10.210, 18.10.332, and 18.10.211.

B) Tentative Map. If a tentative map approval is required, it must be included in the Level VII Design Review application. A Residential Development Permit, normally required by Section 13.10.323(d)(1)(A) is not required.

1) Development that includes approval of a Tentative Map is subject to the provisions of the Subdivision Map Act and Chapter 14.01. Where a tentative map is proposed, the public hearing shall be expanded to address findings necessary under the Subdivision Map Act. Wherever possible the environmental review performed at the time this PUD was adopted will be utilized in the processing of the Tentative Map unless the Environmental Coordinator determines that additional California Environmental Quality Act (CEQA) review is required based upon the available information.

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.

3) For the purpose of this PUD the following terms shall have the following meanings:

(a) "Enhanced Affordable" refers to the additional 25% affordable units required. These units may be rented at Enhanced Low Income levels or sold at Enhanced Moderate Income levels.

(i) For Enhanced Affordable units, the income and assets of owner-occupant households shall not exceed the limits for an Enhanced Moderate income household, and for tenant households, shall not exceed the limits for an Enhanced Low income household, unless more stringent limits are required by funding sources.

(b) "Enhanced Low Income" means a household earning up to 100% of median income. Rental pricing for units designated as affordable to Enhanced Low Income households is based on 80% of median income, as adjusted for household size.

(c) "Enhanced Moderate Income" means a household earning up to 150% of median income. Sales pricing for units designated as affordable to Enhanced Moderate Income households is based on 120% of median income, as adjusted for household size.

B) Financial Liability

1) In the event that a developer believes that the affordable housing requirements for a project proposed for this site renders the project financially infeasible, the developer may request relief from a proportional amount of the affordability requirements. That request shall be submitted to the Planning Director with all supporting information, including the development pro forma for the project. The Planning Director shall analyze that request and make suitable recommendations to the Board of Supervisors. In the event that the Board finds that the developer has provided evidence that fulfillment of the affordable housing requirements renders the project financially infeasible, the Board shall grant an increase in the allowed unit resale price, above the price restrictions contained in Sections 17.10.030(b)(1) and 17.10.030(b)(6) of the County Code, in an amount equal to that required to render the project financially feasible. In the event that such price modifications are granted, the developer shall grant the County Redevelopment Agency the option to purchase units at the revised sales price for the purpose of writing them down to suitable levels of affordability, consistent with the intent of this PUD.

C) Participation Agreement

1) Prior to Building Permit issuance or prior to filing of the Final Map, if one is required, the developer shall enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code and as noted in Section III.A.1 and 2.

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

57

Exhibit L

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.

E) Applicability of Density Bonus

1) Density Bonus provisions do not apply to developments meeting the minimum 40% requirements of the Regional Housing Need Combining District.

2) For projects eligible for concessions under State density bonus law due to an appropriate incremental increase in the number of affordable units as set forth in State law beyond those required by the Regional Housing Need Combining District, a project developer may request additional concessions as set forth in Chapter 17.12. No increase in the number of units on the site is allowed.

IV) Design Review

A) Public Hearings

1) Development proposals shall undergo a Design Review process and public hearing limited to design issues only. No discretionary permit is required for the density or use of the site. For development proposals under these "by-right" provisions, applicants must apply for a Level VII Design Review, which requires review at public hearing by the Planning Commission and Board of Supervisors. The Design Review Permit is valid for a maximum of two (2) years. The building permit shall be issued within the two-year period for the Design Review Permit to be exercised.

(a) Requests for an extension of time for the Design Review Permit shall be processed as a Level VII permit review. The permit may be extended for one year up to five (5) times for a total permit life of seven (7) years.

B) Development Standards

1) All requirements of the Site, Architectural and Landscape Design Review (Chapter 13.11) or successor ordinance in effect at the time a Design Review Application is deemed complete for processing shall be applicable unless modified by this PUD.

2) All applicable requirements and standards of the Zoning Regulations (Title 13, Chapter 13.10) and Environmental and Resource Protection Regulations (Title 16) in effect at the

time a Design Review Application is deemed complete for processing shall apply unless modified by this PUD.

3) All requirements of Section IX of this PUD shall be met during the review and construction of a housing project on this site. In particular the following requirements shall be met:

(a) All future development on the site shall comply with the requirements of the traffic study prepared by Fehr and Peers dated April 13, 2007, or an update thereof.

(b) All future development on the site shall comply with the requirements of the noise study prepared by Charles M. Salter Associates dated April 24, 2007, included as Exhibit C, or an update thereof.

(c) In fulfillment of Section IX, HYD-3 and HYD-4, of this PUD, improvements to the existing drainage system along Soquel Avenue from the culvert that drains across Highway 1 north of the project site, up to the box culvert in Rodeo Gulch, are required to address drainage from the site and the existing sub-standard system. Stormwater from the site shall be directed to a new drainage system installed along Soquel Avenue and emptying into Rodeo Gulch. All improvements shall meet Department of Public Works (DPW) Design Standards, and shall be constructed within the roadway up to the existing box culvert beneath Soquel Avenue and Highway 1. Alternative drainage proposals will require an amendment to this PUD.

(i) A Riparian Exception is granted with this PUD for installation and maintenance of drainage outlets and energy dissipaters in Rodeo Gulch under the following conditions:

- No disturbance is allowed below the average high-water mark of Rodeo Gulch.
- Prior to issuance of the final building permit, drainage plans shall be reviewed and approved by both DPW Drainage and Environmental Planning.
- Prior to issuance of the final building permit, the applicant shall provide the County a copy of the California Department of Fish and Game (CDFG) 1602 permit, or a statement from the CDFG that no permit is required.

C) Minor Variations

1) Minor variations to this permit that do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff.

D) Level VII Design Review Submittal Requirements

1) A Geotechnical Report shall be prepared for the site, as required by Section IX, Mitigation GEO-4, and meeting all requirements of that Section. Four copies of the report shall be submitted to the County for review at the time of project application and accepted prior to the application being determined complete. All requirements and recommendations of the approved report shall be incorporated into the project design. A Plan Review letter shall be submitted as part of the Design Review submittal and Building Permit Application submittal. All future development on the site shall comply with the requirements of the geotechnical report prepared by a licensed geotechnical engineer.

57

2) Preliminary Architectural and Site Plans

Exhibit L

(a) Preliminary architectural and site plans, prepared by a licensed architect, meeting the standards established by the Planning Department for multi-family residential application submittal, shall be submitted. The plans shall incorporate, but not be limited to, all requirements contained in this PUD.

(b) The site plan shall clearly delineate all useable and non-usable areas, including but not limited to:

(i) Noise Buffer. The area of noise concern and an appropriate noise buffer area must be shown on the site plan. Please refer to the April 2007 report by Charles M. Salter Associates for guidelines regarding the required buffer and noise-reducing construction techniques.

- All interior spaces must meet County noise standards, but may also include operable windows.
- Exterior open space areas shall be sheltered by two or three story structures or by an adequate sound wall in order to reduce noise impacts.
- A soundwall at the Soquel frontage is not preferred, and if proposed should be designed in such a way as to incorporate vegetation, articulation, and visual interest.

3) Utilities, Roads and Services

(a) Preliminary engineered improvement plans shall be submitted to the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements proposed or required by this PUD. Form and content of the plans shall meet the standards established by the Planning Department for multi-family residential application submittal.

(i) Preliminary improvement plans shall meet the following requirements, as well as those specified in Section IX, TRA-1 of this PUD:

- 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 herein. Plans shall also comply with applicable provisions of Title 24 (Accessibility) of the State Building Code.
- Preliminary drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils. This includes off-site work as described in Section IV. B. 5, and Section IX, PSU-1 and HYD-3, HYD-4, HYD-5, and HYD-6.

1. The drainage system shall be designed such that there is no substantial change to the drainage feature on APN 029-021-46.

- Preliminary grading plans must be submitted at time of application. An objective of the project design shall be to minimize the grading on site and off site to the maximum extent possible. This includes designing the grading and foundations to follow existing topography as much as possible, while still meeting the conditions of Section IX GEO-1, GEO-2, GEO-3, and GEO-4 of this PUD. The grading plans shall include existing and proposed contours, plan views and centerline profiles of all driveway improvements, locations,

ATTACHMENT 3
0666

and heights of all retaining walls, preliminary drainage design, grading cross sections through proposed building pads, and all volumes of excavated and fill soils. This includes all on-site and off-site work. In no case shall final finished grade exceed 3' above pre-construction existing grade.

- Preliminary Sanitation plans shall be submitted to DPW for all sanitary improvements proposed or required by this PUD, either on site or off site.

(ii) All road plans shall comply with all requirements of the DPW Road Engineering and shall be consistent with the County's Design Criteria and any adopted Plan Line, as well as Section IX, TRA-1 of this PUD.

(iii) A sign plan indicating the location and size of all signs on the site shall be submitted. The signs shall be consistent with the provisions of this PUD.

V) Final Map Requirements and Timing.

If the project includes a Map, the following requirements shall be met prior to the final map filing:

A) Drainage. Final engineered drainage details shall be submitted to the County Planning and Public Works departments for both on- and off-site drainage work. Drainage plans shall show that the release rate from the site will not exceed the pre-development 10-year storm level, as required by Section IX, HYD-4 and PSU-1 of this PUD. Drainage from road improvements shall be filtered and released into the new drainage system along Soquel Avenue. A Construction Activities Stormwater General National Pollutant Discharge Elimination System (NPDES) Permit shall be obtained from the State Water Resources Control Board.

B) Roads. Final engineered road improvement plans shall be submitted to the County Planning and Public Works departments for both on- and off-site road improvements.

C) Recorded Conditions. Proof must be submitted that the conditions of all required permits (such as Design Review, NPDES) have been recorded in the official records of the County Recorder.

D) Affordable Housing. The developer must enter into an Affordable Housing Participation Agreement with the County of Santa Cruz.

E) Fees. All applicable in-lieu fees shall be paid.

1) Unless otherwise satisfied by meeting the requirements of County Code Chapter 15.01 or its successor ordinance, park dedication in-lieu fees shall be paid for each dwelling unit. The fees in effect at the time of filing of a Final Map, if applicable, shall be paid.

VI) Building Permit Requirements and Timing:

Prior to the issuance of any building permit, all of the following conditions shall be met, some of which may have been met at the Final Map Stage:

A) Plans shall be consistent with the Design Review approved project and all requirements of this PUD.

B) Final engineered drainage details shall be submitted to DPW Drainage for both on–site and off-site drainage work.

57

Exhibit L

1) The allowable release rate from the site shall be limited to the 10-year predevelopment flow rates or less based on the assessment performed by Ifland Engineers dated August, 2008. The safe overflow paths for the proposed mitigation system shall be described and analyzed, and techniques such as minimizing site disturbance, minimizing impervious areas, utilizing pervious surfacing, eliminating directly connected impervious areas, clustering development shall be considered.

2) All runoff from parking and driveway areas shall go through water quality treatment prior to discharge from the site.

3) Depending on the nature of the proposed development DPW staff may inspect the construction of the drainage related items.

4) Zone 5 fees will be assessed on the net increase in impervious area due to the development project. Semi-pervious surfaces will be charged at a 50% rate.

C) Final engineered road improvement plans shall be submitted to the County for both on–site and off-site road improvements.

D) Proof that the conditions of all required permits (such as Design Review, Tentative Map) and all required Declarations of Restriction and Statements of Acknowledgment have been recorded in the official records of the County Recorder shall be submitted to the Planning Department prior to the issuance of Building Permits.

E) All applicable in lieu fees shall be paid.

1) Unless otherwise satisfied by meeting the requirements of County Code Chapter 15.01 or its successor ordinance, park dedication in-lieu fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid.

2) Unless otherwise satisfied by meeting the requirements of County Code Chapter 15.04 or its successor ordinance, Child Care Development fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid.

3) Transportation improvement fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid. A credit may be allowed for installation of improvements off-site that are part of the Capital Improvement Program.

4) Roadside improvement fees shall be paid for each dwelling unit. The fees in effect at the time of building permit issuance or filing of a Final Map, if applicable, shall be paid. A credit may be allowed for installation of improvements off-site that are part of the Capital Improvement Program.

5) 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 said school district in which the project is located shall be submitted to the Planning Department prior to building permit issuance. The applicant/developer is advised that the development may be subject to inclusion in a Mello-Roos Community Facilities.

F) Plan review letters shall be obtained from the technical report authors indicating that the plans comply with the County approved technical reports and all of their recommendations have been incorporated into the project plans.

G) All requirements of the Central Fire Protection District shall be met with respect to access, turnarounds, fees, water availability and design features.

H) The units shall be connected for sewer service to the Sanitation District. All regulations, conditions and hookup charges of the Sanitation District shall be met. Currently the site is not connected to the sewer lines and off-site improvements will be required to access either the main line in Mattison Lane, or in Chanticleer Avenue. Final engineered plans shall be submitted complying with all requirements and standards of the Sanitation District, as specified in Section IX.

1) Payment equivalent to the required flow metering and odor control equipment will be collected at the time sewer connection permits are obtained.

I) All units shall be served by the Santa Cruz Water District. All requirements of that water district including the payment of connection charges shall be met. Engineered improvement plans for all water line extensions required by the Santa Cruz Water District shall be submitted for the review and approval of the water agency. Off site improvements may be required.

J) Final engineered plans shall be submitted complying with all requirements and standards of the Santa Cruz Water District.

K) The developer shall enter into the Affordable Housing Participation Agreement with the County.

L) One (1) "construction/security trailer" (maximum 12 feet by 60 feet) is allowed on the site during construction. The size and location of the unit conforming to all yard setbacks contained in the PUD shall be shown on the plot plan. Compliance with Section 13.10.683 or any successor ordinance is required. A building permit is required for installation of the construction trailer.

M) Any signs shall comply with Section 13.10.580 or any successor ordinance and the location and design shall be reviewed and approved as part of the Design Review process. The following signs are allowed:

1) A non-illuminated temporary sign pertaining to the sale, lease or rental of a dwelling and limited to six square feet in size or less.

2) A permanent identification sign, in-directly illuminated, of 12 square feet or less.

N) Prior to the final inspection or clearance of the building permit, all of the site improvements shown on the approved building permit plans and Design Review Approval shall be installed/ implemented.

VII) Construction Phase Requirements

A) Prior to any site disturbance or physical construction on the subject property the following condition shall be met:

1) Pre-Construction Meeting: In order to ensure that the mitigation measures 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 following parties shall attend: applicant, grading contractor supervisor, and Santa Cruz County Environmental Planning staff. The receiving site for any exported fill will also be identified and County approved grading permits presented.

B) 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. An Encroachment Permit from DPW shall be obtained for any work performed in the public right-of-way. All work shall be consistent with the DPW Design Criteria unless otherwise specifically excepted by this PUD.

C) No land clearing, grading or excavating shall take place between October 15 and April 15 unless a separate winter grading approval is granted by the Planning Director, which may or may not be granted.

D) 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 the conditions of an entitlement permit).

E) Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any human remains of any age or any artifact or other evidence of an archaeological resource or a Native American cultural site which reasonably appears to exceed 100 years of age 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 16.42.100, shall be observed.

F) To minimize noise and nuisance impacts on surrounding properties during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:

1) All construction shall be limited to the time between 7:30 am and 4:30 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address and emergency situation; and

G) The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site, and visible from Soquel Avenue. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

VIII) Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated in the conditions of this approval 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 mitigations is hereby adopted as a condition of approval. The purpose of this monitoring is to ensure compliance with the environmental mitigations during implementation and operation. Failure to comply with the conditions contained within the PUD, including the terms of the adopted mitigation monitoring program, may result in the revocation of the PUD pursuant to section 18.10.136 of the Santa Cruz County Code.

IX) Mitigation Measures

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Geology/Soils					
GEO-1	Expose people or structures to potential adverse effects, including the risk of material loss, injury, or death involving seismic ground shaking.	Residential structures shall be supported on post-tensioned slabs that are designed for expansive soils unless the geotechnical engineer specifies alternative designs. The slab foundations shall bear entirely on the properly prepared compacted structural fill or native soils. In no case shall a slab foundation bear upon more than one of these materials. A soils report shall be required to confirm the design criteria for the project site. The recommendations of the soils report shall be implemented to adequately mitigate for this potential hazard.	County Planning Department	Building/Grading Permit	Project Design
GEO-2	Subject people or improvements to damage from soil instability as a result of on- or off-site landslide, lateral spreading, subsidence, liquefaction, or structural collapse.	Constructing with post-tensioned slab foundations and following the recommendations of the geotechnical engineer will be required to mitigate for this potential hazard.	County Planning Department	Building/Grading Permit	Project Design
GEO-3	Result in soil erosion or the substantial loss of topsoil.	Prior to approval of a grading or building permit, the project must have an approved Erosion Control Plan, which will specify detailed erosion and sedimentation control measures (County Code Chapter 16.22.060). The plan will include provisions for disturbed areas to be planted with groundcover and to be maintained to minimize surface erosion.	County Planning Department	Building/Grading Permit	Prior to issuance of Building Permit
GEO-4	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code(1994), creating substantial risks to property.	A geotechnical investigation and soils report shall be required to determine appropriate design criteria for the project site. The recommendations of the geotechnical investigation and soils report shall be implemented to adequately mitigate for this potential hazard.	County Planning Department	Building/Grading Permit	Project Design
Hydrology/Water Supply/Wate Quality					
HYD-1	Deplete groundwater supplies or interfere substantially with groundwater recharge	A water main extension will be required for the City of Santa Cruz Water Department, along with fire, domestic, irrigation meters and fire hydrants. Connection fees will be required per number and type of residential unit. Connection fees for irrigation will be calculated based on fixture points and/or	City of Santa Cruz Water Department	Water Service	Prior to Construction

Exhibit L

446

ATTACHMENT 3

0670

	Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	such that there would be a net deficit, or a significant contribution to an existing net deficit in available supply, or a significant lowering of the local groundwater table.	gallon per minute demand. All public water facilities shall be installed within a designated utility easement per Santa Cruz Water Department Standard Specifications and Details.			
HYD-2	Degrade a public or private water supply. (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).	Potential siltation from the proposed project will be mitigated through implementation of an Erosion Control Plan (see Geology and Soils). A silt and grease trap, and a plan for maintenance, will be required to reduce this impact to a less than significant level.	County Planning Department	Building/Grading Permit	Ongoing
HYD-3	Alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that could result in flooding, erosion, or siltation on or off-site.	The proposed project would comply with Chapter 16.22.070 (Runoff Control) of the County Code. The following measures shall be used for runoff control, and shall be adequate to control runoff from a 10-year storm: (a) To the extent that that onsite percolation is not sufficient, all runoff shall be detained or dispersed over non-erodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. Onsite detention may be required by the Planning Director where excessive runoff would contribute to downstream erosion or flooding. (Any policies and regulations for any drainage zones where the project is located will also apply.) Detention facilities included in future development shall be designed not to exceed predevelopment flows in order to avoid downstream effects. (b) Any concentrated runoff that cannot be effectively dispersed without causing erosion, shall be carried in non-erodible channels or conduits to the nearest drainage course designated for such purpose by the Planning Director or to on-site percolation devices. Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge. (c) Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means as necessary to prevent the escape of sediment from the disturbed area. (d) No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water.	County Planning Department	Building/Grading Permit	During Construction and Ongoing

Exhibit I

ATTACHMENT 3

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		In an effort to reduce runoff, implement techniques where feasible such as minimizing site disturbance, minimizing proposed impervious areas, utilizing pervious surfacing, eliminating directly connected impervious areas, clustering development, etc.			
HYD-4	Create or contribute runoff that would exceed the capacity of existing or planned storm water drainage systems, or create additional source(s) of polluted runoff.	All project runoff in excess of predevelopment levels for a 10-year storm event shall be detained on the site. All runoff from parking and driveway areas shall go through water quality treatment prior to discharge from the site (e.g., outsloping driveways to drain to landscaped areas for filtering prior to discharge from the site). If structural treatment is proposed, a recorded maintenance agreement will be required. This agreement shall be signed, notarized, and recorded, and a copy of the recorded agreement shall be submitted to the County DPW. The Developer shall provide permanent markings at each drainage inlet that reads "NO DUMPING-DRAINS TO BAY," or equivalent. The property owner will be responsible for maintaining these markings.	County Planning Department and Department of Public Works	Building/Grading Permit	Design and Construction
HYD-5	Contribute to flood levels or erosion in natural water courses by discharges of newly collected runoff.	All runoff in excess of predevelopment levels for a 10-year storm event shall be detained on the site.	County Planning Department	Building/Grading Permit	Design and Construction
HYD-6	Otherwise substantially degrade water supply or quality.	Silt and grease traps, and a plan for maintenance will be required to minimize the effects of urban pollutants. In addition, an Erosion Control Plan as specified in Section 16.22.060 of the County Code, and a Storm Water Pollution Prevention Plan will be required during construction. Because the proposed project would result in a land disturbance of one acre or more, a Construction Activities Storm Water General NPDES Permit shall be obtained from the State Water Resources Control Board. Construction activities include clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement.	County Planning Department	Building/Grading Permit	Design and Construction, and ongoing
Biological Resources					
BIO-1	Have an adverse effect on a sensitive biotic community (riparian corridor), wetland, native grassland, special forests, intertidal zone, etc.	All work during installation of the drainage outfall shall occur from Soquel Avenue. Construction equipment is not allowed to enter Rodeo Creek Gulch during project construction. All drainage work adjacent to Rodeo Creek Gulch shall be completed outside of the breeding season for migratory birds (February 15 through August 15).	County Planning Department; California Department of Fish and Game	Building/Grading Permit	Design and Construction

Exhibit I

448

ATTACHMENT 3

0672

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Visual Resources and Aesthetics					
VIS-1	Create a new source of light or glare that would adversely affect day or nighttime views in the area.	The following project conditions to reduce night lighting impacts shall be implemented: (a) It shall be an objective of lighting design to relate to the site and building design and reduce off-site impacts. (b) All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties. Light sources shall not be visible from adjacent properties. Light sources can be shielded by landscaping, structure, fixture design or other physical means. Building and security lighting shall be integrated into the building design. (c) All lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed. Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.	County Planning Department	Building/Grading Permit	Design and Construction
Cultural & Archeological Resources					
CUL-1	Cause an adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 15064.5.	No archeological resources are known to occur or expected within the project area. However, the potential for archaeological resources exists within and adjacent to Rodeo Gulch. Therefore, construction of the drainage outfall proposed immediately south of Soquel Avenue shall occur entirely within the elevated roadway prism composed entirely of fill material.	County Planning Department	Building/Grading Permit	Project Construction
CUL-2	Disturb any human remains, including those interred outside of formal cemeteries.	Pursuant to Section 16.40.040 of the Santa Cruz County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigations to preserve the resource on the site are established.	County Planning Department	Building/Grading Permit	During Construction
Hazards and Hazardous Materials					
HAZ-1	Be located on a site	Based on the findings of the 2007 Phase I ESA, the following mitigation	County Planning	Building/Grading	During Construction

Exhibit I

449

ATTACHMENT 3

0673

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.	measures shall be implemented: • Prior to renovation or demolition, sampling shall be conducted to assess if asbestos is contained in the construction materials of the building. The California Health and Safety Code requires owners of structures with asbestos containing material (ACM) to notify tenants and employees that the building has ACM. • All hazardous materials on the project site shall be stored in appropriate secondary containment to prevent spills or leaks. • Based on the surface staining near hazardous materials, the improper storage noted in the 1999 Phase I ESA, and the potential collection and drainage of motor fuel and oil by the sump formerly located on the project site, several soil borings and soil samples shall be taken to assess potential subsurface impacts. • All fluids shall be drained and batteries removed from non-functioning vehicles on the project site and disposed of properly to prevent leaking and spilling. • The waste oil tank shall be removed from the project site, if no longer in use, or, if the tank is not removed from the project site, it shall be stored in appropriate secondary containment to prevent further leaking and spilling. • The automobile parts cleaner shall be removed from the project site, if no longer in use, and the remaining solvent shall be disposed of properly.	Department	Permit	
Transportation/Traffic					
TRA-1	Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the county congestion management agency for designated intersections, roads or highways.	The following mitigation shall be implemented: 1. *Soquel Avenue/SR1 Southbound Ramps:* Intersection operations can be improved by modifying the eastbound lane configuration and signal timings. The eastbound approach would be re-striped to provide a dedicated left-turn lane and one through lane (from a shared left-turn/through lane and one through lane). The signal timings will be modified to provide protected phasing for the eastbound left-turn movement. No changes are proposed for other approaches. The applicant shall pay fair share fees to the County of Santa Cruz for the required intersection improvements. 2. *Soquel Avenue/Chanticleer Avenue:* Peak-hour signal warrants are met at the Soquel Avenue/Chanticleer Avenue intersection during both peak hours. This intersection improvement is currently in the County's plan for improvements along Soquel Avenue. The applicant shall pay fair share fees to the County of Santa Cruz for the required intersection	County Planning Department	Building/Grading Permit	Prior to Construction

Exhibit I

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		improvements.			
Air Quality					
AQ-1	Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	Construction activities (e.g., excavation, grading, on-site vehicles) that directly generate 82 pounds per day or more of PM10 would result in a significant impact on local air quality if located nearby and upwind of sensitive receptors. Although project construction may result in a short-term, localized decrease in air quality due to generation of dust, the implementation of standard best management practices would reduce PM10 levels well below 82 pounds per day. The following mitigation measures will reduce construction-related emissions to a less than significant level. • All active construction areas shall be watered at least twice daily. Frequency will be based on the type of operation, soil, and wind exposure. • All grading activities will be prohibited during periods of high wind (over 15 mph). • Chemical soil stabilizers shall be applied to inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). • Non-toxic binders (e.g., latex acrylic copolymer) shall be applied to exposed areas after cut and fill operations and to hydroseed areas. • Haul trucks shall maintain at least 2'0" of freeboard. • All trucks hauling dirt, sand, or loose materials shall be covered. • Vegetative ground cover shall be installed in disturbed areas as soon as possible. • Inactive storage piles shall be covered. • Wheel washers shall be installed at the entrance to construction-sites for all exiting trucks. • Streets shall be swept if visible soil material is carried out from the construction site. • A publicly visible sign shall be posted that specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance). • Limit the area under construction at any one time (MBUAPCD 2008).	County Planning Department and Monterey Bay Unified Air Pollution Control District	Building/Grading Permit	During Construction
AQ-2	Expose sensitive receptors to substantial	There would be a short-term air quality impact from emissions generated during site preparation (including soil stabilization efforts) and building	County Planning Department and	Building/Grading Permit	During Construction

Exhibit 1

451

0675

ATTACHMENT 3

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	pollutant concentrations.	construction. Dust from grading and emissions from heavy equipment would incrementally increase emissions over the short-term. There would be a long-term incremental decrease in air quality resulting from vehicle emissions generated by the proposed project. However, this impact is not considered to be significant with implementation of the above mitigation.	Monterey Bay Unified Air Pollution Control District	Permit	
Public Services and Utilities					
PSU-1	Result in the need for construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	The proposed project would comply with Chapter 16.22.070 (Runoff Control) of the County Code. The following measures shall be used for runoff control, and shall be adequate to control runoff from a 10-year storm: (a) To the extent that onsite percolation is not sufficient, all runoff shall be detained or dispersed over non-erodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. Onsite detention may be required by the Planning Director where excessive runoff would contribute to downstream erosion or flooding. (Any policies and regulations for any drainage zones where the project is located will also apply.) Detention facilities included in future development shall be designed not to exceed predevelopment flows in order to avoid downstream effects. (b) Any concentrated runoff that cannot be effectively dispersed without causing erosion, shall be carried in non-erodible channels or conduits to the nearest drainage course designated for such purpose by the Planning Director or to on-site percolation devices. Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge. (c) Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means as necessary to prevent the escape of sediment from the disturbed area. (d) No earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water. (e) In an effort to reduce runoff, techniques such as minimizing site disturbance, minimizing proposed impervious areas, utilizing pervious surfacing, eliminating directly connected impervious areas, clustering development, etc., shall be implemented to the extent feasible.	County Planning Department and County Department of Public Works	Building/Grading Permit	During Construct
PSU-2	Result in the need for construction of new water or wastewater treatment facilities or	The proposed project is located within the Rodeo Gulch impacted sewer basin in which the Santa Cruz County Sanitation District Board of Directors (Board) has placed development restrictions. No development shall occur until the development restriction is lifted or the following mitigation measures	County Department of Public Works	Building/Grading Permit	During Construction

Environmental Impacts		Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	expansion of existing facilities, the construction of which could cause significant environmental effects.	are implemented. • A sewer extension, pump station and area-wide study of the properties in the area that currently do not have sewer service. If the project engineer determines that the project parcel is the only parcel to be connected to a pump station, the pump station will be privately maintained and located on private property. Housing for any required on-site generator and controls shall match the architecture of the subdivision or complex. A response and maintenance manual shall be prepared by the developer, submitted to the Santa Cruz County Sanitation District for review and approval at the building permit phase. • If it is necessary for the project to sewer via Mattison Lane, three segments of public sewer main downstream of the project site would experience capacity problems, and 816 linear feet of sewer shall be upgraded. • If it is necessary for the project to sewer via Chanticleer Avenue, sewer capacity will become available following the planned upgrades for the 2009 construction season. Sewer connection via Chanticleer Avenue will not be available prior to completion of the upgrades. • A sewer connection of $3,000 per individual dwelling unit will be required unless any of the units qualify by the Board as a) low income senior rental units, or b) below average-income ownership units.			

Exhibit I

453

CT 27

ATTACHMENT 3.1
0677

Jonathan DiSalvo

From: Leila Kiba <leilakiba@yahoo.com>
Sent: Friday, November 28, 2025 2:17 PM
To: Jonathan DiSalvo
Subject: 5940 Soquel

Follow Up Flag: Follow up
Flag Status: Flagged

****CAUTION:This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Please do not build 100 condominiums at that location.

If you do, then improve the frontage road to allow traffic to get to highway 1.
The on/off ramp onto highway 1 is already congested at commute.
The frontage road is bumper to bumper .If there is an emergency it would probably be quicker to walk to Dominican over the foot bridge, than by car or ambulance.

Leila Kiba
2627 Mattison Lane
Santa Cruz, CA 95062

831-239-7533

Exhibit M

Jonathan DiSalvo

From: Jonathan DiSalvo
Sent: Monday, December 1, 2025 8:59 AM
To: 'Teresa Buika'
Subject: RE: 5940 Soquel Condo Plans

Hello Teresa,

This item is scheduled for the December 10, 2025, Planning Commission hearing. The meeting agenda can be located, here: Community Development and Infrastructure Agenda

The staff report will be posted to the above-linked agenda one week prior to the meeting.

The Planning Commission meeting will be held, here:

Community Room (Basement)
County Government Center
701 Ocean Street, Room 020 (Basement)
Santa Cruz, CA 95060

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.

The Planning Commission and Board of Supervisors will be conducting design review of the project; however, the 100-unit density is allowed by-right on the project site. Feel free to review the staff report once it is published, as it will contain a detailed analysis of the project.

You can request to view the application file for Application No. 241488, here: Records Request Form

You can view the 2007 traffic analysis in the application file by submitting the Records Request above. You can also view the updated traffic study in the application file (Hexagon, 2025); however, this traffic study is still in draft, pending review and acceptance by the County's Roadway Engineer.

Thank you,

Exhibit M

Jonathan DiSalvo

Senior Planner
Community Development & Infrastructure

Phone: 831-454-3157
701 Ocean Street, Room 400

From: Teresa Buika <tbones1010@gmail.com>
Sent: Tuesday, November 25, 2025 1:37 PM
To: Jonathan DiSalvo <Jonathan.DiSalvo@santacruzcountyca.gov>
Subject: 5940 Soquel Condo Plans

Jonathan,
Can you please send me the Planning COmmission item for this proposed development? Site plans and all the materials? Or a link to the full planning commission agenda packet that has all of this?

Where is the staff report and staff analysis on this including a traffic report and impact on Soquel Ave.

Thank you.
Teresa B

Exhibit M

Jonathan DiSalvo

From: Linda Lawrence <marvinlindal@sbcglobal.net>
Sent: Monday, December 1, 2025 8:44 PM
To: Jonathan DiSalvo
Subject: Proposed Developement at 5940 Soquel Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

Re: Application 241488

Dear Mr. DiSalvo,

I am writing to you regarding the proposel to subdivide an existing parcel to create 100 condominium parcels and to construct 100 residental units within 17 three-storybuildings on the property at 5940 Soquel Avneue, Santa Cruz.
I am a resident in the Beachcomber Mobile Home Park at 2627 Mattison Lane in Unit #34. My mobile home backs up to the property at 5940 Soquel Avenue. If these units are constructed their front door and second story balcony off of their living rooms will be approximately 20 feet from my bedroom, which is at the back of my mobile home. They will not only look right into my back yard, but also my bedroom. A building of this height will also block out the light to my home because of it being so close.
I, as well as many of my neighbors, am very opposed to this project for the following reasons: 1) the closeness to the back of our homes; 2) a building of this height will block the sunlight from the back of our homes; 3) people will be able to look right into our yards, which will give us no privacy; 4) street parking in our area will be greatly impacted, which it already is, as there are 3 other developements approved for this are (1 almost directly across from our park, one where Mattison Lane curves and goes over to Chanticler Avenue and one on Maciel, which is already under construction; 5) there are only 7 visitor parking spaces for this developement and no on street parking; 6) there is only one street coming into the developement off of Soquel Avenue and no other way to go out of the developement in case of emergency; 8) the proposed sale price of each unit is to start at $1.2 million so this is not affordable housing; 9) this developement will create more traffic on Soquel Avenue, especially at peak commute times; 10) will put a strain on our infastructure like water and sewer; 11) the streets within the development are really no more than alley ways so that would impact the ability of Emergency vehicles to move around in case of emergency.
I have lived my whole life in Live Oak and Soquel area and have not been opposed to progress or the need for more housing, but a development like this DOES NOT meet what this area needs. We need housing that is affordable. An alternative use for this property would be a nice, all age,

Exhibit M

mobile home park, which people could afford and would provide much more adiquate parking for the residents and could be the same amount or more units.
I would strongly recommend that this developement NOT BE approved.

Sincerely,
Linda Lawrence
2627 Mattison Lane, Sp. #34
Santa Cruz, CA 95062
marvinlindal@sbcglobal.net
831-332-0630

Exhibit M