



Staff Report to the Planning Commission

Application Number: **07-0322**

Applicant: County of Santa Cruz
Owner: Mid-Peninsula Housing Coalition
APN: 051-511-37

Agenda Date: 4/23/08
Agenda Item #: 10
Time: After 9:00 a.m.

Project Description: Proposed Rezoning, General Plan Amendment, Riparian Exception, and Planned Unit Development (PUD) to allow a development density of 20 dwelling units per usable acre on the project site as a by-right use for any future development. The proposed PUD would require any development on the parcel to provide a minimum of forty percent of the total number of units as affordable low- and moderate-income households. The Riparian Exception would reduce the required riparian setback from the standard 100 feet from a wetland to 40 feet and would allow for the construction of a pedestrian trail, footbridge, and drainage improvements in the riparian area. The project proposes to rezone the parcel and amend the General Plan from "Single-Family Residential - 10,000 square foot minimum parcel size (R-1-10)" and "Urban Low Residential (R-UL)" to "Multi-Family Residential - 2,000 square foot minimum parcel size, Regional Housing Need Site (RM-2-R) and Parks, Recreation and Open Space (PR)" zone districts with "Residential - Urban High (R-UH) /Urban Open Space Lands (O-U)" general plan designations, with a PUD. The site contains 4.4 developable acres, equating to a total of 88 homes designated for the parcel.

Location: The property is located on the North side of Minto Road (off Green Valley Road) at its intersection with Meidl Avenue.

Supervisory District: 4th District (District Supervisor: Tony Campos)

Permits Required: Rezoning, General Plan Amendment, PUD Adoption

Technical Reviews: Riparian Exception

Staff Recommendation:

- Adopt the attached resolution recommending approval of this proposal and the attached findings and the certification of the Mitigated Negative Declaration under CEQA to the Board of Supervisors

Exhibits

- | | | |
|----|---|--|
| A. | Resolution recommending approval of a General Plan Amendment, Rezoning, Riparian Exception, and | General Plan Text Amendment to the Board |
| | | B. Planned Unit Development |
| | | C. Findings |

- D. Mitigated Negative Declaration
(CEQA determination)
- E. Initial Study
- F. Assessor's parcel map

- G. Rezoning & General Plan
Amendment maps

Parcel Information

Parcel Size:	6.9 Acres
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Single Family Residential, PG&E Substation directly east
Project Access:	Minto Road
Planning Area:	Pajaro Valley
Land Use Designation:	R-UL (Urban Low-Density Residential)
Zone District:	R-1-10 (Single Family Residential, 10,000 Ac lot size)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Environmental Information

An Initial Study has been prepared (Exhibit E) that addresses the environmental concerns associated with this application.

Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	City of Watsonville Water Department
Sewage Disposal:	Freedom Sanitation District
Fire District:	Pajaro Valley Fire Protection District
Drainage District:	Zone 7

Background

This is the first of seven sites that are candidates for rezoning under the County's higher-density rezoning program created to meet the requirements of the Housing Element of the County's General Plan. You will recall that the creation of the Regional Housing Need "-R" Combining Zone District was the subject of several hearings in 2007 by both your Commission and the Board of Supervisors, and that the Regional Housing Need "-R" Combining Zone District was created to address many of the issues related to the program, including height, parking and lot coverage concessions, and requires a Planned Unit Development (PUD) for each site. A PUD functions essentially as a site-specific zoning ordinance, incorporating all the standards for site design, building placement, massing, etc, and provides a basis for complying with the environmental review mitigation measures that accompany the rezoning. As was noted above, recognizing the difficulty of fitting a 20 unit/acre development on a site with our typical development standards, the R Combining District provides modified development standards that, among a number of changes, reduces required parking and allows for higher structures and stories.

One of the biggest challenges of this program is that state law requires that development of sites rezoned through this program to be permitted by-right (meaning that density cannot be reduced and no additional CEQA review can be required) at the 20-unit-per-acre density. In order to comply with these requirements, the CEQA analysis must be done at the time of the rezoning, before a development application has been submitted. The PUD serves as the tool to define the framework of development standards and CEQA mitigation measures to be attached to the ultimate project; as such, future development proposals must comply with the PUD.

Additionally, under the R Combining District regulations, any future development proposal will be subject to a Level VII Design Review. That review will focus on two things – compliance with the PUD requirements and design issues. In the event that the future developer wishes to pursue a project that is not in compliance with the PUD, they would need to seek a PUD amendment, which would require an additional CEQA review and public hearing.

The item before you at this time includes a rezoning and General Plan land use designation amendment, a riparian exception, which is discussed in greater detail below, and adoption of the PUD. Each of these actions is a necessary piece of the process for bringing this site into the R Combining District and establishing the development and environmental standards to ensure that future development will be appropriate to the site given its various constraints.

As noted above, after final action on this application is completed, a developer would need to apply for a Level VII Design Permit. As a Level VII review, the design permit will require early notification (a meeting with the neighbors), and hearings both before your Commission and the Board of Supervisors, allowing additional opportunity for public input into the final design of the project. Due to the by-right nature of this project these hearings would need to focus on design issues only, and could not address the use, density, or related environmental impacts of the proposed development.

Project Setting

This site contained an orchard years ago, but has been vacant for some time. It is located in a neighborhood characterized by detached single-story homes with one commercial store at the corner of Minto Road and Green Valley Road. Directly east of the site is a PG&E substation, beyond which there is agricultural land (zoned CA). The creek which defines the riparian corridor on the eastern portion of the property runs southeast from the property and eventually drains into Salsipuedes Creek.

The site slopes gently from the western property line to the riparian corridor on the eastern third of the parcel, and is currently clear of large vegetation. Because the site was in active agricultural production for many years, most native species were eliminated, and the removal of the orchard several years ago has left blackberry and Pampas grass to take over the dry portion of the site, with some blackberry extending into the riparian corridor. The riparian corridor on the eastern third of the property ranges from 20 to 50 feet in width and extends approximately north to south over most of the depth of the property. A 115Kv high-voltage power line runs along the northern property line within a 25 foot easement held by PG&E, and connects to the PG&E substation. A total of 4.4 acres of this site are considered developable for the purposes of this application, equating to a total of 88 homes at the proposed density of 20 units per acre.

Proposed Zoning & General Plan Changes

Currently, the subject parcel has a General Plan land use designation of R-UL (Residential - Urban Low) and is zoned R-1-10 (Single-Family Residential, 10,000 square foot minimum lot size). The proposed redesignation would change the General Plan land use designation to R-UH (Residential - Urban High) with a zone district of RM-2-R (Multi-Family Residential, 2,000 square foot minimum lot size, Regional Housing Need Site). A total of 4.4 acres of this site are considered developable for the purposes of this application, equating to a total of 88 homes at the proposed density.

As explained above, the rezoning and general plan amendment for this property is necessary to meet the requirements of the County's Housing Element, certified by the State Department Housing and Community Development. The rezoning and General Plan amendment meet the goals of the General Plan to provide sufficient housing to meet our Regional Housing Needs Assessment, and to promote infill development inside the Urban Services Boundary. As stated earlier, the PUD will function as a site-specific zoning ordinance and will ensure that future development on the site meets the site and environmental standards and criteria established at this time.

Site and Other Constraints that Guided the PUD Conditions

Any future development on this site will be constrained by the presence of the high-voltage power line to the north, the riparian corridor to the east, the street conditions on Minto Road, the drop in elevation between the western property line and the riparian corridor and the character of the surrounding single-family neighborhood. The PUD addresses each of these constraints in a manner that mitigates the impact of future development.

EMF Buffer

In order to minimize human exposure to electromagnetic fields (EMF), the County General Plan contains a policy of "prudent avoidance" which translates into a significant buffer between intensive human activity zones such as housing, and any high-voltage power lines. Based on the voltage of the power lines on this site, a 110 foot setback for residences from the northern property line is included as a PUD condition. This buffer area may be used for parking, but no structures or play areas are permitted.

Riparian Issues

The wetland area on this parcel was created largely due to an under-sized culvert running under Minto Road, which led to an impounding of water on the site. Over time, the soils reached a level of saturation conducive to wetland vegetation, and eventually wetland habitat was created here. The active management of this parcel when it was in agricultural production reduced the wetland area and led to an influx of many invasive, non-native plant species such as Pampas grass and blackberry, reducing the value of the wetland for hydrological and habitat purposes. Accordingly, the standard 100 foot buffer for wetland areas has been appropriately reduced to 40 feet, with requirements for restoration of native plant species in the corridor.

As is allowed by the Riparian Ordinance, the PUD allows for a pedestrian bridge and boardwalk to be constructed in the riparian area, increasing its amenity value for the residents. Finally, the drainage culvert running under Minto Road will be repaired, and upgraded to meet current

County design guidelines. But unlike typical repairs, these improvements will be designed to allow for larger flows during peak hours, but impound waters during lower flows (through use of a weir) in order to maintain the existing wetland.

Height Transition

Due to the difference in height (up to three stories at 37 feet) and density between new development on the site and the surrounding existing neighborhood, the PUD proposes that front yard setbacks be increased from 15' to 20', and side-yard setbacks be increased from 5' to 15 to reduce the affect of the increased height on neighbors. Also, the first row of buildings along the Minto Road frontage and the western property line adjacent to existing homes are proposed to be limited to two stories and 28 feet in height, consistent with the height limit which applies to existing residential structures, to provide a transition to the three-story buildings that will likely occupy the interior of the site. Neighbors to the north will be a minimum of 110 feet from any three-story structures on site due to the EMF buffer. Finally, to accommodate the slopes on this site and allow for efficient tuck-under parking, the manner in which the height of structures is calculated has been adjusted to measure from either the post-construction or the natural grade, whichever is higher.

Off-site Improvements

The addition of 88 housing units to the Minto Road neighborhood will increase both vehicle and pedestrian traffic. Therefore, sidewalks will be required along the site frontage and the north side of Minto Road, connecting the site to the bus stop at the corner of Minto and Green Valley Road. Restricting parking to the north side of the road allows the curb, gutter, sidewalk, parking lane, and two travel lanes to stay within the limits of the existing 40 foot right-of-way on Minto. Providing for parking on both sides would require the acquisition of an easement along the north side of the road and reduction of front yard areas. Where the new sidewalk would abut the commercial parcel on the corner of Minto and Green Valley, conflicts between the curb, gutter and sidewalk and existing parking requires an alternative alignment for the sidewalk. There is enough distance between the existing parking lot and the existing store building to fit the required 4 foot sidewalk, or rolled curbs could be used along the roadway to accommodate both uses in the public right-of-way, as the parking currently overlaps the right-of-way slightly. Acquiring an easement for constructing these improvements is a condition of the PUD, but in the event that the developer is unable to acquire the needed easement, they could return to the County for either assistance in acquiring the easement or relief from the condition, as provided in Chapter 18.10 of the County Code. Additionally, a General Plan Amendment adding the Minto Road and Green Valley Intersection to Figure 3.19 as a candidate for possible future signalization is included as part of this proposal, and should the intersection meet warrants at some future date would allow the use of public funds. The PUD provides for fee credits for off-site improvements to Minto Road that are part of the Capital Improvement Plan, excluding improvements to the site frontage.

Environmental Review

Environmental review has been conducted for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on February 26, 2008. A preliminary determination to issue a Negative Declaration with mitigations (Exhibit D) based on the Initial Study prepared by staff

(Exhibit E) was made on April 15, 2008. The mandatory public comment period ended on April 1, 2008, with comments received.

The environmental review process focused on the potential impacts of the project in the areas of seismic, transportation and traffic, parking, construction noise, air quality, drainage, electro-magnetic frequency, public services and utilities, light and glare, and wetland and riparian resource protection. The environmental review process evaluated potential impacts and generated mitigation measures that will reduce potential impacts from the proposed development to a less than significant level.

Correspondence and Neighborhood Comments

A public meeting was held in February to inform the neighbors of the intended rezoning, solicit their comments, and explain the broader goals and process associated with the County's rezoning program. Many neighbors attended and raised concerns over parking, traffic, and the safety of children and other pedestrians. The parking scenario presented, which requires that parking on the south side of the street be eliminated, was also an unpopular concept with the neighbors. Additionally, concerns over the quality of the environmental review, as it addresses wildlife, the riparian area, views, and EMF radiation from the power lines and substation were mentioned during the meeting. Several neighbors asked if alternative sites existed for the rezoning project, stating that the neighborhood was "full" and that the parcel in question was not a good site for higher density housing.

One of the most extensive discussions centered on the desire for a traffic signal at the intersection of Minto Road and Green Valley Road, or, alternatively, at Dick Phelps Road and Green Valley Road. The traffic study conducted for the project and accepted through the CEQA process concluded that the intersection does not meet warrants for signalization at this time, and as such, the PUD does not require it for a future project on the site. There have been occasions in the past, however, when the Commission has recommended that the Board condition a project to go beyond those improvements required by the project traffic study when it believes that it is necessary to address a neighborhood traffic safety issue. Most likely, the neighbors will argue for that in this case.

Finally, the owner and the operator, as well as others, stressed the importance of not impeding the success of the commercial use at the corner of Minto Road and Green Valley Road. The store's parking currently overlaps the public right-of-way, and many were concerned about a new sidewalk impacting this important neighborhood resource.

A few neighbors made comments on the Initial Study during the public comment period. The comments largely echoed those from the public meeting, stating concerns over parking, biotic issues, and increased traffic in the neighborhood. Staff has planned to conduct an additional meeting with the neighborhood prior to the Commission's public hearing to further discuss concerns raised as part of the environmental review process.

Conclusion

At the time that the R Combining District was created and 30 acres of site were chosen by the Board for this program, all involved recognized that formal designation of these sites would be

controversial – due to the by-right component, the lack of a formal development proposal to accompany the rezoning, and the density of the housing required by State law. In spite of those concerns, staff believes that we have drafted a PUD that carefully balances the policy mandate of this program, the constraints of the site, and where possible, the concerns of the neighbors.

As proposed and conditioned, the proposed project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

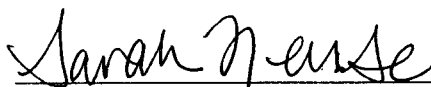
The PUD addresses the amalgamation of constraints and concessions affecting this density of development on this parcel. At a macro level, staff has worked to flesh out the issues that are likely to present themselves when a development project is constructed on this site and 88 new homes are added to this neighborhood.

Staff Recommendation

- Hold a public hearing on this item,
- Adopt the attached resolution recommending approval of the Findings, Rezoning, General Plan Amendments, and Riparian Exception and the certification of the Mitigated Negative Declaration under CEQA to the Board of Supervisors.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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

RESOLUTION NO. _____

On the motion of Commissioner:
Duly seconded by Commissioner:
The following resolution is adopted:

RESOLUTION RECOMMENDING ADOPTION OF A REZONING, GENERAL PLAN
AMENDMENT, PLANNED UNIT DEVELOPMENT, AND RIPARIAN EXCEPTION TO
CHANGE A PARCEL FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY
RESIDENTIAL AND OPEN SPACE DESIGNATION WITH A PUD AND RIPARIAN
EXCEPTION

WHEREAS, the Housing Element of the Santa Cruz County General Plan was adopted by the Board in November of 2006 and certified by the State of California Department of Housing and Community Development in December of 2006;

WHEREAS, one of the goal of this the County General Plan, and more specifically the Housing Element, is to designate sufficient land to be developed at a density prescribed by the State of California to fulfill our obligation for low- and very-low-income households;

WHEREAS, Programs 1.1 Rezoning Program (20 units per acre) and 1.2 Selection and Rezoning of Sites of the Housing Element call for the rezoning of 30-32 acres of land to be developed at a density of 20 units per developable acre as a by-right use;

WHEREAS, the Board of Supervisors, in order to implement the Housing Element's rezoning program, established the Regional Housing Need "-R" Combining Zone District with the purpose to "...increase the supply of affordable housing by designating sites for development at 20 units per acre in order to meet the requirements of the Regional Housing Needs Allocation...";

WHEREAS, the Board of Supervisors identified several sites encompassing 30-32 acres in total as candidates for rezoning to the Regional Housing Need "-R" combining zone district, including the housing site on Minto Road, APN 051-511-35;

WHEREAS, the designation of higher density housing on the Minto Road site requires the the General Plan land use designation be changed to allow the higher density and to recognize a protected natural feature on the site, a General Plan amendment to Figure 3.19 to add an intersection for possible future signalization, a Planned Unit Development to establish the basic development standards and incorporate CEQA mitigations for future by-right development on the site, and a rezoning to identify the site as one of the Regional Housing Need "-R" sites and as a multifamily residential site;

WHEREAS, the Findings for a Riparian Exception to reduce the riparian setback from 100' to 40' and to permit certain construction activities in the riparian area on site can be made as attached;

EXHIBIT A

WHEREAS, pursuant to the California Environmental Quality Act, the action was evaluated and a Mitigated Negative Declaration prepared;

WHEREAS, the Planning Commission has held a duly noticed public hearing and has considered the proposed Rezoning, General Plan Amendment, PUD, Riparian Exception and all testimony and evidence received at the public hearing;

WHEREAS, the Planning Commission finds that the proposed General Plan Amendment will be consistent with the policies of the General Plan and other provisions of the County Code, is appropriate to the level of utilities and community services available to the property, and is necessary to fulfill the County's Housing Element of the General Plan, and is in compliance with the provisions of the California Environmental Quality Act;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that the proposed rezoning, general plan amendment, PUD, and riparian exception serve a public benefit; and

BE IT FURTHER RESOLVED, that the Planning Commission recommends the proposed rezoning set forth in Attachment 1 to Exhibit A, a General Plan amendment to change the land use designation for APN 051-511-35 from Urban Low Residential to Urban High Residential and Urban Open Space, a General Plan amendment to add the text shown in Attachment 2 to Exhibit A to Figure 3.19 of the County General Plan, the PUD set forth in Exhibit B, a Riparian Exception to reduce the 100-foot wetland buffer to 40 feet and the Environmental Coordinator's determination under the California Environmental Quality Act as set forth in Exhibit C, and incorporated herein by reference, be adopted by the Board of Supervisors.

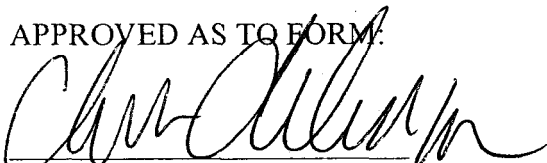
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, California, this _____ day of _____, 2008 by the following vote:

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

Chairperson

ATTEST: _____
Secretary

APPROVED AS TO FORM:


County Counsel

Cc: County Counsel
Planning Department

EXHIBIT A

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 13.10
OF THE SANTA CRUZ COUNTY CODE
CHANGING APN 051-511-35 FROM THE R-1-10 ZONE DISTRICT
TO THE RM-2-R AND PR ZONE DISTRICTS**

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

SECTION I

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan regarding the property listed in Section III of this ordinance; finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16 of the County Code have been complied with by the preparation and approval of a Mitigated Negative Declaration for the project.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan Amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

1. The proposed zone districts will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
2. The proposed zone districts are appropriate for the level of utilities and community services available to the land; and
3. The proposed rezoning is necessary to provide for a community-related use which was not anticipated when the Zoning Plan was adopted.

SECTION III

Chapter 13.10, Zoning Regulations of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

	APN	Recorded Zoning	New Zoning
1	051-511-35	R-1-10	RM-2-R, PR

EXHIBIT A
ATTACHMENT 1

SECTION IV

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz
this _____ day of _____, 2008, by the following vote:

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

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____


County Counsel

Copies to: Planning
County Counsel

EXHIBIT A
ATTACHMENT 1

Figure 3.19

Figure 3.19 shall be amended by adding the following:

Figure 3-19 Planned and Potential Signals	
Intersection	Status
Green Valley Road/Minto Road	Possible signal mid-term.

**Minto Road Housing Site
Proposed PUD**

ORDINANCE NO. _____

**ORDINANCE GRANTING A PLANNED UNIT DEVELOPMENT AS ALLOWED BY SANTA
CRUZ COUNTY CODE RELATING TO ESTABLISHMENT OF DEVELOPMENT STANDARDS
FOR APN: 051-511-35**

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 north side of Minto Road about 525 feet east from the intersection of Green Valley Road and Minto Road and shown on Exhibit A attached hereto and subject to the conditions shown in Exhibit B, attached hereto.

SECTION II

This ordinance shall become effective 31 days after adoption.

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

NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairman of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

County Counsel

**Minto Road Housing Site
Proposed PUD**

EXHIBIT A

**Planned Unit Development
Conditions of Approval**

Property located on the north side of Minto Road about 525 feet east of the intersection of Green Valley Road and Minto Road; Pajaro Valley Planning area.

APN: 051-511-35

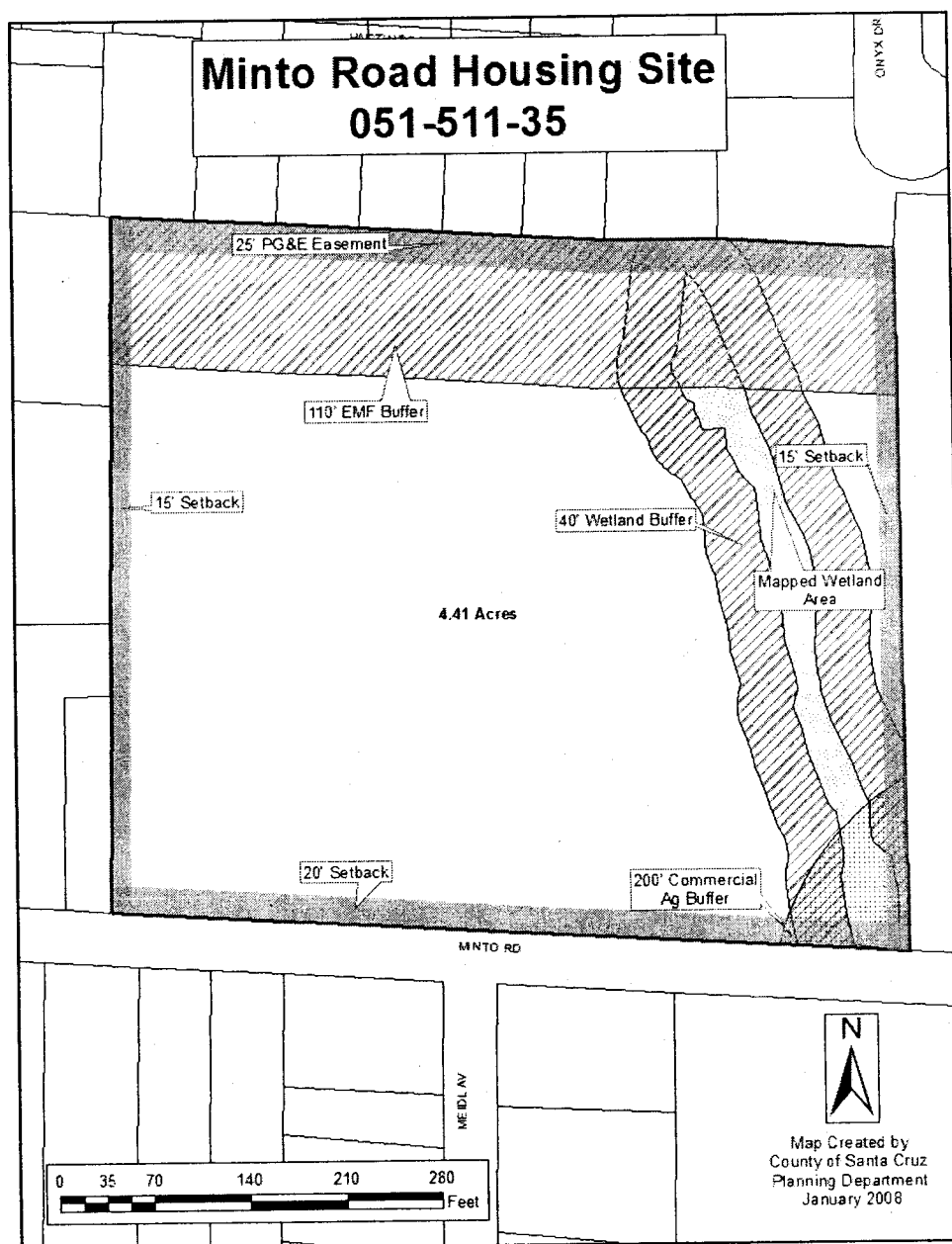


EXHIBIT B

Planned Unit Development Conditions of Approval

Property located on the north side of Minto Road about 525 feet east of the intersection of Green Valley Road and Minto Road; Pajaro Valley Planning area.

APN: 051-511-35

This site contains 4.41 usable (developable) acres and requires the development of 88 dwelling units, of these, 13 affordable units and an in lieu fee for 0.2 of a unit are required under County Code Section 17.10.030(b)(1) and 22 affordable units are required as specified in Section III A(2) of this 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.

CONDITIONS

I) General Site Standards

- A) 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 shall be applicable unless modified by this Planned Unit Development.

1) Circulation and Parking Requirements.

- (a) Parking Requirements. 1.5 spaces per studio or one bedroom units; 2.0 spaces for two bedroom units; 2.5 spaces for three bedroom units; 3.0 spaces per 4 bedroom unit. An additional 20% of the total number of parking spaces is required to accommodate guest parking. Up to 175 feet of the Minto Road site frontage may be counted toward the guest parking requirement as on-street parking.

- (i) A reduction in the required on-site parking standard may be considered by the County with review and approval 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.

- (ii) The maximum number of the required parking spaces which may be compact in size is specified in County Code Section 13.10.553 (e) or its successor ordinance. The standards for the off-street parking facilities as outlined in County Code Section 13.10.554 at the time of application is deemed complete shall apply.

**Minto Road Housing Site
Proposed PUD**

- (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) Access to Site. The main access to the site shall be located opposite Meidl Avenue or, alternatively may be offset consistent with the standards contained within the adopted Design Criteria for the County of Santa Cruz. A second point of access to Minto Road acceptable to the County and the Fire Agency shall be provided to serve Emergency vehicles only. All points of access shall be clearly marked, with any restrictions on access posted.
 - (d) Bicycle Storage. One lockable storage shed or lockable garage space shall be provided for on site bicycle storage. This lockable storage area may be located within the storage area, as required in Section III D(1)(e). At least one bicycle space shall be provided for each dwelling unit.
- 2) Accessibility.
- (a) Development 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. The Building Official shall determine the adequacy of the provided accessible units.
 - (b) 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.
- 3) Requirements for Structures.
- (a) Height. Height of structures may not exceed 37 feet measured from preconstruction natural grade or finished grade, which ever is higher. Two story structures shall be limited to 28 feet from preconstruction natural grade or finished grade, which ever is higher to the highest point of the structure. All exceptions as specified in section 13.10.510 (d) (2) or successor ordinance shall apply.
 - (i) For any structure proposed to be within 2 feet of the maximum height limit allowed by this PUD, the building permit application plans and the Design Review application 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.
 - (b) Number of Stories. A maximum of three (3) stories as defined by the County Code, exclusive of basement parking, is allowed.

**Minto Road Housing Site
Proposed PUD**

- (i) Three stories are not allowed in those areas restricted to two stories due to visual impacts and neighborhood compatibility. Those areas are more specifically described in Section I A(5)(b).

4) Developable Area Requirements

- (a) Site standards. Lot Coverage Site Standards and Floor Area Ratio Site Standards are not applicable.

- (b) Setbacks. The applicable minimum yard setbacks shall be established from the perimeter of the property to the habitable structures and enclosed non-habitable structures in aggregate, and are as follows:

(i) Habitable Structures

- 1. Western Property Line: 15 feet. No deck over 18 inches above grade shall be closer than 15 feet from the property line.
- 2. Southern Property Line: 20 feet
- 3. Eastern Property Line: 40 feet from the Riparian Corridor (as delineated by the Biotic Report prepared by H. T. Harvey dated 7/13/05) and 200 feet from Commercial Agricultural designated property (Riparian area line and Commercial Agriculture Setback Line; see Exhibit A)
- 4. Northern Property line: 110 feet (EMF line; see Exhibit A)
- 5. For projects involving the creation of new lots, 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.

- (ii) Non-Habitable Structures Non-habitable carports, garages, or other non-habitable structures may be located as follows:

- 1. Western Property Line: 15 feet
- 2. Southern Property Line: 20 feet
- 3. Eastern Property Line: East of the Riparian area: 15 feet and outside the 40 foot riparian buffer
 - a. West of the Riparian area: 0 (zero) feet from the 40 foot riparian buffer and Commercial Agriculture setback
- 4. Northern Property Line: 25 feet (outside of the PG&E easement)
- 5. The lift station required by Section IV D(6) of this PUD is not subject to the property line setbacks, but must be located outside the riparian buffer and the commercial agriculture setback noted on Exhibit A.

- (c) Riparian Area. A riparian buffer of 40 feet shall be maintained, but the 10-foot additional riparian construction buffer provided in General Plan Policy 5.2.4 shall not apply.

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(i) A Riparian Exception is granted by this PUD for the following improvements in the riparian area:

- A pedestrian crossing of the riparian area (bridge) in the northern 50 feet of the mapped riparian area (as delineated by the Biotic Report prepared by H. C. Harvey dated 7/15/05) on the property shall be allowed for the purpose of an access to the eastern portion of the lot.
- A passive "nature trail" and/or small animal keeping area and non-habitable structure may be placed along the eastern portion of the property. This area may not be used for habitable structures and does not count toward developable site acreage. The design of any trail shall meet accessibility standards, shall minimize the impacts upon the mapped riparian area and shall be submitted for review and approval by County Planning.
- Drainage improvements required in section V) B & C of the PUD, including the weir and culvert replacement at Minto Road, and energy dissipaters located outside of the existing flood level.
- Permits shall be obtained from the U. S. Army Corp. of Engineers, Regional Water Quality Control Board and the California Department of Fish and Game, if required. Any additional construction activities in the designated riparian area will require an additional separate Riparian Exception.

(d) Open Space. Useable open space shall be provided on site as specified by County Code Section 13.10.323 (f) or its successor ordinance. No formal shared recreational facility use (i.e. children's play equipment, picnic tables) shall be sited within the 110' EMF setback.

5) Structure Standards.

(a) Building Design. 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) Bulk and Mass. To reduce the apparent bulk and mass of the development, efforts shall be made to provide articulation and architectural features and provide a transition in height from the adjacent properties to the south and the west. This transition shall be achieved by limiting the first row of structures along the southern and western property line frontages to two stories and a height of 28 feet.

(i) No building shall have a dimension greater than 120 feet in length unless it is determined by the Design Review Process that a larger structure would result in a superior design.

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6) Animal Keeping.

- (a) Any animal keeping activities shall be limited to the keeping of no more than 20 small animals such as rabbits and fowl. Animal waste shall be managed in such a way as to ensure that no contamination of the riparian area takes place, and shall be disposed of off site.
- (b) The owner of the site may request permission to keep additional small barnyard animals such as goats and sheep. Permission may be granted by the Planning Director after determining that the designated area provides sufficient space for additional animals, that these animals will not impact the adjacent riparian area, and that manure management will be adequate.

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, 18.10.211.
- B) Tentative Map. If a tentative map approval is required, it shall be processed concurrently with the 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 on this parcel shall be required to provide a minimum of forty percent (40%) of the total number of units as affordable:
 - 1) A minimum of fifteen percent (15%) of the 88 units (13) shall be affordable under the requirements for all development projects in Section 17.10.030(b)(1). A fractional in lieu fee of twenty percent (20%) of the fee in effect at the time a building permit is submitted shall be required for 0.2 of a unit.
 - 2) An additional minimum of twenty-five percent (25%) of the 88 units (22) shall be affordable under the requirements for Enhanced Affordable units as described in Section III A(3) of this PUD. This minimum number of units was derived by rounding to the nearest whole number. For fractional numbers in the twenty-five percent (25%) Enhanced Affordable category,

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affordable housing obligation will be derived by rounding to the nearest 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 Section 17.10.030(b)(1) of the County Code and Section III A(3) of this PUD, 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 of this PUD.

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D) Affordable Unit Standards.

- 1) The following standards supersede the standards of the County Code and Affordable Housing Guidelines regarding affordable units. Where not superseded by the provisions below, affordable units shall be comparable to market rate units and must meet the requirements of Chapter 17.10 of the County Code and the Affordable Housing Guidelines and shall be subject to all affordable housing standards, with the following exceptions:
 - (a) Affordable units must be constructed on site.
 - (b) The size of affordable units may be smaller than market rate units. At a minimum, the size of the affordable units on average must be 70% of the average size of the market rate units.
 - (c) The affordable units may average fewer bedrooms than market rate units. The affordable units may average 0.5 of a bedroom less than the average number of bedrooms per unit in the market rate units.
 - (d) Affordable units may be clustered on-site.
 - (e) Where garages are provided for market rate units, garages are not required for affordable units. Where garages are not provided for any individual unit, that unit (market rate or affordable unit) shall have a minimum of 218 cubic feet of private storage space which shall be accessed from the outside of the unit and may not reduce the number of required parking spaces.
 - (f) The Affordable Housing Guidelines describe the allowances for interior amenities in affordable units compared to the market rate units.

E) Applicability of Density Bonus

- 1) Density Bonus provisions do not apply to developments meeting the minimum requirements of this PUD.
- 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 this PUD, a project developer may request additional concessions as set forth in Chapter 17.12, however, no increase in the number of units on the site is allowed.

IV) Design Review

- A) Public Hearings. Development proposals shall undergo a Design Review process and public hearing limited to design issues only. No discretionary permit is necessary 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. All requirements of the Site, Architectural and Landscape Design Review (Chapter 13.11) or successor ordinance in effect at the time a Design

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Review Permit is deemed complete for processing shall be applicable unless modified by this PUD. The Design Review Permit will expire after two (2) years, unless exercised. The Design Review Permit will be considered exercised when a building permit has been issued, construction has commenced and the first foundation inspection has been conducted.

- 1) Requests for an Extension of Time for the Design Review Permit shall be processed as a Level III permit review. The Planning Director may raise the level of review to a higher level at his or her discretion. The permit may be extended for one year up to five (5) times for a total permit life of seven years. A review of the adequacy of all reports and improvements shall be conducted prior to the approval of any time extension to determine whether the existing information on the site is still valid.
- B) Development Standards. All applicable requirements and standards of the Zoning Regulations (Title 13, Chapter 13.10) and Title 16 (Environmental and Resource Protection) in effect at the time a Design Review Permit is deemed complete for processing shall be applicable unless modified by this PUD.
- C) Minor Variations. The Planning Director, at the request of the applicant or staff, may approve minor variations to this permit, which do not affect the overall concept or density, as a Level III Permit.
- D) Level VII Design Review Submittal Requirements
 - 1) Due to the proximity of the site to a fault zone, an updated Geotechnical Report shall be prepared for the foundation design for the site based on the existing report from Haro, Kasunich & Associates, Inc., dated April 2004. Four copies of the report shall be submitted to the County for review at the time of design review application and must be accepted by the County prior to the application being determined complete. All requirements and recommendations of the approved report shall be incorporated into the project design. All development on the site shall comply with the requirements of the updated geotechnical report prepared by a licensed geotechnical engineer as reviewed and approved by the County of Santa Cruz and any county approved geologic report for the site.
 - 2) All off-site improvements shall comply with the requirements of the traffic study prepared by Fehr and Peers Transportation Consultants dated May 25, 2007 or any subsequent Traffic Report for the development of this site that has been reviewed and accepted by the County of Santa Cruz.
 - 3) Preliminary Architectural and Site Plans
 - (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 at a minimum incorporate all requirements contained within this PUD.
 - (b) The site plan shall clearly delineate all useable and non-useable areas, including but not limited to:

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- (i) The riparian corridor and buffer area shown on Exhibit "A" must be shown on the Site Plan, with notes indicating that any development within, or use of, the riparian corridor and/or buffer area other than a crossing and trail as noted in Section I.A 4 (b) of this PUD within the buffer area, are subject to the provisions of County Code Chapter 16.30 related to riparian resource protection. The 10-foot additional riparian construction buffer is not applicable. This area carries a General Plan Designation of Urban Open Space and is zoned PR.
 - (ii) The EMF (Electromagnetic Field) setback/ buffer area shown on Exhibit "A" must be shown on the site plan.
 - (iii) A clearly delineated agricultural buffer of 200 feet from adjacent Commercial Agricultural Land must be shown on the site plan, with notes indicating that no habitable use or place designed for intensive human use as defined by County Code may be located within the area and any use of the agricultural buffer is subject to the provisions of the County Code Chapter 16.50 related to agricultural resource protection.
- 4) Utilities, Roads and Services
- (a) Submit preliminary engineered improvement plans to the Planning Department for all roads, curbs and gutters, grading, stormwater management systems, sanitary sewers, 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:
 - All preliminary improvement plans 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.
 - Provide 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.
 - 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 the existing topography as much as possible. The grading plans shall include existing and proposed contours, plan views and centerline profiles of all driveway improvements, locations 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.

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- Preliminary Private Sanitary Sewer Plans must be submitted at time of application, and shall include a maintenance manual meeting the County's Design Criteria for review and approval.
- (b) All road plans shall comply with all requirements of the Department of Public Works Road engineering and shall be consistent with the County's Design Criteria and any Plan Line. The following standards shall apply to Minto Road:
- (i) Paved Road Width: 30 feet of pavement;
 - (ii) Parking limited to the north side of Minto Road from the easterly corner of the commercial agricultural buffer on the southeast corner of the subject parcel to the eastern end of the parking lot located on APN 051-511-29. No Parking shall be allowed on the south side of Minto Road west of Meidl Ave. Appropriate signage will be installed by the County Department of Public Works;
 - (iii) Improvements: curbs, gutters and sidewalks on the north side of Minto Road from the southeasterly corner of the site to the edge of the parking lot located on APN 051-511-29 shall be in compliance with ADA requirements.
 - (iv) Pedestrian and wheelchair access from the project site to the METRO stop at the corner of Minto Road and Green Valley Road is required. The access to the corner will cross APN 051-511-29, and may consist of any combination of sidewalk (with curb and gutter), asphalt paving, striped pedestrian walkway, or other marked, accessible path negotiated by the developer and the property owner of APN 051-511-29.
 - (v) The County Planning Department and the Public Works Department shall approve the location of the access across APN 051-511-29. It is the responsibility of the developer to install the improvements at the approved location.
 - (vi) If an easement cannot be negotiated with the owner of APN 051-511-29, the conditions of County Code Section 18.10.240 (d) shall apply..
 - (vii) TIA fees will be paid as a fair share cumulative impact mitigation for the future signalization of the intersection of Minto Road and Green Valley Road, as identified in the Circulation Element of the County General Plan.
- 5) A current water will-serve letter from the City of Watsonville Public Works and Utilities Department shall be submitted.
- 6) A current sanitary sewer will serve letter from the Freedom County Sanitation District shall be submitted. The County Sanitation Division has determined that a private pump station equipped with a back-up generator will be required on the site, most likely near the southeast corner, to connect to Manhole 99 at the intersection of Minto Lane and Meidl Ave.
- (a) The private pump station shall coordinate architecturally with the project and/or be screened from the public view.

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- (b) Payment equivalent to the required flow metering and odor control equipment will be collected at the time sewer connection permits are obtained.
- 7) A plan review letter from PG&E addressing any restrictions/limitations on landscaping, roads and buildings proposed within the PG&E easement along the northern property line.
- 8) 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) Building Permit Requirements and Timing.

- A) Plans shall be consistent with the approved Design Review Permit and determined by Planning staff to be consistent with all requirements of this PUD.
- B) Prior to the issuance of any building permit, final engineered drainage details shall be submitted to the County Planning and Public Works Departments for both on-site and off-site drainage work. Drainage plans shall show that the outflow of the culvert crossing Minto Road will not exceed pre-development levels. This will be achieved while still upgrading the culvert to current County standards. A weir shall be required to maintain existing detention conditions. Drainage plans shall also illustrate existing flood elevations.
- C) All on-site stormwater shall be detained on site up to the 10-year storm level. Drainage from road improvements shall be filtered and released into the riparian corridor. Prior to the issuance of any building permit a Construction Activities Stormwater General NPDES Permit shall be obtained from the State Water Resources Control Board.
- D) Prior to the issuance of any building permit a discretionary grading permit, if required by Chapter 16.20 of the County Code shall be obtained in accordance with the requirements of Chapter 18.10.
- E) Prior to the issuance of any building permit final engineered road improvement plans shall be submitted to the County Planning and Public Works Departments for both on-site and off-site road improvements. Minto Road from Green Valley Road to the riparian area shall include improvements to ensure pretreatment of roadway runoff before entering the riparian channel.
- F) Prior to the issuance of any building permit, the developer must submit proof that the conditions of all required permits (such as Design Review, Tentative Map, Grading) have been recorded in the official records of the County Recorder.
- G) Prior to the issuance of any building permit, all required Declarations of Restriction and Statements of Acknowledgment shall be recorded.
 - 1) Prior to any Building Permit issuance on the parcel containing or adjacent to the riparian corridor, the owner shall record a Statement of Acknowledgement regarding the presence of the riparian corridor and buffer area on these parcels. These recordable documents shall be prepared by the Planning Department and shall include statements that any development

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within, or use of, the riparian corridor and/or buffer area is subject to the provisions of the County Code Chapter 16.30 related to riparian resource protection, with the exception of a pedestrian bridge crossing and a trail, the weir construction and culvert replacement, and the energy dissipaters.

- 2) Prior to any Building Permit issuance on the parcel containing or adjacent to the area of EMF concern, the owner shall record a Statement of Acknowledgement regarding the presence of the EMF and buffer area on these parcels. These recordable documents shall be prepared by the Planning Department. No habitable space or intensive human activity area is allowed within the EMF setback.
 - 3) Prior to any Building Permit issuance on the parcel adjacent to Commercial Agricultural Land, the owner shall record a Statement of Acknowledgement regarding the presence of the Agricultural Use in the area of this parcel. These recordable documents shall be prepared by the Planning Department.
- H) Prior to the issuance of any building permit, the developer shall enter into an Affordable Housing Participation Agreement with the County of Santa Cruz.
- I) Prior to the issuance of any building permit 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 shall be allowed for installation of off-site improvements to Minto Road that are part of the Capital Improvement Program, excluding improvements made to the site frontage.
 - 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 shall be allowed for installation of off-site improvements to Minto Road that are part of the Capital Improvement Program, excluding improvements made to the site frontage.
 - 5) Submit a written statement signed by an authorized representative of the Pajaro Valley Unified 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 at the time of building permit issuance. The applicant/developer is advised that the development may be subject to inclusion in a Mello-Roos Community Facilities District.

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- J) Prior to the issuance of any building permit, plan review letters shall be submitted from the Geologic Report and Geotechnical report authors indicating that the plans comply with the County approved technical report and all of their recommendations have been incorporated into the project plans.
- K) Prior to the issuance of any building permit, all requirements of the Pajaro Valley Fire Protection District shall be met pursuant to width of interior driveways at no less than 20' and required turning radii of 50'. A secondary emergency access is required.
- L) Prior to the issuance of any building permit, all regulations, conditions and hookup charges of the Sanitation District shall be met. The units shall be connected for sewer service to Freedom County Sanitation District. Off-site improvements may be required. Final engineered plans shall be submitted complying with all requirements and standards of the Freedom County Sanitation District.
 - (a) The private pump station shall be operated and maintained by the Home Owner's Association or property manager.
 - (b) Prior to the issuance of any building permit, the applicant shall obtain a permit from the Regional Air Quality Control Board for the emergency back-up generator on the private pump station.
- M) All units shall be connected for water service to the City of Watsonville Public Works and Utilities Department. All requirements of that water department including the payment of connection charges shall be met prior to the issuance of any building permit. Engineered improvement plans for all water line extensions required by City of Watsonville Public Works and Utilities Department shall be submitted for the review and approval of the water agency.
 - 1) Proof of LAFCo approval of the Extraterritorial Water Service by the Watsonville Water Department will be required prior to issuance of the Building Permit.
- N) Prior to the issuance of any building permit, the plans shall reflect all requirements of PG&E regarding construction /improvements within the PG&E easement.
- O) Prior to the issuance of any building permit, engineered plans shall be submitted to PG&E for review and approval for the under-grounding of the power line along the Minto Road frontage of the subject parcel. These plans shall be approved prior to the issuance of a building permit. The power line shall be placed underground prior to final inspection/occupancy.
- P) One (1) "construction/security trailer" (maximum 12 feet by 60 feet) is allowed on the site during the construction. The size of the unit and the 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 the installation of the construction trailer.

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- Q) 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.
- R) 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.

VI) 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, Santa Cruz County Department of Public Works staff and Santa Cruz County Environmental Planning staff. The temporary construction fencing demarcating the edge of the riparian corridor setback and the tree protection fencing for any trees located within the construction area will be inspected at that time. 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 or its successor, 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. Work performed in the public right of way shall not proceed without first obtaining an Encroachment Permit from the Department of Public Works. All work shall be consistent with the Department of Public Works Design Criteria unless otherwise specifically excepted by this Planned Unit Development Ordinance.
- C) No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan.
- 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 artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the

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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, dust and nuisance impacts on surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:
 - 1) Limit all construction 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 the County Planning Department to address an emergency situation; and
 - 2) Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
- G) The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. 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. The phone number of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall be visible to ensure compliance with Rule 402 (Nuisance).

VII) Mitigation Monitoring Program

- A) The mitigation measures listed below shall be incorporated in the conditions of this approval for any future development project on this parcel, 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 shall be adopted as a condition of approval. This program shall be prepared by the project proponent and shall specifically address each mitigation measure listed below. The Mitigation Monitoring Program shall be submitted to Environmental Planning for review and approval prior to the issuance of any subsequent permit or development activity. The purpose of this monitoring program is to ensure compliance with the environmental mitigations during implementation and operation. Failure to comply with the conditions contained within the Planned Unit Development, including the terms of the adopted monitoring program, may result in the revocation of the Planned Unit Development pursuant to section 18.10.462 of the Santa Cruz County Code.

VIII) Mitigation Measures

- A) Prior to the issuance of any subsequent permit or development activity, the applicant must ensure the following conditions are met:
 - 1) In order to mitigate potential impacts from seismic related events, plans for any subsequent development must incorporate conventional spread footings or pier and grade beam foundations, and the recommendations contained within Section IV (D)(1) of the PUD.

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- 2) In order to prevent erosion, off site sedimentation, and pollution of creeks, prior to start of site work the applicant shall submit a detailed erosion control plan for review and approval by County Resource Planning staff. The plan shall include a clearing and grading schedule, clearly marked disturbance envelope, revegetation specifications, temporary road surfacing and construction entry stabilization, and details of temporary drainage control.
- 3) To prevent drainage discharges from carrying silt, grease, and other contaminants from paved surfaces into nearby waterways, the applicant shall ensure that water quality treatment units, and a plan for maintenance, are incorporated in all parking, driveways, and roadway designs.
- 4) In order to mitigate potential impacts to drainage patterns from storm events, the applicant shall incorporate the following measures into all improvement, grading and drainage plans, which shall be adequate to control runoff from a 5-year storm:
 - (a) Due to the presence of onsite soils that have low permeability (i.e., Watsonville loam and Pinto loam), onsite detention will be required. All runoff shall be detained or dispersed over non-erodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. Any policies and regulations for any drainage zones where the project is located will also apply.
 - (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 Department 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.
- 5) In order to prevent downstream impacts from storm events, under the proposed project, the existing 30-inch diameter corrugated metal culvert under Minto Road shall be replaced with an upsized culvert that has the capacity to accommodate existing flows during a 5-year storm event. New headwalls and wing walls shall be constructed to protect the crossing from erosion. At the stream crossing, Minto Road shall also be designed to accommodate the Safe 25-Year Overflow. The following mitigations are required to mitigate impacts from the changes in drainage patterns:
 - (a) In order to avoid impacts to onsite wetlands from an increase in downstream flows from upsizing the culvert, a weir shall be installed immediately upstream of the culvert inlet. The weir shall be designed to maintain existing downstream flows (prior to culvert upsizing). This will detain the current level of water upstream of the culvert maintaining the existing area of wetland and riparian habitat. The final design will be subject to the

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review and approval by the County of Santa Cruz Department of Public Works (DPW) prior to the issuance of any permit.

- (b) All runoff for up to a 10-year storm event shall be detained on the site. The allowable release rate from the site shall be limited to the 5-year predevelopment flow rates based on known restrictions in Salsipuedes Creek. All runoff from parking and driveway areas shall go through water quality treatment prior to discharge from the site. Outsloping of driveways to drain to landscaped areas for filtering prior to discharge from the site should be considered. If structural treatment is proposed, a recorded maintenance agreement(s) is required. This agreement shall be signed, notarized, and recorded, and a copy of the recorded agreement shall be submitted to the County DPW. The agreement shall include the following at a minimum:
 - (i) The traps shall be inspected to determine whether they need cleaning or repair prior to October 15 each year at a minimum;
 - (ii) A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage Section of DPW within 5 days of inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
 - (c) A comprehensive storm water management plan shall be provided to the Drainage Section of DPW for review and approval that clearly describes existing and proposed conditions for the site in terms of impervious area coverage, grading and drainage patterns, and proposed best management practices. The plan shall show downspouts, drainage collection locations and pathways of runoff. It shall also include energy dissipation on sloping grades, show where and how runoff enters and exits the subject property, and account for runoff from all impervious areas (i.e., roofs, paved areas, patios, walkways, etc.). The final storm water management plan shall be consistent with other project plans including grading, landscaping etc.
 - (d) The project shall provide permanent markings at each drainage inlet that read: "NO DUMPING - DRAINS TO BAY", or equivalent. The property owner shall be responsible for maintaining these markings.
 - (e) A review letter from a Geotechnical Engineer shall be submitted to the County DPW approving the final drainage plans prior to issuance of a building permit.
 - (f) Because the proposed project would result in a land disturbance of one acre or more, a Construction Activities Storm Water General National Pollutant Discharge Elimination System (NPDES) Permit shall be obtained from the Regional Water Quality Control Board prior to any site disturbance. Construction activities include clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement
- 6) In order to mitigate for impacts to the riparian and wetland areas, and to ensure compliance with Chapter 16.30 of the County Code, a Riparian Exception has been issued as a component of this project. An exotic plant species eradication plan and a riparian/wetland

**Minto Road Housing Site
Proposed PUD**

restoration plan are conditions of the Riparian Exception and must be approved by the County Planning Department prior to any development activities.

- 7) In order to prevent impacts from nighttime lighting on sensitive habitat and the neighborhood, the following conditions must be incorporated into any subsequent development and reflected on all development plans:
 - (a) All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties and the riparian wetland area. Light sources shall not be visible from adjacent properties. Light sources can be shielded by landscaping, structures, fixture design or other physical means. Building and security lighting shall be integrated into the building design.
 - (b) All lighted parking and circulation areas shall utilize low-rise light posts (standards) or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.
 - (c) Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.
- 8) In order to reduce impacts from exposure to electro-magnetic fields associated with power lines, any subsequent development shall include the placement of the underground 21kV transmission line in an appropriate insulator to further reduce the electric and magnetic fields.
- B) In order to mitigate impacts from construction-related activities, the applicant for any subsequent development shall ensure that the following measures are incorporated into the final construction design plans for the proposed project and are in place during construction:
 - 1) All grading activities shall be prohibited during periods of high wind (over 15 mph).
 - 2) Chemical soil stabilizers shall be applied on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
 - 3) Non-toxic binders (e.g., latex acrylic copolymer) shall be applied to exposed areas after cut and fill operations and the area shall be hydroseeded.
 - 4) Haul trucks shall maintain at least 2'0" of freeboard.
 - 5) All trucks hauling dirt, sand, or loose materials shall be covered.
 - 6) Vegetative ground cover shall be planted in disturbed areas as soon as possible.
 - 7) Inactive storage piles shall be covered.
 - 8) Wheel washers shall be installed at the entrance to construction sites for all exiting trucks.
 - 9) Streets shall be swept if visible soil material is carried out from the construction site.

**Minto Road Housing Site
Proposed PUD**

- C) In order to ensure adequate access for fire protection, the driveway and access road shall be designed and constructed to the following standards prior to any framing construction, or construction will be stopped:
- 1) The driveway shall have a minimum width of 20 feet with a maximum of 20 percent slope.
 - 2) The driveway surface shall be "all weather", a minimum 6 inches of compacted aggregate base rock, Class 2 or equivalent, certified by a licensed engineer to 95 percent compaction and 2 inches of asphalt concrete, and shall be maintained.
 - 3) All weather surface shall be a minimum of 6 inches of compacted Class 2 base rock for grades up to and including 5 percent, oil and screened for grades up to and including 15 percent and asphalt concrete for grades exceeding 15 percent, but in no case exceeding 20 percent.
 - 4) The maximum grade of the driveway shall not exceed 20 percent, with grades of 15 percent not permitted for distances of more than 200 feet at a time.
 - 5) The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width.
 - 6) A turn-around area that meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length.
 - 7) Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.
 - 8) All private access roads, driveways, and turn-arounds are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.
 - 9) The driveway shall be thereafter maintained to these standards at all times.
 - 10) All culverts and crossings, excluding the pedestrian footbridge, shall be certified by a registered engineer, have a minimum capacity of 25 tons with a Caltrans H-20 loading standard.

Planned Unit Development Permit Findings

1. That the proposed location of the uses are in accordance with the objectives of the County Code and the purposes of the district in which the site is located.

This finding can be made in that the proposed RM-2 (Multi-Family Residential, 2,000 square foot lot size) Zone District indicates areas appropriate for residential use that are inside the Urban Services Line and have a full range of urban services, which is the case for this site. Additionally, this site was selected in accordance with County Code Section 13.10.476, the Regional Housing Need "R" Combining Zone District, which requires the 20-unit per acre density, location within the Urban Services Line, and affordability requirements proposed for this site and supported by the PUD. The incentives and concessions contained in Section 13.10.477(b) 3 also apply to this site and include three-story, 35' structure height, adjusted parking requirements, eliminated lot coverage and floor area ratio, and adjusted standards relating to the distribution, size, and amenities provided for affordable housing units built on this site.

The PUD provides the mechanism to ensure that future by-right development on this parcel, as required by Section 13.10.478, complies with the development standards included in the environmental review conducted for the proposed rezoning, general plan amendment, and riparian exception included with this PUD proposal. Finally, this proposal has undergone environmental review, as required by Code Section 13.10.478(b), and been issued a Mitigated Negative Declaration by the Environmental Coordinator.

2. That the proposed location of the Planned Unit Development and the conditions under which it would be operated or maintained will not be detrimental to the public's health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

This finding can be made in that the proposed project site is adjacent to existing residential properties, and the site is well-suited to development being inside the Urban Services Line and having a generally flat to gently sloping elevation. The project will be connected to existing sewer and other utilities, and will maintain its own private pump station for that portion of the site that cannot rely on a gravity sewer to connect to the existing infrastructure. Road improvements including a curb, gutter, and sidewalk on the north side of Minto Road will ensure pedestrian safety along the roadway and will mitigate drainage impacts resulting from the widening of the roadway. New structures will be setback from the high-voltage power line that lies along the northern property line in order to minimize any health effects that could result from exposure to EMF. Furthermore, the project has undergone an environmental review that has identified and mitigated any impacts this project might have on the immediate vicinity or on the larger environment as a whole. The County maintains standard permit conditions that regulate construction practices in an effort to minimize construction impacts on neighbors, and all construction will comply with the California Building Code.

3. That the proposed Planned Unit Development will comply with each of the applicable provisions of Chapter 18.10 of the County Code.

This finding can be made in that the proposed PUD upholds the standards, supports the goals, meets the purposes of County's PUD ordinance. The purpose of sections 18.10.180 (a), (b), and (c) in that future development on the site: will be integrated into the neighborhood through the design review process, setbacks, and other site design criteria, despite its difference in density from the surrounding homes; is

permitted in the R-1 and RM zone districts, and provides for residential use, which is permitted in both the proposed and the existing zone districts. When the PUD ordinance was written, its authors could not have foreseen development such as this, where a by-right development would be of this size and intensity, and therefore the application conditions are written with a discretionary application in mind. However, development conditions included in the PUD will require that any future development application for this parcel meet the requirements of 18.10.181, and that the contents of that application meet the Application Submittal Requirements contained in Code section 18.10.210, and therefore the application complies with this code section. This proposal meets the requirements of the PUD Standards set forth in 18.10.185 in that the benefit for the community of the affordable housing that will be added by this project significantly outweighs the modifications made to the "-R" combining zone. The modifications to the "-R" zone consist of the manner in which height is measured, and a riparian exception to permit the construction of a footpath across the riparian area.

4. That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce a development that is compatible with and integrated into the surrounding built and natural environment consistent with the objectives of the County Code.

The PUD requires an increased setback between the existing, primarily single-story, neighborhood and any interior three-story buildings. In addition to the increased setbacks, the first row of homes built along Minto Road and along the western property line are limited to two stories and 28' in height, the same as the height limit for the existing development in the area, resulting in a gradual transition in building heights in the neighborhood. The natural environment is maintained through the 40' setback from the mapped riparian area on the site, and the 200' Commercial Agriculture setback that affects the southeast corner of the site. The quality of the existing riparian area is marginal due to the management it received when the parcel was in agricultural production, but it has developed into an important feature and provides some habitat for plant and animal species that is unique in the immediate area and therefore shall be maintained and enhanced through revegetation and active management when development is approved for the site. The site will provide adequate open space amenities for the residents of any building project proposed there, and will locate its entrance opposite the termination of Meidl road, extending the existing road pattern in the neighborhood, providing additional conformance with the existing development pattern.

Further, the PUD requires development to be setback further from the property lines than existing homes in the area, further mitigating the bulk of the new structures and allowing for improved landscaping on the exterior of any project built on this site. Finally, the Level VII Design Review permit required for any future development ensures that compatibility of design and appropriate integration into the neighborhood will be provided.

5. That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures, off-street parking, and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities.

This finding can be made based on the traffic study conducted by Fehr & Peers Transportation Consultants indicating that the affected intersections will continue to function at acceptable levels of service when the identified mitigation measures are implemented. The PUD requires that future

development on the site meet the off-street parking requirements of the Regional Housing Need “-R” Combining Zone District. Additionally, Minto Road will comply with the County Design Criteria when the sidewalk, curb, and gutter required by the PUD are added to the roadway.

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

This finding can be made in that the subject parcel will be developed with attached two- and three-story homes, which will share parking and open space amenities on site and, as the site will be developed exclusively as a residential project, will harmonize with the existing residential and neighborhood commercial uses surrounding the site. While the developed density will be greater than that of the existing neighborhood, sufficient parking on site, improved drainage along the roadway, and multiple design considerations including the setbacks, height transition, and entrance opposite Meidl Avenue will help to ensure that any new development looks and feels like an integral piece of the neighborhood.

Additionally, the various site constraints, including the riparian area, the EMF buffer area, and the commercial agriculture setback further contribute to the transition between the surrounding neighborhood and the project site. As the only land use in the development will be residential, and the surrounding neighborhood is primarily residential the uses will not be in conflict. Furthermore, considerations were included for managing parking for the project on site rather than on local streets, which already serve as parking for the existing homes.

The riparian area has been reduced in quality by years of active mowing and the invasion of blackberry, poison oak, and Pampas grass. The mitigations identified in the environmental review, and incorporated into the PUD, require the restoration of this corridor including the removal of exotic species and improved management of the habitat resource present there. The PUD requires future development to enhance the natural amenities on the site while incorporating housing in a manner that harmonizes with the surrounding residential development.

7. That the degree of departure from the required development and density standards is roughly proportional to the benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located.

This finding can be made in that this site and PUD provide for an increased amount of affordable housing and improved riparian habitat, while the departures from the standards of the Regional Housing Needs Combining Zone District are related to physical constraints on this site and are necessary for a superior design and a project as appropriate to the existing neighborhood as possible. These departures include a change in the manner in which height is calculated to allow measurement from either natural or post-construction grade, which ever is higher, and the site specific policies regarding the EMF buffer area, the riparian setback, increased setbacks to development, the height transition area, and the specification regarding the location of the entrance to the site.

Finally, due to the Level VII design permit required for any future development, the opportunities to ensure a superior site and architectural designs are greatly increased.

8. That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

This site is one of the seven selected to fulfill the County's obligations under the Housing Element of the General Plan. This finding can be made in that the adoption of this PUD directly implements the County General Plan and is consistent with both its intent and letter. The General Plan Land Use Designation will be changed from the Current R-UL (Residential - Urban Low) to R-UH (Residential - Urban High), and the proposed PUD and rezoning will be consistent with the limitations of that Designation in the 20-unit-per-acre density required on the site.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses and physical constraints to development have been mitigated through the requirements included with the PUD. Any future construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance in place at the time of construction to insure the optimum in safety and the conservation of energy and resources.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the use of the property will be residential, unit densities will meet the standards for the RM-2-R (Multi-family Residential – 2,000 square feet minimum – Regional Housing Need site) zone district where the project will be located, and the PUD requires increased front and side yard setbacks, a transitional height area at the western and southern property lines, and mitigations for drainage, parking, and other impacts on the site.

3. That the proposed use is consistent with all elements of the County General Plan and with any Specific Plan which has been adopted for the area.

The proposed residential PUD is consistent with the proposed General Plan Land Use Designation of R-UH (Residential - Urban High), and implements the Housing Element of the General Plan. The Initial Study reviewed and evaluated issues associated with all of the elements including Circulation, Conservation and Open Space, General Design, Safety and Noise, and Parks, and found no adverse impact not capable of being mitigated to a less than significant level. Therefore, the proposal is consistent with the General Plan. There is no Specific Plan in place for this area of the County.

4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the site is served by full urban level services, and the level of additional traffic generated by the proposed project has been analyzed by Fehr & Peers Traffic Consultants and found to be acceptable at all the study intersections. Therefore, the proposed increase will not adversely impact existing roads and intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made in that this site lies within the Urban Services Line, and that the structures built here will be sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The surrounding neighborhood has a 28' height limit, and structures at the southern and western edges of the property are restricted to 28' in height to provide a transition to the taller 35' structures which are restricted to the site's interior. Any proposed development will be compatible with the architecture in the neighborhood, as ensured by the Level VII Design Review process.

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

This finding can be made in that any future development proposal for this site is required to obtain a Level VII Design Review Permit, which will ensure that all the stipulations of this PUD and all the County's Design Guidelines are implemented on site.

Riparian Exception Findings

1. That there are special circumstances or conditions affecting the property;

One special circumstance affecting this parcel is the County's Housing Element requirement to designate parcels across the County for higher density housing. This parcel has been identified and selected by the Board of Supervisors as appropriate for rezoning and high-density use. Any subsequent housing development would be enhanced by limited use of the isolated northeast portion of this parcel is encouraged, which would require pedestrian access from the housing component to the open space.

The other condition affecting the property is the culvert at Minto Road. This culvert does not meet County drainage standards and replacement will be a requirement of any subsequent development, triggering the need for a Riparian Exception.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property;

The approval of the PUD would permit access to and use of the northeast portion of the parcel isolated by the riparian corridor. An Exception would be necessary to allow a pedestrian crossing near the northern project boundary to access the eastern portion of the parcel for the purpose of passive recreation. It is also necessary to bring the culvert at Minto Road up to County standards and to mitigate for any downstream impacts that the upgrading of the culvert might lead to.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;

The exception would allow for a pedestrian crossing and access to the northeast portion of the parcel. The animal keeping area will require a manure management plan to avoid impacts to the riparian corridor. The construction of drainage improvements, including a weir, will maintain downstream flow levels at pre-development levels through the upgraded culvert, preventing downstream impacts.

4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative; and

The proposed project is located outside of the Coastal Zone.

5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan."

The riparian exception would be consistent with the General Plan amendment and zone change proposed under the project. The Riparian Exception conditions will be incorporated into the PUD that is being proposed as part of this project.

The proposed project does not conflict with any regulations adopted for the purpose of avoiding or mitigating an environmental effect.



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

Application Number: 07-0322

County of Santa Cruz, for MP Minto Associates LP

The project proposes a General Plan amendment, zone change, Riparian Exception, and Planned Unit Development (PUD) allowing a maximum development density of 20 dwelling units per usable acre on the project site. The project also proposes a Local Agency Formation Commission (LAFCo) annexation for extraterritorial water service from the City of Watsonville Public Works and Utilities Department. The PUD would also require any development proposal on the parcel to provide a minimum of forty percent of the total number of units as affordable. Following project approval, future development of the project site would be by-right in that the use and density for the site would not be discretionary. The site contains a maximum of 4.41 usable acres equating to a maximum of 88 dwelling units. The remaining 2.58 acres would provide open space to protect onsite wetland and riparian areas, provide for a commercial agricultural buffer, and buffer against electromagnetic frequencies (EMF) emitted by the onsite 115kV PG&E power line. The project would rezone the parcel and amend the General Plan from "Single-Family Residential - 10,000 square foot minimum parcel size (R-1-10)" and "Urban Low Residential (R-UL)" to "Multi-Family Residential - 2,000 square foot minimum parcel size, Regional Housing Need Site (RM-2-R) and Parks, Recreation and Open Space (PR)" zone districts with "Residential - Urban High (R-UH)/Urban Open Space Lands (O-U)" general plan designations, and PUD. The project is located on the north side of Minto Road at its intersection with Meidl Avenue, east of Green Valley Road in the Pajaro Valley planning area of unincorporated Santa Cruz County, California.

APN: 051-511-35

Todd Sexauer, Staff Planner

Zone District: R-1-10

ACTION: Negative Declaration with Mitigations

REVIEW PERIOD ENDS: April 1, 2008

This project will be considered at a public hearing by the Planning Commission. The time, date and location have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.

Findings:


This project, if conditioned to comply with required mitigation measures or conditions shown below, will not have significant effect on the environment. The expected environmental impacts of the project are documented in the Initial Study on this project attached to the original of this notice on file with the Planning Department, County of Santa Cruz, 701 Ocean Street, Santa Cruz, California.

Required Mitigation Measures or Conditions:

☐ None
☒ Are Attached

Review Period Ends April 1, 2008

Date Approved By Environmental Coordinator April 15, 2008


CLAUDIA SLATER
Environmental Coordinator
(831) 454-5175

If this project is approved, complete and file this notice with the Clerk of the Board:

NOTICE OF DETERMINATION

The Final Approval of This Project was Granted by _____

on _____. No EIR was prepared under CEQA.

THE PROJECT WAS DETERMINED TO NOT HAVE SIGNIFICANT EFFECT ON THE ENVIRONMENT.

Date completed notice filed with Clerk of the Board: _____

EXHIBIT D

NAME: Minto Housing Project
APPLICATION: 07-0322
A.P.N: 051-511-35

NEGATIVE DECLARATION MITIGATIONS

I) Mitigation Measures

- A) Prior to the issuance of any subsequent permit or development activity, the applicant must ensure the following conditions are met:
- 1) In order to mitigate potential impacts from seismic related events, plans for any subsequent development must incorporate conventional spread footings or pier and grade beam foundations, and the recommendations contained within Section IV (D)(1) of the PUD.
 - 2) In order to prevent erosion, off site sedimentation, and pollution of creeks, prior to start of site work the applicant shall submit a detailed erosion control plan for review and approval by County Resource Planning staff. The plan shall include a clearing and grading schedule, clearly marked disturbance envelope, revegetation specifications, temporary road surfacing and construction entry stabilization, and details of temporary drainage control.
 - 3) To prevent drainage discharges from carrying silt, grease, and other contaminants from paved surfaces into nearby waterways, the applicant shall ensure that water quality treatment units, and a plan for maintenance, are incorporated in all parking, driveways, and roadway designs.
 - 4) In order to mitigate potential impacts to drainage patterns from storm events, the applicant shall incorporate the following measures into all improvement, grading and drainage plans, which shall be adequate to control runoff from a 5-year storm:
 - (a) Due to the presence of onsite soils that have low permeability (i.e., Watsonville loam and Pinto loam), onsite detention will be required. All runoff shall be detained or dispersed over non-erodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. Any policies and regulations for any drainage zones where the project is located will also apply.
 - (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 Department 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.

EXHIBIT D

- (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.
- 5) In order to prevent downstream impacts from storm events, under the proposed project, the existing 30-inch diameter corrugated metal culvert under Minto Road shall be replaced with an upsized culvert that has the capacity to accommodate existing flows during a 5-year storm event. New headwalls and wing walls shall be constructed to protect the crossing from erosion. At the stream crossing, Minto Road shall also be designed to accommodate the Safe 25-Year Overflow. The following mitigations are required to mitigate impacts from the changes in drainage patterns:
- (a) In order to avoid impacts to onsite wetlands from an increase in downstream flows from upsizing the culvert, a weir shall be installed immediately upstream of the culvert inlet. The weir shall be designed to maintain existing downstream flows (prior to culvert upsizing). This will detain the current level of water upstream of the culvert maintaining the existing area of wetland and riparian habitat. The final design will be subject to the review and approval by the County of Santa Cruz Department of Public Works (DPW) prior to the issuance of any permit.
 - (b) All runoff for up to a 10-year storm event shall be detained on the site. The allowable release rate from the site shall be limited to the 5-year predevelopment flow rates based on known restrictions in Salsipuedes Creek. All runoff from parking and driveway areas shall go through water quality treatment prior to discharge from the site. Outsloping of driveways to drain to landscaped areas for filtering prior to discharge from the site should be considered. If structural treatment is proposed, a recorded maintenance agreement(s) is required. This agreement shall be signed, notarized, and recorded, and a copy of the recorded agreement shall be submitted to the County DPW. The agreement shall include the following at a minimum:
 - (i) The traps shall be inspected to determine whether they need cleaning or repair prior to October 15 each year at a minimum;
 - (ii) A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage Section of DPW within 5 days of inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.

EXHIBIT D

- (c) A comprehensive storm water management plan shall be provided to the Drainage Section of DPW for review and approval that clearly describes existing and proposed conditions for the site in terms of impervious area coverage, grading and drainage patterns, and proposed best management practices. The plan shall show downspouts, drainage collection locations and pathways of runoff. It shall also include energy dissipation on sloping grades, show where and how runoff enters and exits the subject property, and account for runoff from all impervious areas (i.e., roofs, paved areas, patios, walkways, etc.). The final storm water management plan shall be consistent with other project plans including grading, landscaping etc.
 - (d) The project shall provide permanent markings at each drainage inlet that read: "NO DUMPING - DRAINS TO BAY", or equivalent. The property owner shall be responsible for maintaining these markings.
 - (e) A review letter from a Geotechnical Engineer shall be submitted to the County DPW approving the final drainage plans prior to issuance of a building permit.
 - (f) Because the proposed project would result in a land disturbance of one acre or more, a Construction Activities Storm Water General National Pollutant Discharge Elimination System (NPDES) Permit shall be obtained from the Regional Water Quality Control Board prior to any site disturbance. Construction activities include clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement
- 6) In order to mitigate for impacts to the riparian and wetland areas, and to ensure compliance with Chapter 16.30 of the County Code, a Riparian Exception has been issued as a component of this project. An exotic plant species eradication plan and a riparian/wetland restoration plan are conditions of the Riparian Exception and must be approved by the County Planning Department prior to any development activities.
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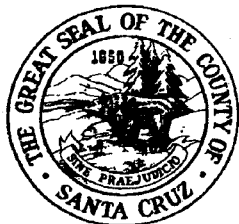
EXHIBIT D

- (b) All lighted parking and circulation areas shall utilize low-rise light posts (standards) or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.
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- 8) In order to reduce impacts from exposure to electro-magnetic fields associated with power lines, any subsequent development shall include the placement of the underground 21kV transmission line in an appropriate insulator to further reduce the electric and magnetic fields.
- B) In order to mitigate impacts from construction-related activities, the applicant for any subsequent development shall ensure that the following measures are incorporated into the final construction design plans for the proposed project and are in place during construction:
 - 1) All grading activities shall be prohibited during periods of high wind (over 15 mph).
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- C) In order to ensure adequate access for fire protection, the driveway and access road shall be designed and constructed to the following standards prior to any framing construction, or construction will be stopped:

EXHIBIT D

- 1) The driveway shall have a minimum width of 20 feet with a maximum of 20 percent slope.
- 2) The driveway surface shall be "all weather", a minimum 6 inches of compacted aggregate base rock, Class 2 or equivalent, certified by a licensed engineer to 95 percent compaction and 2 inches of asphalt concrete, and shall be maintained.
- 3) All weather surface shall be a minimum of 6 inches of compacted Class 2 base rock for grades up to and including 5 percent, oil and screened for grades up to and including 15 percent and asphalt concrete for grades exceeding 15 percent, but in no case exceeding 20 percent.
- 4) The maximum grade of the driveway shall not exceed 20 percent, with grades of 15 percent not permitted for distances of more than 200 feet at a time.
- 5) The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width.
- 6) A turn-around area that meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length.
- 7) Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.
- 8) All private access roads, driveways, and turn-arounds are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times.
- 9) The driveway shall be thereafter maintained to these standards at all times.
- 10) All culverts and crossings, excluding the pedestrian footbridge, shall be certified by a registered engineer, have a minimum capacity of 25 tons with a Caltrans H-20 loading standard.

EXHIBIT D



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
TOM BURNS, PLANNING DIRECTOR

NOTICE OF ENVIRONMENTAL REVIEW PERIOD

SANTA CRUZ COUNTY

APPLICANT: County of Santa Cruz, for MP Minto Associates LP

APPLICATION NO.: 07-0322

APN: 051-511-35

The Environmental Coordinator has reviewed the Initial Study for your application and made the following preliminary determination:

XX Negative Declaration
(Your project will not have a significant impact on the environment.)

XX Mitigations will be attached to the Negative Declaration.

 No mitigations will be attached.

 Environmental Impact Report
(Your project may have a significant effect on the environment. An EIR must be prepared to address the potential impacts.)

As part of the environmental review process required by the California Environmental Quality Act (CEQA), this is your opportunity to respond to the preliminary determination before it is finalized. Please contact Matt Johnston, Environmental Coordinator at (831) 454-3201, if you wish to comment on the preliminary determination. Written comments will be received until 5:00 p.m. on the last day of the review period.

Review Period Ends: **April 1, 2008**

Todd Sexauer
Staff Planner

Phone: 454-3511

Date: February 27, 2008

EXHIBIT D



Environmental Review Initial Study

Application Number: **07-0322**

Date: April 15, 2008
Staff Planner: Todd Sexauer

I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

APPLICANT: County of Santa Cruz

APN: 051-511-35

OWNER: MP Minto Associates LP

SUPERVISORAL DISTRICT: 4

LOCATION: The proposed project is located on the north side of Minto Road at its intersection with Meidl Avenue, east of Green Valley Road in the Pajaro Valley planning area of unincorporated Santa Cruz County, California (see Figures 1 and 2).

SUMMARY PROJECT DESCRIPTION:

The project proposes a General Plan amendment, zone change, Riparian Exception, and Planned Unit Development (PUD) allowing a maximum development density of 20 dwelling units per usable acre on the project site. The project also proposes a Local Agency Formation Commission (LAFCo) annexation for extraterritorial water service from the City of Watsonville Public Works and Utilities Department. The PUD would also require any development proposal on the parcel to provide a minimum of forty percent of the total number of units as affordable. Following project approval, future development of the project site would be by-right in that the use and density for the site would not be discretionary. The site contains a maximum of 4.41 usable acres equating to a maximum of 88 dwelling units. The remaining 2.58 acres would provide open space to protect onsite wetland and riparian areas, provide for a commercial agricultural buffer, and buffer against electromagnetic frequencies (EMF) emitted by the onsite 115kV PG&E power line. The project would rezone the parcel and amend the General Plan from "Single-Family Residential - 10,000 square foot minimum parcel size (R-1-10)" and "Urban Low Residential (R-UL)" to "Multi-Family Residential - 2,000 square foot minimum parcel size, Regional Housing Need Site (RM-2-R) and Parks, Recreation and Open Space (PR)" zone districts with "Residential - Urban High (R-UH) /Urban Open Space Lands (O-U)" general plan designations, and a PUD.

ALL OF THE FOLLOWING POTENTIAL ENVIRONMENTAL IMPACTS ARE EVALUATED IN THIS INITIAL STUDY. CATEGORIES THAT ARE MARKED HAVE BEEN ANALYZED IN GREATER DETAIL BASED ON PROJECT SPECIFIC INFORMATION.

 X Geology/Soils

 X Noise

 X Hydrology/Water Supply/Water Quality

 X Air Quality

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

EXHIBIT E

<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Public Services & Utilities
<input type="checkbox"/> Energy & Natural Resources	<input checked="" type="checkbox"/> Land Use, Population & Housing
<input checked="" type="checkbox"/> Visual Resources & Aesthetics	<input checked="" type="checkbox"/> Cumulative Impacts
<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Growth Inducement
<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Mandatory Findings of Significance
<input checked="" type="checkbox"/> Transportation/Traffic	<input type="checkbox"/>

DISCRETIONARY APPROVAL(S) BEING CONSIDERED

<input checked="" type="checkbox"/> General Plan Amendment	<input checked="" type="checkbox"/> Grading Permit
<input type="checkbox"/> Land Division	<input checked="" type="checkbox"/> Riparian Exception
<input checked="" type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Planned Unit Development
<input checked="" type="checkbox"/> Development Permit	<input checked="" type="checkbox"/> Other: LAFCo Annexation
<input type="checkbox"/> Coastal Development Permit	<input type="checkbox"/>

NON-LOCAL APPROVALS

Other agencies that must issue permits or authorizations:

1. California Department of Fish and Game – Section 1602 Streambed Alteration Agreement
2. U.S. Army Corps of Engineers – Section 404 Nationwide Permit
3. Regional Water Quality Control Board – Section 401 Water Quality Certification
4. City of Watsonville, Department of Public Works – Water Supply

ENVIRONMENTAL REVIEW ACTION

On the basis of this Initial Study and supporting documents:

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the attached mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Matt Johnston

Date

For: Claudia Slater
Environmental Coordinator

EXHIBIT E

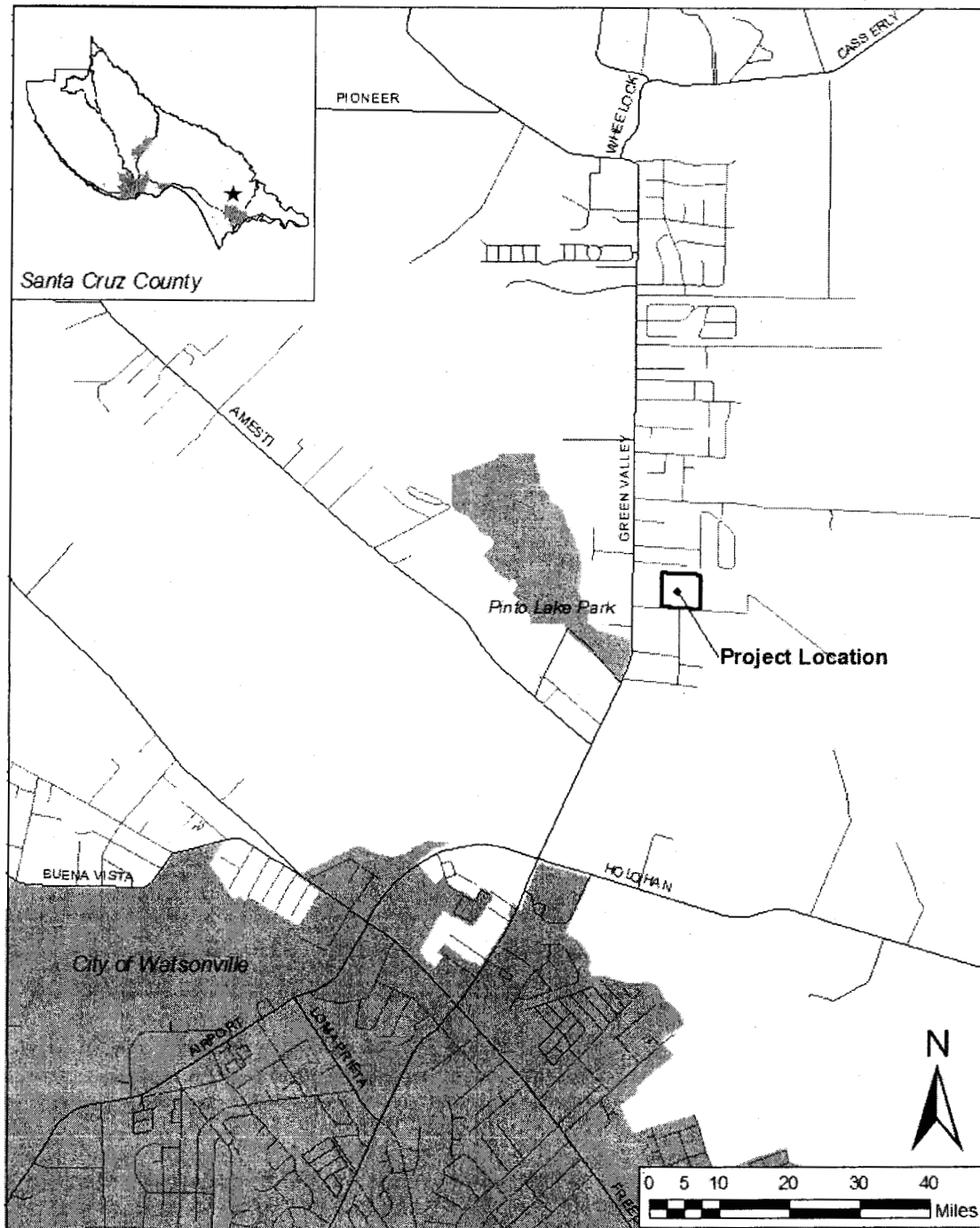


Figure 1: Regional Location Map

Map Created by County of Santa Cruz Planning Department, January 2008

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EXHIBIT E



Map Created by County of Santa Cruz Planning Department, January 2008

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EXHIBIT E

II. BACKGROUND INFORMATION

EXISTING SITE CONDITIONS

Parcel Size: 6.9 acres

Existing Land Use: Residential and PG&E Substation

Vegetation: Non-native grassland and riparian wetland (riparian wetland to remain in open space)

Slope in area affected by project: X 0 - 30% 31 - 100%

Nearby Watercourse: Stream 489

Distance To: Located along eastern parcel boundary.

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Groundwater Supply: Not mapped

Water Supply Watershed: Not mapped

Groundwater Recharge: Not mapped

Timber or Mineral: Not mapped

Agricultural Resource: Not mapped

Biologically Sensitive Habitat: Yes

Fire Hazard: Not mapped

Floodplain: Not mapped

Erosion: Not mapped

Landslide: Not mapped

Liquefaction: Potential

Fault Zone: Yes

Scenic Corridor: Not mapped

Historic: Not mapped

Archaeology: Potential

Noise Constraint: Not mapped

Electric Power Lines: Yes

Solar Access: Adequate

Solar Orientation: Adequate

Hazardous Materials: Potential

SERVICES

Fire Protection: Pajaro Valley Fire Protection District

School District: Pajaro Valley Unified School District

Sewage Disposal: Freedom County Sanitation District

Drainage District: Zone 7 Flood Control District

Project Access: Minto Road (off Green Valley Road); County Maintained Road

Water Supply: City of Watsonville Public Works & Utilities Department

PLANNING POLICIES

Zone District: R-1-10

General Plan: Urban Low Residential

Urban Services Line: X Inside Outside

Coastal Zone: Inside X Outside

Special Designation:

PROJECT SETTING AND BACKGROUND:

The 6.9-acre project site is located on the north side of Minto Road at its intersection with Meidl Avenue, east of Green Valley Road in the Pajaro Valley planning area (see Figures 1 and 2). It is currently an undeveloped site that was formerly used as an apple orchard. There are currently no structures on the site.

The site is distinguished by level to gently sloping terrain and is traversed by a swale that runs along the eastern edge of the property. Average slope in the swale area is approximately 15 percent. The northern, southern, and western boundaries of the site

are adjacent to residential housing and the eastern edge of the site borders a PG&E substation.

Primary vehicular access to the project site is from the south via Minto Road and Green Valley Road. Minto Road is paved with curb and gutter along portions of the project frontage. No sidewalks are present in the project area. The current road width is non-standard.

The project site is within the unincorporated County of Santa Cruz Pajaro Valley planning area. It is within the City of Watsonville's Planning Area Boundary, but not within the City's sphere of influence. The site is also located within the Freedom County Sanitation District and water is supplied by the City of Watsonville.

The predominant land uses surrounding the project site are urban, low-density single-family residential and agriculture. Two unincorporated subdivisions border the property to the north on Hastings Lane and to the south on Minto Road and Dick Phelps Road. The properties to the north, south and west contain single-family residential uses, with heavy industrial (PG&E substation) located to the east. Commercial agriculture uses dominate the area immediately east of the substation (EMC Planning Group, Inc. 1991).

DETAILED PROJECT DESCRIPTION:

The project proposes a General Plan amendment, zone change, a Riparian Exception, and PUD requiring a development density of 20 dwelling units per usable acre on the project site. The PUD would also require any development proposal on the parcel to provide a minimum of 40-percent of the total number of units as affordable. The project also proposes a LAFCo annexation for extraterritorial water service from the City of Watsonville Public Works and Utilities Department. Following project approval, future development of the project site would be by-right in that the use and density for the site would not be discretionary. A Tentative Map approval may be requested as part of the development application but is not required. The 6.9-acre project site contains 4.41 usable acres equating to a maximum of 88 dwelling units. The remaining 2.58 acres would provide open space to protect onsite wetland and riparian areas, provide for a commercial agricultural buffer, and buffer against EMF emitted by the onsite 115kV PG&E power line. The area within the EMF buffer located west of the riparian buffer would be developed for parking.

The project would rezone the parcel and amend the General Plan to include General Plan Policy 2.10.6 as follows:

Pajaro Valley: Minto Road Housing Site

The Minto Road Housing Site (APN 051-511-35) is designated as Urban High Density Residential--20 units per developable acre, with a minimum 2,000 square feet of developable land per unit density, and Urban Open Space along the easterly property line, and is one of the sites selected by the County for the purpose of meeting the Regional Housing Need, as required by State law. This site shall be developed in accordance with an adopted PUD and subject to a Level VII design permit.

The changes are described in Table 1 below. Figure 3 also shows the proposed land use changes.

According to County Code Chapter 17.10.030(b)(1), a minimum of 15-percent of the 88 units (13) must be affordable. A fractional in lieu fee of 20 percent of the fee in effect at the time a building permit is submitted would be required for 0.125 of a unit.

The PUD would add an additional affordable housing requirement of 25 percent of the 88 units (22) to future development of the proposed project site, bringing the total to forty percent. Units meeting the 25 percent requirement would be considered "Enhanced Affordable" units. (For definitions of enhanced low, affordable and moderate, see County Code Chapter 17.10.020) The Enhanced Affordable Units would have a maximum allowable sales price limited to be affordable to Enhanced Moderate income households unless otherwise required to be affordable at a lower income level. In addition, the Enhanced Affordable units would have a maximum allowable rental price that would be affordable to Enhanced Low income households unless otherwise required to be affordable at a lower income level. Affordable units would also be allowed to average 0.5 less bedrooms than the average number of bedrooms in the market rate units. In addition, all affordable units would not be less than 70-percent of the average size of the market rate units, unless a smaller unit size is allowed by the decision-making body at the time of project approval and with the written findings that a smaller size would provide housing units compatible with the remainder of the development, and that a larger unit size would impose a financial hardship on the project developer. All affordable units would be constructed on site and clustered if desired. Where garages are provided for market-rate units, garages would not be required for affordable units. See the attached PUD in Appendix A for the complete text.

Table 1 Proposed General Plan and Zone Changes for Assessor Parcel Number 051-511-35		
	Existing	Proposed
Zoning District	Single-Family Residential - 10,000 square foot minimum parcel size (R-1-10)	Multi-Family Residential – 2,000 square foot minimum parcel size and Regional Housing Need Site (RM-2-R) and Parks, Recreation and Open Space (PR)
General Plan Land Use Designation	Urban Low Residential (R-UL)	Residential - Urban High (R-UH)/Urban Open Space Lands (O-U)
General Plan Density and Minimum Parcel Size	R-UL allows 4.4 to 7.2 units per net developable acre with a 6,000 to 10,000 square foot lot size requirement	R-UH would be amended to allow 20 units per net developable acre with a 2,000 square foot lot size requirement
General Plan Circulation Element	Figure 3-19 of the Circulation Element does not include the signalization of Green Valley Road at Minto Road	The signalization of Green Valley Road at Minto Road would be added to Figure 3-19, Planned and Potential Signals
Planned Unit Development	No	Yes (See Appendix A)

Source: County of Santa Cruz, 2007.

Any future development proposal on the project site would be subject to Design Review and a public hearing limited to design issues only. No discretionary permit would be necessary for the density or use of the site. All requirements of the Site, Architectural

EXHIBIT E

and Landscape Design Review (Chapter 13.11 of the County Code) or successor ordinance in effect at the time a Design Review Permit is deemed complete for processing would be applicable unless modified by the PUD. See the PUD contained in Appendix A for the complete text.

Improvements to Minto Road would be required by the County to bring it up to County standards. Improvements would consist of the following:

- Paved Road Width: 30 feet of pavement.
- Parking would be limited to the north side of Minto Road from the easterly corner of the commercial agricultural buffer on the southeast corner of the subject parcel to the eastern end of the parking lot located on APN 051-511-29. No Parking would be allowed on the south side of Minto Road west of Meidl Avenue. Appropriate signage would be installed by the Department of Public Works.
- Minor right-of-way acquisition may be required.
- Improvements: curbs, gutters and sidewalks would be installed on the north side of Minto Road from southeasterly corner of the site to the edge of the parking lot located on APN 051-511-29.
- Minto Road from Green Valley Road to approximately 75 feet west of the creek crossing would include drainage improvements to collect and pretreat roadway runoff prior to discharge into the riparian channel.
- Pedestrian and wheelchair access from the project site to the Metro stop at the corner of Minto Road and Green Valley Road would be installed as required by Title 24 and the Americans with Disabilities Act (ADA). Access to the corner would cross APN 051-511-29, and may consist of any combination of sidewalk (with curb and gutter), asphalt paving, striped pedestrian walkway, or other marked, accessible path negotiated by the developer and the property owner of APN 051-511-29.
- All utilities on the north side of Minto Road along the project frontage would be undergrounded and insulated.
- The main entrance to the project from Minto Road would be located at the intersection of Minto Road and Meidl Avenue.

The internal road or driveway improvements for the project would meet current standards depending on overall project layout (which is unknown at this time).

EXHIBIT E

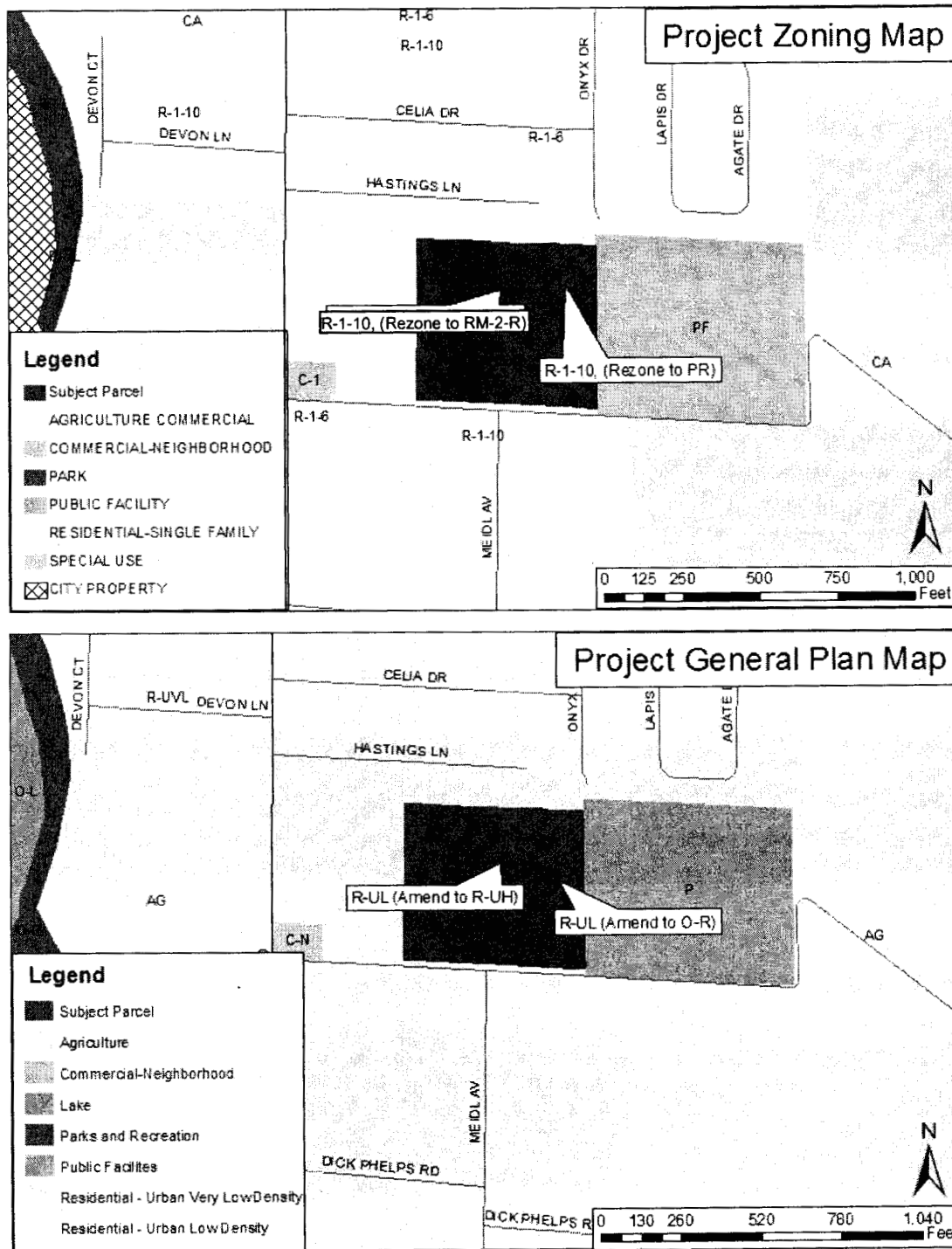


Figure 3: Proposed General Plan and Zone Changes

Map Created by County of Santa Cruz Planning Department, January 2008

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A private sewer pump station would be located in the southeast corner of the project area just west of the wetland/riparian/ agricultural buffer. The pump would be sized to serve only the proposed project. A maintenance agreement would be required to be submitted to the sanitation district for review and approval.

The existing 30-inch diameter culvert providing drainage under Minto Road at County Stream 489 would be replaced in-kind, or resized as appropriate upon final project design. New wing-walls would be constructed as well to protect Minto Road from erosion during peak flows.

A crossing of Stream 489 would be allowed near the northern project boundary adjacent to the 25-foot PG&E transmission line easement. A culvert or bridge structure could be constructed at the crossing to accommodate pedestrian access to the eastern portion of the parcel across the stream.

Under the proposed PUD, a proposed project would be required to meet the following development standards:

Circulation and Parking Requirements

- Parking requirements: 1.5 spaces for studio and one bedroom units; 2.0 spaces for two bedroom units; 2.5 spaces for three bedroom units; and 3.0 spaces for four bedroom units. An additional 20 percent of the total number of parking spaces would be required to accommodate guest parking. Up to 175 feet of the Minto Road site frontage could be counted toward the guest-parking requirement as on-street parking.
- Circulation Requirements: All interior driveways would be a minimum of 20 feet in width. A minimum of 50-foot centerline radius turnaround on all access routes would be required.
- Access to Site: The main access to the site would be located opposite Meidl Avenue or in compliance with the standards contained with the adopted Design Criteria for the County of Santa Cruz. A second point of access on Minto Road that is acceptable to the County and the Pajaro Valley Fire Protection District (PVFPD) would be provided to serve emergency vehicles only. All points of access would be clearly marked, with any restrictions on access posted.
- Bicycle Storage: One lockable storage shed or lockable garage space would be provided for on site bicycle storage. The lockable storage area may be located within the storage area. At least one bicycle space would be provided for each dwelling unit.
- Accessibility: Development would have to meet accessibility requirements of Title 24 of the Building Code or successor code in effect at the time the building permit application is submitted. If public funding is acquired for the development, 100 percent of the units would have to be accessible to persons of limited mobility.

Requirements for Structures

- Height: Height of structures would not exceed 37 feet measured from preconstruction natural grade or finished grade, whichever is higher, to the highest point of the structure. Two story structures would be limited to 28 feet from preconstruction natural grade or finished grade, whichever is higher, to the highest point of the structure. All exceptions as specified in County Code Chapter 13.10.510(d)(2) or successor ordinance would apply.
- Number of Stories: A maximum of three (3) stories as defined by the County Code exclusive of subsurface parking would be allowed (except in those areas restricted to two stories due to potential impacts to community character).

Developable Area Requirements

- Site Standards: Lot Coverage Site Standards and Floor Area Ratio Site Standards are not applicable.
- Setbacks: The applicable minimum yard setbacks would be established from the perimeter of the property to the habitable structures and enclosed non-habitable structures in aggregate and are as follows:

Habitable Structures

1. Western Property Line: 15 feet. No deck over 18 inches above grade would be closer than 15 feet from the property line.
2. Southern Property Line: 20 feet.
3. East of the riparian area: 40 feet from the riparian corridor (as delineated by the Biotic Report prepared by H. T. Harvey dated 7/13/05) and 200 feet from commercial agricultural designated property.
4. Northern Property Line: 110 feet (EMF line; See the attached PUD in Appendix A).

Non-Habitable Structures

Carports, garages, or other non-habitable structures could be located as follows:

1. Western Property Line: 15 feet
2. Southern Property Line: 20 feet
3. Eastern Property Line: East of the riparian area: 15 feet and outside the 40 foot riparian buffer west of the riparian area: 0 (zero) feet from the 40 foot riparian buffer and commercial agriculture setback
4. Northern Property Line: 25 feet (outside of the PG&E easement and with PG&E approval).
5. The lift station required by Section IV D (6) of the PUD is not subject to the property line setbacks, but must be located onsite outside the riparian buffer and the commercial agriculture setback noted on Exhibit A of the attached PUD in Appendix A.

- **Riparian Area:** A riparian buffer of 40 feet would be maintained, but the 10-foot additional riparian construction buffer would not apply.

Riparian Encroachment

1. A Riparian Exception would be granted by the PUD for the following improvements in the riparian area:
 - a) A pedestrian crossing of the riparian area in the northern 50 feet of the mapped riparian area (as delineated by the Biotic Report prepared by H.C. Harvey dated 7/15/05) would be allowed for the purpose of access to the eastern portion of the lot.
 - b) A "nature trail" could be placed along the eastern portion of the property outside of the mapped riparian area, but this area would not be used for habitable or non-habitable structures and would not count towards the developable acreage. The design would have to meet accessibility standards, and be submitted for review and approval to County Planning.
 - c) Drainage improvements required in sections V) B & C of the PUD, including construction of the weir and the culvert replacement at Minto Road, and drainage energy dissipaters.

Any additional construction activities in the designated riparian area would require an additional and separate Riparian Exception. Permits would also have to be obtained from the U.S. Army Corps of Engineers (USACE), California Department of Fish and Game, and Regional Water Quality Control Board for all riparian work.

- **Open Space:** Usable open space would be provided on site as specified by County Code Chapter 13.10.323 (f) or its successor ordinance. No active open space use (i.e. children's play equipment, picnic tables) would be allowed within the 110 foot EMF setback.

Design Standards

- **Building Design:** It is the objective of the building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design.
- **Bulk and Mass:** To reduce the apparent bulk and mass of the development, efforts would be made to provide articulation and architectural features and provide a transition in height from the adjacent properties to the south and the west. This transition would be achieved by limiting the first row of structures along the southern and western property line frontages to two stories and a height of 28 feet.

Exception through Design Review

1. No building would have a dimension frontage greater than 120 feet in length unless it is determined by the Design Review process that a larger structure would achieve a proper design.

Animal Keeping.

- Any animal keeping activities would be limited to the keeping of no more than 20 small animals such as rabbits and fowl. Animal waste would have to be managed in such a way as to ensure that no contamination of the riparian area takes place, and would have to be disposed of off site.
- The owner of the site could request permission to keep additional small barnyard animals such as goats and sheep. Permission might be granted by the Planning Director after determining that the designated area provides sufficient space for additional animals, that these animals would not impact the adjacent riparian area, and that manure management would be adequate.

EXHIBIT E

III. ENVIRONMENTAL REVIEW CHECKLIST

A. Geology and Soils

Does the project have the potential to:

1. Expose people or structures to potential adverse effects, including the risk of material loss, injury, or death involving:

- A. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or as identified by other substantial evidence?

_____ X _____

The project site is located outside of the limits of the State Alquist-Priolo Special Studies Zone (UPP Geotechnology Inc. 2004). However, the project site is located approximately 2.9 miles southwest of the San Andreas fault zone, and approximately 0.1 mile southwest of the Zayante fault zone. While the San Andreas fault is larger and considered more active, each fault is capable of generating moderate to severe ground shaking from a major earthquake. Consequently, large earthquakes can be expected in the future. The October 17, 1989 Loma Prieta earthquake (magnitude 7.1) is considered to have been associated with the San Andreas fault system. The event was the second largest earthquake in central California history.

Improvements to this parcel could be subjected to the effects of ridge top shattering, and seismically induced ground cracking during a large magnitude earthquake (Haro, Kasunich & Associates 2004). Impacts from seismic activity could result in potentially significant impacts.

A geotechnical investigation was prepared by Haro, Kasunich & Associates, Inc., dated April 2004. This report has been reviewed and accepted by the Environmental Planning Section of the Planning Department. The report concludes that fault rupture would not be a potential threat to the proposed development, and that impacts associated with seismic shaking can be mitigated through the use of conventional spread footings or pier and grade beam foundation systems. Due to the proximity of the site to a fault zone, an updated Geotechnical Report shall be prepared for the foundation design for the site based on the April 2004 report by Haro, Kasunich & Associates, Inc. (PUD Section IV.D.1)

- B. Seismic ground shaking?

_____ X _____

See discussions for Geology and Soils A(1)(A) and A(1)(C).

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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C. Seismic-related ground failure,
including liquefaction?

_____ X _____

The project site is located approximately 2.9 miles southwest of the San Andreas fault zone, about 0.1 mile southwest of the Zayante fault zone. While the San Andreas fault is larger and considered more active, each fault is capable of generating moderate to severe ground shaking from a major earthquake. Consequently, large earthquakes can be expected in the future. However, fault rupture would not be a potential threat to the proposed development (Haro, Kasunich & Associates 2004). Based on the mapped depths to the groundwater table in the project area, the potential for liquefaction at the site during a strong earthquake is low (UPP Geotechnology, Inc.).

See "A(1)(A) above for appropriate mitigation.

D. Landslides?

_____ X _____

The site contains minimal topographic relief (less than 15 percent slope). As a result, there is no indication that landsliding is a significant hazard at this site.

2. Subject people or improvements to damage from soil instability as a result of on- or off-site landslide, lateral spreading, to subsidence, liquefaction, or structural collapse?

_____ X _____

There is a potential risk from severe ground shaking. The recommendations contained in Geology and Soils A(1)(A) will be implemented to mitigate for this potential hazard.

3. Develop land with a slope exceeding 30%?

_____ X _____

There are no slopes that exceed 30 percent on the property.

4. Result in soil erosion or the substantial loss of topsoil?

_____ X _____

Some potential for erosion exists during the construction phase of the project, however, this potential is minimal because best management practices and standard erosion control measures are a required condition of the project. 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. No significant impacts are anticipated.

EXHIBIT E

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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5. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to property? _____ X _____

Expansive soils are anticipated within the project area. The recommendations contained in Geology and Soils A(1)(A) shall be implemented to adequately mitigate for this potential hazard.

6. Place sewage disposal systems in areas dependent upon soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems? _____ X _____

No septic systems are proposed. The project would connect to the Freedom County Sanitation District, and the applicant shall be required to pay standard sewer connection and service fees that fund sanitation improvements within the District as a Condition of Approval for the project.

7. Result in coastal cliff erosion? _____ X _____

The project is not located in the coastal zone. No coastal cliff erosion would occur as a result of project implementation.

B. Hydrology, Water Supply and Water Quality

Does the project have the potential to:

1. Place development within a 100-year flood hazard area? _____ X _____

According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Map, dated March 2, 2006, no portion of the project site lies within a 100-year flood hazard area.

2. Place development within the floodway resulting in impedance or redirection of flood flows? _____ X _____

According to the FEMA National Flood Insurance Rate Map, dated March 2, 2006, no portion of the project site lies within a 100-year flood hazard area.

3. Be inundated by a seiche or tsunami? _____ X _____

The site is located at an elevation of approximately 100 to 120 feet above mean sea level approximately five miles from the coast. Therefore, impacts from tsunamis are not anticipated. Although the project site is located approximately one-quarter mile

EXHIBIT E

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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from Pinto Lake and College Lake, impacts from seiches are not anticipated.

4. Deplete groundwater supplies or interfere substantially with groundwater recharge 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?

X

Numerous studies conducted over the past 50 years have documented that the Pajaro Valley groundwater basin is in an overdraft condition, i.e., the amount of water withdrawn exceeds the amount of water replenishing the basin. Today, groundwater pumping provides approximately 69,000 acre-feet per year (AFY) toward the total Pajaro Valley Water Management Agency (PVWMA) area water demand of 71,500 AFY. Existing well data maintained by the United States Geological Survey (USGS) and the PVWMA indicate that areas of depressed groundwater levels are expanding in the Pajaro Valley groundwater aquifers and that the groundwater elevations regularly fall below sea level (PVWMA 2002).

Overdraft of the groundwater basin and seawater intrusion are problematic at the current level of water demand. Projected increases in urban and agricultural water use will cause further problems if this situation is not rectified. Urban water use has increased by 86 percent since 1964, and the current urban water use of 12,200 AFY is projected to increase an additional 32 percent (3,900 AFY) to approximately 16,100 AFY by the year 2040. If the current trend in cropping patterns continues towards more water intensive crops such as strawberries and raspberries, agricultural water use could increase from 59,300 AFY to 64,400 AFY by the year 2040 (PVWMA 2002).

To eliminate the overdraft conditions and seawater intrusion, water demand will be brought into balance with sustainable water supplies. This balancing of demand with sustainable supply will be accomplished through a combination of water conservation, modified pumping practices and development of new water sources (PVWMA 2002).

The goal of the PVWMA Basin Management Plan (BMP) is to meet the identified objectives for water quality, address regulatory issues, and develop reliable supplemental supplies at the lowest overall unit cost. In addition to the identified capital projects, conservation was selected for demand management. The PVWMA BMP consists of the following demand management policies and water supply projects:

- Coastal Distribution System;
- Conservation: 7-Year Plan (5,000 AFY);
- Harkins Slough Project with Harkins Slough Recharge Basin and Supplemental Wells Connection (1,100 AFY);
- Recycled Water Project (4,000 AFY); and

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54-inch Import Water Project with Aquifer Storage and Recovery (11,900 AFY)
(PVWMA 2002).

The proposed project would obtain water from City of Watsonville DPW, and would not rely on private well water. Although the project would incrementally increase water demand, the City of Watsonville DPW has indicated that adequate supplies are available to serve the project (Pers. Comm. Gayland Swain, City of Watsonville Utility Engineer, October 18, 2007). In addition, the project is not located in a mapped groundwater recharge area. As a result, no adverse impacts to groundwater would occur as a result of project implementation.

5. Degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).

X

Runoff from this project may contain small amounts of chemicals and other household contaminants. No commercial or industrial activities are proposed that would contribute a significant amount of contaminants to a public or private water supply. The parking and driveway associated with the project, and improvements to Minto Road would incrementally contribute urban pollutants to the environment; however, the contribution would be minimal given the size of the driveway, parking area and Minto Road improvements. Potential siltation from the proposed project will be mitigated through implementation of an Erosion Control Plan (see Geology and Soils). Additionally, water quality treatment units, and a plan for maintenance, will be required for all parking, driveways, and roadways to reduce this impact to a less than significant level. The project would not contribute to seawater intrusion (see B-4 above for a complete discussion of that issue).

6. Degrade septic system functioning?

X

There is no indication that existing septic systems in the vicinity would be affected by the project.

7. Alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which could result in flooding, erosion, or siltation on or off-site?

X

The proposed project is located adjacent to an unnamed watercourse (County Stream 489). A 40-foot buffer would be established adjacent to the unnamed watercourse to protect it from disturbance both during and after construction. The proposed project would comply with Chapter 16.22.070 (Runoff Control) of the County Code. In addition to standard temporary and permanent best management practices (BMPs), the

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following measures shall be used for runoff control, and shall be adequate to control runoff from a 5-year storm:

- (a) Due to the presence of onsite soils that have low permeability (i.e., Watsonville loam and Pinto loam), onsite detention will be required. All runoff shall be detained or dispersed over non-erodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. Any policies and regulations for any drainage zones where the project is located will also apply.
- (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 shall be required such as minimizing site disturbance, minimizing proposed impervious areas, utilizing pervious surfacing, eliminating directly connected impervious areas, and clustering development, etc.

Implementation of the above measures would reduce impacts to below a level of significance.

8. Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems, or create additional source(s) of polluted runoff?

X

According to calculations performed by Mid-Coast Engineers (2005), the capacity of the 30-inch diameter culvert that crosses beneath Minto Road is 37.5 cubic feet per second (cfs). During a 10-year storm event, flows to the culvert were calculated at 40 cfs. As a result, the culvert in its current state may not accommodate either the pre-project or the post project run-off from a 5-year storm; and therefore, may not meet the County of Santa Cruz design standards for drainage structures. In addition, the culvert is partially blocked with vegetation and sediment further reducing its capacity.

With project implementation, flow is expected to increase at the culvert. However, installing a larger culvert that would accommodate the 5-year flow under Minto Road would potentially impact existing onsite wetlands due to increased flow, as well as potentially increasing scour downstream.

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Under the proposed project, the existing 30-inch diameter corrugated metal culvert under Minto Road would be replaced with an upsized culvert that has the capacity to accommodate existing flows during a 5-year storm event. New headwalls and wingwalls would be constructed to protect the crossing from erosion. At the stream crossing, Minto Road would also be designed to accommodate the Safe 25-Year Overflow.

The project will incorporate the following measures to reduce impacts to a less than significant level. In order to avoid impacts to onsite wetlands from an increase in downstream flows from upsizing the culvert, a weir shall be installed immediately upstream of the culvert inlet. The weir shall be designed to maintain existing downstream flows (prior to culvert upsizing). This will detain the current level of water upstream of the culvert maintaining the existing area of wetland and riparian habitat. The final design will be subject to the review and approval of the County of Santa Cruz DPW.

All runoff in excess of predevelopment levels for a 5-year storm event shall be detained on the site (See issue 7 above under Hydrology, Water Supply and Water Quality). The allowable release rate from the site shall be limited to the 5-year predevelopment flow rates based on known restrictions in Salsipuedes Creek. All runoff from parking and driveway areas shall go through water quality treatment prior to discharge from the site. Outsloping of driveways to drain to landscaped areas for filtering prior to discharge from the site should be considered. If structural treatment is proposed, a recorded maintenance agreement(s) 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. All drainage improvements shall be reviewed and approved by DPW drainage prior to issuance of permits.

A comprehensive storm water management plan shall be provided that clearly describes existing and proposed conditions for the site in terms of impervious area coverage, grading and drainage patterns, and proposed best management practices. The plan shall show downspouts, drainage collection locations and pathways of runoff. It shall also include energy dissipation on sloping grades, show where and how runoff enters and exits the subject property, and account for runoff from all impervious areas (i.e., roofs, paved areas, patios, walkways, etc.). The final storm water management plan shall be consistent with other project plans including grading, landscaping etc.

The project shall provide permanent markings at each drainage inlet that read: "NO DUMPING - DRAINS TO BAY", or equivalent. The property owner shall be responsible for maintaining these markings.

A review letter from a Geotechnical Engineer shall be submitted to the County DPW approving the final drainage plans prior to issuance of a building permit.

9. Contribute to flood levels or erosion in natural watercourses by discharges of newly collected runoff?

_____ X _____

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All runoff in excess of predevelopment levels for a 5-year storm event shall be detained on the site (See issue 7 above under Hydrology, Water Supply and Water Quality).

10. Otherwise substantially degrade water supply or quality?

X

Water quality treatment units, and a plan for maintenance will be required to minimize the effects of urban pollutants. In addition, an Erosion Control Plan as specified in Chapter 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 National Pollutant Discharge Elimination System (NPDES) Permit shall be obtained from the Regional Water Quality Control Board. Construction activities include clearing, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement.

C. Biological Resources

Does the project have the potential to:

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

X

According to the California Natural Diversity Data Base (CNDDB), maintained by the California Department of Fish and Game (CDFG), there are no recorded special status plant or animal species in the site vicinity, and there were no special status species observed in the project area. However, the potential exists for the Santa Cruz tarplant (*Holocarpha macradenia*) to occur on the project site due to the presence of Watsonville loam soils. This species is listed by the CDFG as endangered, and by the U.S. Fish and Wildlife Service (USFWS) as threatened. As a result, it is protected under both the California Endangered Species Act and the Federal Endangered Species Act. The Santa Cruz tarplant is known to occur in valley and foothill grassland habitats. However, due to the absence of grazing or frequent mowing of the site, the grassland cover is extremely dense and would likely out compete the Santa Cruz tarplant. Therefore, a low potential exists for the Santa Cruz tarplant to occur within the project area.

A biotic assessment of the project study area was conducted by EcoSystems West Consulting Group on June 26, 2007. The site was also surveyed for special-status plant species [a report was prepared documenting the survey results (Appendix B)]. The parcel is characterized by a flat, ruderal terrace with an intermittent drainage along the eastern edge. The flat terrace portion of the parcel features a dense non-native

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annual grassland dominated field on the western two-thirds of the parcel. The eastern third of the parcel consists of a low gradient intermittent drainage dominated by California blackberry (*Rubus ursinus*), cattail (*Typha angustifolia*), rush (*Juncus* spp.), and arroyo willow (*Salix lasiolepis*). Prior to the field survey the flat terrace portion of the parcel had been mowed leaving a dense cover of thatch and a few scattered clumps of coyote brush (*Baccharis pilularis*), Himalayan blackberry (*Rubus discolor*), and blue elderberry (*Sambucus mexicana*). The mowed portion of the parcel supported a ruderal grassland/pasture dominated by non-native grasses and herbs. Annual grasses include rat-tail fescue (*Vulpia myuros*), slender wild-oat grass (*Avena barbata*), soft chess brome (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), Italian rye grass (*Lolium multiflorum*), and farmer's foxtail (*Hordeum leporinum*). Herb species include wild radish (*Raphanus sativus*), cut-leaf geranium (*Geranium dissectum*), bur clover (*Medicago polymorpha*), white-stemmed filaree (*Erodium botrys*), hairy cat's ear (*Hypocheris radicata*), green dock (*Rumex conglomerates*), morning glory (*Convolvulus arvensis*), red clover (*Trifolium hirtum*), and sow thistle (*Sonchus oleraceus*).

No special-status plant or animal species indigenous in the vicinity of the site were observed on the parcel. No significant special-status wildlife habitat was observed on the parcel. The drainage could provide refuge for native salamanders; however, there are no current records of special-status amphibians within one mile of the parcel. County Stream 489 does not contain habitat for salmon or steelhead, or other sensitive species (e.g., red-legged frog).

Due to the presence of Watsonville loam soil on the project site, potential exists for the occurrence of the following listed plants: Santa Cruz tarplant, a state-listed endangered and federally-listed threatened species; Monterey spineflower (*Chorizanthe pungens* var. *pungens*), a federally-listed threatened species; and robust spineflower (*Chorizanthe robusta*), a federally-listed threatened species. Although the parcel was mowed prior to the survey, there was clearly no evidence of remnant populations of any of these species. If the Santa Cruz tarplant, Monterey spineflower, or robust spineflower were present, the mowing blade would not have removed them, since they are typically managed in their remnant habitat by this method. Therefore, no impacts are anticipated from the proposed project.

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

X

A small intermittent drainage swale traverses the proposed project area along its eastern boundary. The drainage swale supports a disturbed and somewhat discontinuous stand of riparian/wetland species including red willow (*Salix laevigata*), tall umbrella sedge (*Cyperus involucreatus*), water smartweed (*Polygonum amphibium*), willow dock (*Rumex salicifolius* var. *salicifolius*), narrow-leaved cattail (*Typha angustifolia*), and blackberry. A wetland delineation was conducted by H.T. Harvey & Associates on June 16, 2005 according to the USACE1987 Wetland Delineation

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Manual (Environmental Laboratory 1987). Approximately 0.3 acre of jurisdictional wetlands was mapped on the project site (H.T. Harvey & Associates 2005). A 40-foot wetland buffer is proposed around the delineated boundary intended for preservation of the wetland and associated riparian vegetation (dominated by arroyo willow) under the jurisdiction of the CDFG. There are no other mapped or designated sensitive biotic communities on or adjacent to the project site.

Minor impacts to riparian/wetland areas are anticipated resulting from the proposed drainage improvements (see project improvements and mitigation in Section B8) at Minto Road and from the proposed pedestrian crossing. The existing 30-inch diameter corrugated steel culvert under Minto Road shall be replaced with an upsized culvert that has the capacity to accommodate existing flows during a 5-year storm event. New headwalls and wingwalls shall be constructed to protect the crossing at Minto Road from erosion. The stream crossing at Minto Road shall also be designed to accommodate the Safe 25-Year Overflow. A weir shall be installed immediately upstream of the upsized culvert inlet to avoid impacts to existing onsite wetlands from upsizing the culvert. The weir shall be designed to maintain existing downstream flows (prior to culvert upsizing). This will also detain the current level of water upstream of the upsized culvert maintaining the existing area of wetland and riparian habitat. The final design will be subject to the review and approval of the County of Santa Cruz DPW.

The project proposes to establish a wetland buffer of 40 feet rather than 100 feet as specified in Chapter 16.30.030 of the County Code. This would allow project encroachment 60 feet into the specified wetland buffer. However, due to the heavily disturbed nature of the onsite wetland area, this impact would be considered less than significant with the incorporation of the following mitigation measures. Due to past agricultural activities occurring on the site, the onsite wetland area had been mowed repeatedly for decades allowing invasive species to establish within the wetland areas and within the proposed 40-foot buffer area. Such invasive species include but are not limited to Himalayan blackberry, canary grass (*Phalaris canariensis*), umbrella sedge, and ryegrass (*Lolium perenne*). Mitigation for impacts to the wetland habitat from project encroachment shall be exotic species removal. All invasive exotic species shall be removed within the onsite wetland area and the associated buffer. Exotics shall be replaced with native species such as arroyo willow, sandbar willow (*Salix exigua* var. *hindsiana*), red willow, black cottonwood (*Populus trichocarpa*), coast live oak (*Quercus agrifolia*), and blue oak (*Q. douglasii*). An exotic species removal and restoration plan shall be prepared outlining exotic species removal techniques, a planting plan, and success monitoring. A five-year monitoring period shall be required to demonstrate success of the eradication and restoration effort.

A new pedestrian crossing would be allowed at the northern project boundary adjacent to the PG&E transmission line easement. Impacts to USACE and CDFG jurisdictional wetlands/waters would be minimal. Most of the impacts would be temporary for construction access.

A Riparian Exception would be required for encroachment into the riparian zone (see Section L2 for a complete discussion). Permits from the USACE (Nationwide 14 and

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33), CDFG (1602 Streambed Alteration Agreement), and from the Regional Water Quality Control Board (Section 401 Water Quality Certification) would be required. Mitigation for temporary impacts to wetland and riparian habitat will include replanting of habitat (e.g., willows) following construction. All permanent impacts will be mitigated through creation of habitat within the wetland buffer area adjacent to the existing wetland area at a 2:1 replacement ratio. The Riparian Exception will also require that all exotic species located within the riparian zone and buffer be removed and replaced with the appropriate native riparian species (e.g. willows). Habitat creation and restoration for permanent and temporary impacts to wetland and riparian habitat shall be addressed in the exotic species removal and restoration plan discussed above.

Construction within the riparian corridor shall occur outside of the breeding season (February 15 through August 15) for protection of migratory birds under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Game Code.

Outdoor lighting fixtures that are used to illuminate the premises, architectural features or landscape features of the project site shall be directed, shielded, or located in such a manner that the light source does not fall onto the onsite riparian buffer.

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

X

The proposed project does not involve any activities that would interfere with the movements or migrations of fish or wildlife, or impede use of a known wildlife nursery site. County Stream 489 does not contain habitat for salmon, steelhead, or other sensitive wildlife species.

4. Produce nighttime lighting that will illuminate animal habitats?

X

The development area is traversed by an intermittent drainage swale along the eastern project boundary that could be adversely affected by project-generated lighting. All project lighting located adjacent to the wetland buffer shall be shielded away from the buffer area. All development in the vicinity of the riparian corridor shall be consistent with Chapter 16.30 of the County Code.

5. Make a significant contribution to the reduction of the number of species of plants or animals?

X

The proposed project would not significantly contribute to the reduction of the number of species of plants or animals. No sensitive wildlife species are known to occur on the

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project site. Although the site contains soils that are known to provide habitat for the Santa Cruz tarplant, it was not observed during a survey conducted by EcoSystems West Consulting Group on June 26, 2007. No other sensitive species were observed or are known to occur on the project site. As a result, no project-related impacts are anticipated.

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

X

As mitigated in C2 above regarding Riparian Corridor and Wetlands Protection, the project would not conflict with any local policies or ordinances (i.e., Chapter 16.30 of the County of Santa Cruz Code).

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

X

The proposed project would not conflict with any adopted Habitat Conservation Plan.

D. Energy and Natural Resources

Does the project have the potential to:

1. Affect or be affected by land designated as "Timber Resources" by the General Plan?

X

The project site is not designated as a Timber Resource. No timber resources occur on the project site or in the project vicinity. No impacts would occur.

2. Affect or be affected by lands currently utilized for agriculture, or designated in the General Plan for agricultural use?

X

The proposed project site is not currently used for agriculture. However, the site formerly contained an apple orchard. Commercial agricultural lands are located approximately one-tenth of a mile east of the project site. The proposed project would not affect the existing commercial agricultural operations, nor would the project be

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adversely affected by the offsite agricultural operations.

3. Encourage activities that result in the use of large amounts of fuel, water, or energy, or use of these in a wasteful manner?

X

The proposed project is a multi-family residential development. The project would not encourage the use of large amounts of fuel, water, or energy. The provisions of the proposed PUD encourage energy efficient design.

4. Have a substantial effect on the potential use, extraction, or depletion of a natural resource (i.e., minerals or energy resources)?

X

The site does not contain any natural resources (i.e., minerals or energy resources).

E. Visual Resources and Aesthetics

Does the project have the potential to:

1. Have an adverse effect on a scenic resource, including visual obstruction of that resource?

X

The project would not directly impact any public scenic resources, as designated in the County's General Plan (1994), or obstruct any public views of these visual resources.

2. Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited to, trees, rock outcroppings, and historic buildings?

X

The project site is not located along a County designated scenic road or within a designated scenic resource area. No impacts from project implementation are anticipated.

3. Degrade the existing visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridgeline?

X

The 6.9-acre project area is proposed for development of an 88-unit multi-family

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residential development on land dominated by non-native grassland and wetland and riparian habitat. Views from the site include partially restricted mountain and valley views to the north and east. The views are encumbered by residential housing located along Hastings Lane adjacent to the site on the north, and the PG&E substation adjacent to the site on the east. Existing high voltage power lines from the substation run along the northern boundary of the project site. Although the Santa Cruz mountains are visible to the east, the adjacent PG&E substation and associated poles and towers are the dominant visual elements from Minto Road.

The project site is fully visible from the Minto Road adjacent to the southern boundary of the project site. However, two additional public viewpoints exist at Onyx Drive (located northeast of the project site) and Meidl Avenue (located immediately to the south of Minto Road). The project site is visible from the south end of Onyx Drive looking toward the southeast and from the north end of Meidl Avenue. However, because the viewpoint on Onyx Drive is from the end of the cul-de-sac, very few viewers would observe the site from that location. No public viewpoints of the site exist from either Green Valley Road to the west or Hastings Lane to the north due to the presence of development and landscaping.

The proposed project would allow the development of approximately five acres of non-native grassland, resulting in urbanized views for the limited number of viewers using Minto Road, Meidl Avenue, and Onyx Drive. Approximately 1.9 acres of non-native grassland and riparian and wetland areas would be placed into open space. The project through the PUD proposes the following development standards designed to avoid adverse impacts to visual resources.

Requirements for Structures

- Height: Height of structures would not exceed 37 feet measured from preconstruction natural grade or finished grade, which ever is higher, to the highest point of the structure. Two story structures would be limited to 28 feet from preconstruction natural grade or finished grade, which ever is higher, to the highest point of the structure. All exceptions as specified in County Code Chapter 13.10.510(d)(2) or successor ordinance would apply.
- Number of Stories: A maximum of three (3) stories as defined by the County Code exclusive of subsurface parking would be allowed. (Three stories would be allowed except in those areas restricted to two stories due to potential impacts to community character.)

Developable Area Requirements

- Setbacks: The applicable minimum yard setbacks would be established from the perimeter of the property to the habitable structures and enclosed non-habitable structures in aggregate and are as follows:

Habitable Structures

1. Western Property Line: 15 feet. No deck over 18 inches above grade would be closer than 15 feet from the property line.

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2. Southern Property Line: 20 feet.
3. Eastern Property Line: 40 feet from the riparian corridor (as delineated by the Biotic Report prepared by H.T. Harvey dated 7/15/05) and 200 feet from commercial agricultural designated property.
4. Northern Property Line: 110 feet (EMF line).

Non-Habitable Structures

Carports, garages, or other non-habitable structures may be located as follows:

1. Western Property Line: 15 feet.
 2. Southern Property Line: 20 feet.
 3. Eastern Property Line: East of the riparian area: 15 feet and outside the 40 foot riparian buffer, west of the riparian area: 0 (zero) feet from the 40 foot riparian buffer and commercial agriculture setback.
 4. Northern Property Line: 25 feet (outside of the PG&E easement and with PG&E approval).
 5. The lift station required by section IV D (6) of the PUD is not subject to the property line setbacks, but must be located outside the riparian buffer and the commercial agriculture setback noted on Exhibit A.
- Riparian Area: A riparian buffer of 40 feet would be maintained, but the 10-foot additional riparian construction buffer would not apply.

Riparian Encroachment

1. A pedestrian crossing of the riparian area (bridge) in the northern 50 feet of the mapped riparian area (as delineated by the Biotic Report prepared by H.C. Harvey dated 7/15/05) on the property would be allowed for the purposes of an access to the eastern portion of the lot. A "nature trail" may be placed along the eastern portion of the property outside of the mapped riparian area, but this area would not be used for habitable or non-habitable structures and would not count towards the developable acreage. The design would have to meet accessibility standards and be submitted for review and approval by County Planning. Permits would have to be obtained from the USACE and the CDFG.
- Open Space: Usable open space would be provided on site as specified by County Code Chapter 13.10.323 (f) or its successor ordinance. No active open space use (i.e. children's play equipment, picnic tables) could be sited within the 110 foot EMF setback.

Design Standards

- Building Design: It is the objective of the building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design.

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- Bulk and Mass: To reduce the apparent bulk and mass of the development, efforts would be made to provide articulation and architectural features and provide a transition in height from the adjacent properties to the south and the west. This transition would be achieved by limiting the first row of structures along the southern and western property line frontages to two stories and a height of 28 feet.

Exception through Design Review

1. No building would have a dimension frontage greater than 120 feet in length unless it is determined by the Design Review process that a larger structure would achieve a proper design.

Because the site is located in a residential neighborhood dominated by single-family residences to the north, south and west, and a PG&E substation to the east, the proposed project would not significantly degrade the existing visual character of the area. Although the project would result in the loss of approximately five acres of undeveloped land currently present on the site, it is now an isolated parcel surrounded by development, which is no longer visible from Green Valley Road where the majority of viewers would view the site. In addition, the site is not located in a designated visual resource area. Under the design guidance of the PUD (Appendix A), the proposed project would be designed and landscaped so as to fit into this setting. No significant impacts to visual resources and aesthetics are anticipated.

4. Create a new source of light or glare which would adversely affect day or nighttime views in the area? _____ X _____

The project would contribute an incremental amount of night lighting to the visual environment. However, the following project conditions will reduce this potential impact to a less than significant level:

- (a) All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties and the riparian wetland area. Light sources shall not be visible from adjacent properties. Light sources can be shielded by landscaping, structures, fixture design or other physical means. Building and security lighting shall be integrated into the building design.
 - (b) All lighted parking and circulation areas shall utilize low-rise light posts (standards) or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.
 - (c) Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.
5. Destroy, cover, or modify any unique geologic or physical feature? _____ X _____

There are no unique geological or physical features on or adjacent to the site that

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would be destroyed, covered, or modified by the project.

F. Cultural Resources

Does the project have the potential to:

1. Cause an adverse change in the significance of a historical resource as defined in CEQA Guidelines 15064.5? _____ X

No structures currently exist on the project site. No historical resources are known to have occurred or occur on the project site.

2. Cause an adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 15064.5? _____ X

According to the Santa Cruz Archeological Society site assessment, dated March 30, 1989, (Appendix C), there is no evidence of pre-historic cultural resources. The proposed project would, therefore, have no adverse impact on prehistoric resources. However, pursuant to Chapter 16.40.040 of the Santa Cruz County Code, if archeological resources are uncovered during construction, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in County Code Chapter 16.40.040.

Senate Bill 18 requires cities and counties to notify and consult with California Native American Tribes about proposed local land use planning decisions for the purpose of protecting Traditional Tribal Cultural Places. Cities and counties are required to send their general plan proposals to those California Native American Tribes that are on the Native American Heritage Commission's (NAHC) contact list and have traditional lands located within the city or county's jurisdiction. Cities and counties must also conduct consultations with these tribes prior to adopting or amending their general plans.

Due to the proposed General Plan amendment, the County notified and consulted with four Native American tribal contacts received from the NAHC. These contacts included: Valentin Lopez, Amah Mutsun Tribal Band; Patrick Orozco, Costanoan Ohlone Rumsen-Mutsun Tribe; Irene Zwierlein, Amah/Mutsun Tribal Band; and Ann Marie Sayers, Indian Canyon Mutsun Band of Costanoan. One telephone response was received from Mr. Patrick Orozco regarding the potential for artifacts at the Dalton Road area (near Mesa Village). The County Planning Department informed Mr. Orozco that Mr. Joe Carroll of the Santa Cruz Archaeological Society surveyed the proposed project site in 1989, and there was no evidence of prehistoric cultural resources.

EXHIBIT E

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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3. Disturb any human remains, including those interred outside of formal cemeteries? _____

X

According to the 1989 Santa Cruz Archeological Society site assessment (Appendix C), there is no evidence of pre-historic cultural resources. Pursuant to Chapter 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.

4. Directly or indirectly destroy a unique paleontological resource or site? _____

X

A database search of the University of California Museum of Paleontology Specimen Search was conducted on May 16, 2007. No paleontological resources are known to occur within the project area. No impacts to paleontological resources are anticipated.

G. Hazards and Hazardous Materials

Does the project have the potential to:

1. Create a significant hazard to the public or the environment as a result of the routine transport, storage, use, or disposal of hazardous materials, not including gasoline or other motor fuels? _____

X

The project proposes the development of multi-family residential housing units. The transport, storage, use and disposal of hazardous materials are not being proposed by this project. Therefore, no significant hazard to the public would occur as a result of the proposed project.

2. Be located on a site 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? _____

X

EXHIBIT E

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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The project site is included on the April 14, 2007 list of hazardous sites in Santa Cruz County compiled pursuant to the specified code. However, the case was closed by the County Department of Environmental Health on December 26, 2006. The project site was historically used as an apple orchard and, therefore, has the potential for pesticide contamination in the soil. As a result, a Phase II Limited Soil Investigation (dated June 9, 2006, by Environmental Investigation Services, Inc) and Additional Phase II Limited Soil Investigation (dated June 22, 2006, by Environmental Investigation Services, Inc.) were conducted for the project site (Environmental Investigation Services 2006a,b). Although some chemical concentrations were detected, the reports concluded that no further action is warranted. Therefore, the County Department of Environmental Health determined that no further assessment and/or remediation are needed at this time (County of Santa Cruz 2006).

3. Create a safety hazard for people residing or working in the project area as a result of dangers from aircraft using a public or private airport located within two miles of the project site?

X

Although the project is located within 1.5 miles of the Watsonville Municipal Airport, no safety hazard for people residing or working in the project area would result. According to the Draft Environmental Impact Report (EIR) prepared for the Watsonville Municipal Airport Master Plan 2001-2020, airport operations outlined under the master plan would be consistent with the County of Santa Cruz General Plan. In addition, the project area is located outside of both the runway safety area and runway protection zone (City of Watsonville 2002).

4. Expose people to electro-magnetic fields associated with electrical transmission lines?

X

A 25-foot wide 115kV PG&E transmission line easement is located along the northern project boundary. An 85-foot wide buffer is required between any proposed habitable structures and the PG&E easement. The transmission line contains a single circuit overhead transmission line that was identified by PG&E as the Green Valley-Paul Sweet 115 kV transmission line. Closest to the property line, along Minto Road, is an overhead 21 kV transmission line supported on wooden poles. A lower voltage 4 kV overhead distribution line is also located offsite on the south side of Minto Road.

Continuous magnetic field measurements were performed by EnerTech Consultants on January 6, 2004, to record field levels for a typical day for both the 115 kV and 21 kV lines. Measurements were performed for a period of approximately 24-hours to record the temporal variation of the magnetic field levels during the measurement period under typical loading conditions.

Field levels beneath the 115 kV transmission line ranged from about 10.5 milligauss

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Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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(mG) at approximately 3:30 AM on January 7, 2004, to a peak of about 206 mG at approximately 6:00 PM on January 6, 2004. Field levels can vary substantially throughout a 24-hour period due to the variation in load throughout the measurement period.

Computer calculations were performed for two different loading conditions:

1. Summer peak
2. Typical winter peak load

The calculated magnetic field for the January 6, 2004 "peak load" condition approximates the actual measured magnetic field. The calculated magnetic fields for the "peak load" on January 6, 2004 loading condition (actual measured magnetic field), ranged from about 24.2 mG underneath of the 115 kV transmission line down to about 2.0 mG at a distance of about 130 feet from the transmission line. The calculated magnetic field for the "summer peak" loading condition is slightly higher due to the increase in load where field levels range from a maximum of about 25.2 mG directly beneath the 115kV transmission line down to about 2.1 mG at a distance of about 130 feet from the transmission line.

Field levels would increase with height near the 115 kV power lines. Building structures consisting of multiple floors would have higher field levels on upper floors, depending upon the proximity of the building in relation to the transmission line.

Computer calculations were performed with the 21 kV circuit located underground along the project frontage. Field levels from the proposed 21 kV transmission line ranged from about 18.3 mG directly above the line, at ground level, down to approximately 1 mG at 100 feet from the line.

Although California does not have any engineer-based guidelines or standards that limit field strengths for the transmission line right-of-way, two other states do. These include the following: New York (200 mG at edge of right-of-way [Max Load]); and Florida (200 mG for 500kV lines at edge of right-of-way, 250 mG for double circuit 500 kV lines at edge of right-of-way, and 150 mG for 230 kV and smaller lines at edge of right-of-way [Max Load]). Thus, the onsite PG&E 115 kV and 21 kV transmission lines would conform to these other state regulations.

According to the County General Plan Policy 6.8.3(b), undergrounding power lines in a metallic pipe or other appropriate insulator will reduce the electric and magnetic fields. Therefore, the undergrounding of the 21 kV transmission line shall be placed in an appropriate insulator to further reduce the electric and magnetic fields. In addition, General Plan Policy 6.8.3(a) directs projects to locate and/or cluster habitable building envelopes away from the potentially hazardous electric and magnetic fields consistent with the current state of scientific knowledge. The 25-foot wide 115kV PG&E power line easement is located along the northern project boundary. The project requires the establishment of an 85-foot wide buffer between any proposed development and the PG&E 115kV transmission line easement.

With the implementation of the above mitigation measures, no impacts from the onsite

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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115 kV or 21 kV transmission lines are anticipated.

5. Create a potential fire hazard? _____ X _____

The project design shall incorporate all applicable fire safety code requirements and shall include fire protection devices as required by the local fire agency.

6. Release bio-engineered organisms or chemicals into the air outside of project buildings? _____ X _____

The proposed multi-family residential development would not release bio-engineered organisms or chemicals into the air outside of project buildings.

H. Transportation/Traffic

Does the project have the potential to:

1. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? _____ X _____

The following discussion is a summary of the Transportation Impact Analysis prepared by Fehr & Peers Transportation Consultants dated May 25, 2007. The Transportation Impact Analysis was based on a projected 100 new units. The project has since been reduced to 88 new units. The reduction in units has been analyzed as to the veracity of the report and the difference is negligible.

As shown in Table 2, both Watsonville intersections currently operate at acceptable levels. The Green Valley Road/Airport Boulevard/Holohan Road intersection currently operates unacceptably (LOS D or worse). Overall operations at the Green Valley Road/Minto Road intersection are acceptable.

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Table 2 Intersection Levels of Service									
Scenario	Peak Hour	Airport Blvd./ Freedom Blvd. (Signal) (Watsonville)		Green Valley Rd./ Freedom Blvd. (Signal) (Watsonville)		Green Valley Rd./ Airport Blvd./ Holohan Rd. (Signal)		Green Valley Rd./ Minto Rd. (Side-Street Stop)	
		Average Delay ¹	LOS ²	Average Delay ¹	LOS ²	Average Delay ¹	LOS ²	Average Delay ¹	LOS ²
Existing	AM	33.8	C	37.0	D	56.4	E	1.1 (24.8)	A (C)
	PM	38.2	D	53.0	D	88.3	F	2.0 (42.9)	A (E)
Background ³	AM	34.2	C	37.3	D	45.5	D	1.1 (24.8)	A (C)
	PM	38.5	D	53.6	D	53.3	D	2.0 (42.9)	A (E)
Project	AM	34.3	C	37.8	D	46.4	D	2.8 (39.9)	A (E)
	PM	38.9	D	54.5	D	54.3	D	5.1 (91.5)	A (F)
Future (Year 2025)	AM	83.7	F	86.5	F	135.5	F	26.2 (>180)	D (F)
	PM	90.6	F	156.1	F	150.3	F	>180 (>180)	F (F)
Future (Year 2025) with Mitigation ⁴	AM	57.4	E	62.4	F	89.2	F	10.1	B
	PM	74.7	E	123.8	F	137.8	F	52.8	D
Notes:									
1. Whole intersections weighted average control delay expressed in seconds per vehicle calculated using methods described in the 2000 Highway Capacity Manual. For side-street stop-controlled intersections, total control delay for the worst movement is presented in parenthesis.									
2. LOS = Level of service. LOS calculations conducted using the Synchro level of service analysis software package.									
3. Background improvement: Green Valley/Airport/Holohan – add northbound right-turn lane and optimize timing.									
4. Future (Year 2025) mitigation: Airport/Freedom – add eastbound right-turn lane; Green Valley/Freedom – add southbound left-turn lane; Green Valley/Airport/Holohan – add southbound and eastbound right-turn lanes; Green Valley/Minto – signalize.									
Source: Fehr & Peers Transportation Consultants, 2007.									

Background conditions include existing traffic volumes plus traffic generated from approved but not yet constructed or occupied projects and serve as the basis for identifying project impacts. As part of the background conditions, one of the approved projects is required to construct a northbound (Green Valley Road) right-turn pocket at the Green Valley Road/Airport Boulevard/Holohan Road intersection. The signal will be retimed as part of the improvement, resulting in the improved LOS shown in Table 2.

The proposed 88-unit project is expected to generate 661 daily trips, 47 AM peak-hour trips (10 inbound and 37 outbound), and 64 PM peak-hour trips (41 inbound and 23 outbound).

Both Watsonville intersections shown in Table 2 above are projected to operate at acceptable levels (LOS D or better). The Green Valley Road/Airport Boulevard/Holohan Road intersection is projected to operate at acceptable levels for constrained intersections (LOS D). Overall operations at the Green Valley Road/Minto Road intersection would remain acceptable, and the westbound movement operations would degrade to LOS E during the AM peak hour and LOS F during the PM peak hour.

According to the County of Santa Cruz General Plan, significant impacts at signalized intersections are defined to occur when:

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Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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1. The addition of project traffic causes intersection operations to degrade from LOS D or better to LOS E or F, or
2. Project traffic is added to an intersection operating at LOS E or F, resulting in a one-percent increase in the volume-to-capacity ratio of the sum of all critical movements.

Significant impacts at unsignalized intersections are defined to occur when:

1. The addition of project traffic causes intersection operations to degrade from LOS D or better to LOS E or F, and the peak-hour signal warrant from the Manual on Uniform Traffic Control Devices (MUTCD) is satisfied, or
2. Project traffic is added to an intersection operating at LOS E or F, and the peak-hour signal warrant from the MUTCD is satisfied.

According to the City of Watsonville General Plan Policy 6.1.3, "The City shall maintain a minimum Level of Service D (LOS D) on signalized intersections on arterial and collector streets serving the City except for those accepted to operate at less than LOS D in the 2005–2030 Major Streets Master Plan. Unsignalized intersections may operate at less than a LOS D during peak periods and will be monitored to determine if operational improvements are feasible or if the intersection meets warrants for the installation of a traffic signal." Therefore, significant impacts at signalized intersections are defined to occur when the addition of project traffic causes intersection operations to degrade from LOS D or better to LOS E or F.

Based on the project impact criteria listed above, the proposed project would have a less-than-significant impact at study area intersections. In addition, there are no significant project-related impacts at the Green Valley Road/Minto Road intersection because the peak-hour warrants are not met. Therefore, no roadway mitigation measures are required under project conditions.

2. Cause an increase in parking demand, which cannot be accommodated by existing parking facilities?

X

Off-Street Parking

The parking provided would be consistent with the requirements outlined in the PUD (see Appendix A). The development would provide 1.5 spaces for studio and one-bedroom units, 2.0 parking spaces for two-bedroom units, 2.5 spaces for three-bedroom units, and 3.0 spaces for four-bedroom units. A minimum of 20 percent of the total residential parking spaces would be provided for guest parking. Thus, the project meets the code requirements for the required number of parking spaces; and therefore, new parking demand would be accommodated on site.

On-Street Parking

Improvements to Minto Road would result in the loss of available on-street parking. The project proposes on-street parking only on the north side of Minto Road from Green Valley Road to approximately 75 feet west of the stream crossing following

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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project implementation. Parking would no longer be allowed on the south side of Minto Road. This would result in a loss of on-street parking for approximately 17 vehicles. Due to the limited right-of-way width available (40 feet), parking cannot be accommodated on both sides of the street following improvements. However, under the proposed project, approximately 26 vehicles could be accommodated on the north side of Minto Road between Green Valley Road and Meidl Avenue following improvements. At least 10 of the pull-in spaces would be maintained on the north side of Minto Road at the Harvest Moon Market. The proposed on-street parking would be sufficient for the existing and proposed on-street parking demand.

No adverse impacts to on-street parking are expected with project implementation.

3. Increase hazards to motorists, bicyclists, or pedestrians?

X

The proposed project would comply with current road requirements to prevent potential hazards to motorists, bicyclists, and/or pedestrians. The applicant would be required to submit and secure approval of engineered improvement plans from the County DPW and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, sewers and other improvements specified.

The proposed project would generate new pedestrian trips. Therefore, the PUD requires construction of a sidewalk for pedestrian and wheelchair access along the project frontage along the north side of Minto to the edge of the parking lot located on APN 051-511-29 to improve pedestrian circulation.

The construction of a sidewalk in front of APN 051-511-29 may not be accommodated with the existing pull-in parking. As a result, a drive over curb along the frontage of APN 051-511-29 located at the northeast corner of Green Valley Road and Minto Road would be provided. Pedestrian and wheelchair access would be negotiated with the property owner of APN 051-511-29 to allow pedestrian and wheelchair access to the Metro stop on Green Valley Road via the existing walkway along the market frontages. No significant impacts are anticipated.

4. 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?

X

The following discussion is a summary of the Transportation Impact Analysis prepared by Fehr & Peers Transportation Consultants dated May 25, 2007. Table 2 presents the level of service results under future conditions (Year 2025). Under future conditions (Year 2025), all four of the study area intersections are projected to operate unacceptably (LOS F) during both the AM and PM peak hours. Peak-hour signal

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warrants are met at the Green Valley/Minto Road intersection.

The County's General Plan identifies planned improvements to its roadway network. Green Valley Road/Airport Boulevard/Holohan Road intersection will be modified with the installation of an additional eastbound left-turn pocket on Airport Boulevard. The Green Valley Road/Minto Road intersection will be modified with the installation of a southbound left-turn pocket on Green Valley Road. No improvements were identified in the General Plan at the two City of Watsonville intersections.

In addition to those mitigation measures provided in the General Plan, the following measures are proposed to reduce impacts to below a level of significance:

1. *Airport Boulevard/Freedom Boulevard:* Operations at this intersection can be improved to LOS E with the addition of an eastbound right-turn lane. The average delay would be reduced by 26.3 seconds during the AM peak hour and by 15.9 seconds during the PM peak hour. Considering the project's contribution is 0.1 second during the AM peak hour and 0.4 second during the PM peak hour (background conditions compared with background with project conditions), impacts would not be considered significant with mitigation. The new lane cannot be accommodated with restriping, and right-of-way acquisition will be required. Relocation of an existing signal and utility pole will also be required. The applicant shall pay Transportation Improvement Area fees to the City of Watsonville for the required intersection improvements per the methodology at the time.
2. *Green Valley Road/Freedom Boulevard:* Operations at this intersection can be improved (but would remain LOS F) with the addition of a second southbound left-turn lane. The average delay would be reduced by 24.2 seconds during the AM peak hour and by 32.3 seconds during the PM peak hour. Considering the project's contribution is 0.5 second during the AM peak hour and 0.9 second during the PM peak hour (background conditions compared with background with project conditions), impacts would not be considered significant with mitigation. The new lane cannot be accommodated with restriping. The acquisition of right-of-way will be required in addition to the relocation of existing signal poles. The applicant shall pay Transportation Improvement Area fees to the City of Watsonville for the required intersection improvements per the methodology at the time.
3. *Green Valley Road/Airport Boulevard/Holohan Road:* Operations at this intersection can be improved (but would remain LOS F) with the addition of southbound and eastbound right-turn lanes. The average delay would be reduced by 46.3 seconds during the AM peak hour and by 12.5 seconds during the PM peak hour. Considering the project's contribution is 0.9 second during the AM peak hour and 1.0 second during the PM peak hour (background conditions compared with background with project conditions), impacts would not be considered significant with mitigation. The new lanes cannot be accommodated with restriping. The acquisition of right-of-way will be required in addition to the relocation of existing signal poles. The applicant shall pay

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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Transportation Improvement Area fees to the County of Santa Cruz DPW for the required intersection improvements.

4. *Green Valley Road/Minto Road*: Operations at this intersection can be improved to LOS B during the AM peak hour and LOS D during the PM peak hour with signalization. LOS D operations are acceptable at this location because of physical constraints. The applicant shall pay Transportation Improvement Area fees to the County of Santa Cruz DPW for the required intersection improvements.

I. Noise

Does the project have the potential to:

1. Generate a permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

_____ X _____

The project would create an incremental increase in the existing noise environment. However, this increase would be small, and would be similar in character to noise generated by the surrounding existing uses.

2. Expose people to noise levels in excess of standards established in the General Plan, or applicable standards of other agencies?

_____ X _____

County General Plan Policy 6.9.1 requires all new development to conform with the Land Use Compatibility Guidelines. All new residential and noise sensitive land developments must conform to a noise exposure standard of 60 dB L_{dn} (day/night average noise level) for outdoor noise and 45 dB L_{dn} for indoor noise. New development of land, which cannot be made to conform to this standard, will not be permitted (County of Santa Cruz 1994).

The dominant source of vehicular noise in the area is the traffic on Green Valley Road, which is approximately 400 feet from the project site. Additional intermittent vehicular noise is generated from agricultural planting/harvest machines located east of the PG&E substation. Aircraft arriving at and departing from the primary runway of the Watsonville Airport (approximately one and one-half miles southwest of the project site) also add noise to the project location.

Noise levels at the project site generated from traffic on Green Valley Road (400 feet to the west) are reduced because of the noise-shielding effects of roadside and residential structures, the distance from the source, and natural noise barriers (e.g., vegetation and trees). Estimated outdoor noise levels at the project site are estimated to be 45 to 55 dB L_{dn}.

For residential structures, normally acceptable interior noise levels are 45 dB L_{dn} or

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less. Under the assumption that a typical residential structure reduces the exterior noise level by approximately 12–18 dBA, residential structures constructed in areas with 60 dB L_{dn} or less would typically meet the acceptable interior noise level. No significant adverse impact from vehicular generated noise is anticipated.

3. Generate a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

X

Noise generated during construction would temporarily increase the ambient noise levels for adjoining areas. To minimize impacts associated with short-term construction noise, the applicant shall ensure that the following noise control measures are incorporated into the final construction design plans for the proposed project:

- (a) Limit construction that involves motorized equipment to Monday through Friday from 7:30 AM to 4:30 PM to avoid the times of day and the days of the week when noise effects would cause the greatest annoyance to residents.
- (b) Allow exceptions to the specified construction hours only for construction emergencies and when approved by County Planning; and
- (c) Post a sign that is clearly visible to users on Minto Road that provides the phone number for the public to call to register complaints about construction-related noise problems. A single "disturbance coordinator" shall be assigned to log in and respond to all calls. All verified problems shall be resolved within 24 hours of registering the complaint.

Implementing these mitigation measures would reduce potential significant impacts to a less than significant level.

J. Air Quality

Does the project have the potential to:
(Where available, the significance criteria established by the MBUAPCD may be relied upon to make the following determinations).

1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

X

The North Central Coast Air Basin does not meet state standards for ozone and particulate matter (PM_{10}). Therefore, the regional pollutants of concern that would be emitted by the project are ozone precursors (Volatile Organic Compounds [VOCs] and nitrogen oxides [NOx]), and dust.

The proposed project is expected to generate 661 daily trips, 47 AM peak-hour trips

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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(10 inbound and 37 outbound), and 64 PM peak-hour trips (41 inbound and 23 outbound). The Carbon Monoxide (CO) thresholds outlined in Section 5.4 of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) CEQA Guidelines would not be exceeded by the proposed project (MBUAPCD 2004). The proposed project would not significantly affect levels of service at intersections or road segments that would cause or substantially contribute to violation of state or national ambient air quality standards (AAQS) for carbon monoxide.

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 they were 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 result in the generation of 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 as needed. Frequency should be based on the type of operation, soil, and wind exposure.
- All grading activities shall be prohibited during periods of high wind (over 15 mph).
- Chemical soil stabilizers shall be applied on 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 the area shall be hydroseeded.
- 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 planted 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 MBUAPCD shall be visible to ensure compliance with Rule 402 (Nuisance).

The construction project would use typical construction equipment such as dump trucks, scrapers, bulldozers, compactors and front-end loaders, which temporarily emit

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precursors of ozone. However, they are accommodated in the emission inventories of state- and federally-required air plans and would not have a significant impact on the attainment and maintenance of ozone AAQS.

2. Conflict with or obstruct implementation of an adopted air quality plan? _____

X

The project will not conflict with or obstruct implementation of the regional air quality plan. See J-1, Air Quality above.

3. Expose sensitive receptors to substantial pollutant concentrations? _____

X

There would be a short-term air quality impact from emissions generated during site preparation (including soil stabilization efforts) and building 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 (See J-1 Air Quality Mitigation).

4. Create objectionable odors affecting a substantial number of people? _____

X

The project is not expected to create objectionable odors. No impacts are anticipated.

K. Public Services and Utilities

Does the project have the potential to:

1. Result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

- a. Fire protection? _____

X

The project site is located within the Pajaro Valley Fire Protection District located at 562 Casserly Road in Watsonville, California. The station is located approximately three miles northeast of the project site. There would be an incremental increase demand for fire protection services with project implementation, but not sufficient to warrant additional personnel or equipment. An existing ladder truck would be dispatched from the City of Watsonville fire department to service any three-story

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structures in the event of an emergency.

b. Police protection?

X

The project site is within the jurisdiction of the County of Santa Cruz Sheriff's Department located at 701 Ocean Street in Santa Cruz. The Sheriff's Department is located approximately 18 miles north of the proposed project site. However, a Sheriff's South County Service Center is located at 790 Green Valley Road in Watsonville. The South County Service Center is staffed with a sergeant, deputy and a team of volunteers. The Center serves all unincorporated areas of the county south of Aptos, including Freedom, Corralitos, Green Valley, and Pajaro.

Response time depends on the character of the call, the availability of an officer, and the office's proximity to the site. Emergency response time to the project site is estimated at three minutes (for burglaries in progress or domestic violence) to two hours (for investigations of a non-emergency nature). The department also maintains a service agreement with the California Highway Patrol and the City of Watsonville Police Department. No impacts are anticipated.

c. Schools?

X

The proposed project site is located within the Pajaro Valley Unified School District (PVUSD). While the project represents an incremental contribution to the need for services, the increase would be minimal. School fees to be paid by the applicant would be used to offset the incremental increase in demand for school facilities.

d. Parks or other recreational activities?

X

The proposed project site is located within the jurisdiction of the County of Santa Cruz Department of Parks, Open Space and Cultural Services. While the project represents an incremental contribution to the need for services, the increase would be minimal. Park fees to be paid by the applicant would be used to offset the incremental increase in demand for recreational facilities.

e. Other public facilities; including the maintenance of roads?

X

While the project represents an incremental contribution to the need for services, the increase would be minimal. Moreover, the project meets all of the applicable standards and requirements identified by the local fire agency, and school, park, and transportation fees to be paid by the applicant would be used to offset the incremental increase in demand for school and recreational facilities and public roads.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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2. 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?

X

According to calculations performed by Mid-Coast Engineers (2005), the capacity of the 30-inch diameter culvert that crosses beneath Minto Road is 37.5 cfs. During a 10-year storm event, flows to the culvert were calculated at 40 cfs. As a result, the culvert in its current state may not accommodate either the pre-project or the post project run-off from a 5-year storm; and therefore, may not meet the County of Santa Cruz design standards for drainage structures. In addition, the culvert is partially blocked with vegetation and sediment further reducing its capacity. As part of the proposed project, the existing 30-inch diameter corrugated metal culvert under Minto Road would be replaced with an upsized culvert that has the capacity to accommodate existing flows during a 5-year storm event. New headwalls and wingwalls would be constructed to protect the crossing from erosion. The Minto Road stream crossing would also be designed to accommodate the Safe 25-Year Overflow.

In order to avoid impacts to existing onsite wetlands, the following drainage improvements will be required to reduce significant impacts to a less than significant level.

A weir shall be installed immediately upstream of the upsized culvert inlet to avoid impacts to existing onsite wetlands from upsizing the culvert. The weir shall be designed to maintain existing downstream flows (prior to culvert upsizing). This will detain the current level of water upstream of the culvert maintaining the existing area of wetland and riparian habitat. The final design will be subject to the review and approval by the County of Santa Cruz DPW.

3. Result in the need for construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

X

The project would connect to an existing municipal water supply. City of Watsonville DPW has determined that adequate supplies are available to serve the project (pers. comm. Gayland Swain, City of Watsonville Utility Engineer, October 18, 2007). City of Watsonville Policy 1 relating to "Outside City of Watsonville Water Connections," states "Water connections and extensions may be provided to an existing parcel (vacant or otherwise) located within a County Sanitation District which, under the current Santa Cruz County General Plan and Zoning, may be further divided provided that:

- The project has a net density of at least 12 dwelling units per acre; and
- The project is consistent with City of Watsonville housing goals and policies

EXHIBIT E

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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including Watsonville Municipal Code Chapter 14-46 (inclusive of percentage of inclusionary units, income restrictions, sales price restrictions and length of affordability covenants).

The proposed project meets all of these requirements. However, a LAFCo annexation would be required for the extraterritorial water service (new service outside City limits) from the City of Watsonville Public Works and Utilities Department. California Government Code §56133 directs cities and special districts to receive written approval from LAFCo to provide new or extended services by contract or agreement outside their jurisdictional boundaries.

Municipal sewer service is available to serve the project from the Freedom County Sanitation District. The Freedom County Sanitation District will reserve sewer service availability for the proposed project upon completion of an approved preliminary sewer design. The proposed location of on site sewer lateral(s), clean-out(s), and connections(s) to existing public sewer must be shown on the plot plan. The County DPW and Sanitation District approval must be obtained for an engineered sewer improvement plan, showing on site and off-site sewers, including the private pump station with emergency generator, needed to provide service to each lot or unit proposed, before sewer connection permits can be issued. The improvement plan must conform to the County's Design Criteria, and must also show any roads and easements. Existing and proposed easements must be shown on any required Final Map. Sewer service connections must be made to manhole 99 in Minto Road. Sewers must be installed on the centerline of the roadway. Sewer lines cannot be installed through wetland and/or riparian areas.

Water use data (actual and/or projected), and other information as may be required for this project, must be submitted to the Sanitation District for review and use in fee determination and waste pretreatment requirements before sewer connection permits can be approved.

No downstream capacity problems or other issues are known at this time. However, downstream sewer requirements would again be reviewed at the time of Planning Permit review, at which time the Sanitation District reserves the right to add or modify downstream sewer requirements.

No significant impacts are anticipated.

4. Cause a violation of wastewater treatment standards of the Regional Water Quality Control Board?

X

The project's wastewater flows would not violate any wastewater treatment standards.

5. Create a situation in which water supplies are inadequate to serve the project or provide fire protection?

X

EXHIBIT E

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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Water for the project would be served by the City of Watsonville Public Works & Utilities Department. Although the City of Watsonville has a Limited Meter Policy, it only applies to projects at a density of less than 12 dwelling units per acre. The City of Watsonville guaranteed that a meter would be available for the proposed project at such a time when it is constructed (Pers. Comm. Gayland Swain, City of Watsonville Utility Engineer, October 18, 2007).

The water mains serving the project site provide adequate flows and pressure for fire suppression. According to the PVFPD, fire flow requirements are 1,000 gallons per minute for the project. Fire hydrants are to be located within 250-feet of the property along the PVFPD access route. During design review, the PVFPD reviews and approves project plans to assure conformity with fire protection standards, which include minimum requirements for water supply for fire protection.

6. Result in inadequate access for fire protection?

X

The project's road access would meet County standards with implementation of the following measures.

Details of compliance with the driveway requirements shall be shown on plans. The driveway shall have a minimum width of 20 feet with a maximum of twenty percent slope. The driveway and access road shall be in place to the following standards prior to any framing construction, or construction will be stopped:

- The driveway surface shall be "all weather", a minimum 6 inches of compacted aggregate base rock, Class 2 or equivalent certified by a licensed engineer to 95 percent compaction, and 2 inches of asphalt concrete, and shall be maintained.
- All weather surface shall be a minimum of 6 inches of compacted Class 2 base rock for grades up to and including 5 percent, oil and screened for grades up to and including 15 percent and asphalt concrete for grades exceeding 15 percent, but in no case exceeding 20 percent.
- The maximum grade of the driveway shall not exceed 20 percent, with grades of 15 percent not permitted for distances of more than 200 feet at a time.
- The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width.
- A turn-around area that meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length.
- Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures.
- All private access roads, driveways, and turn-arounds are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department

EXHIBIT E

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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safe and expedient passage at all times.

- The driveway shall be thereafter maintained to these standards at all times.
- All culverts and crossings shall be certified by a registered engineer, have a minimum capacity of 25 tons with a Caltrans H-20 loading standard (with the exception of the proposed pedestrian crossing).

7. Make a significant contribution to a cumulative reduction of landfill capacity or ability to properly dispose of refuse?

X

The project would make an incremental contribution to the reduced capacity of regional landfills. However, this contribution would be relatively small and would be of similar magnitude to that created by existing land uses around the project.

8. Result in a breach of federal, state, and local statutes and regulations related to solid waste management?

X

The proposed project would not breach federal, state or local statutes and regulations related to solid waste management.

L. Land Use, Population, and Housing

Does the project have the potential to:

1. Conflict with any policy of the County adopted for the purpose of avoiding or mitigating an environmental effect?

X

The project proposes to rezone the parcel and amend the General Plan from "Single-Family Residential - 10,000 square foot minimum parcel size (R-1-10)" and "Urban Low Residential (R-UL)," to "Multi-Family Residential (RM-2-R) and Parks, Recreation and Open Space (PR) zone districts," and "Urban High Residential (R-UH)/Urban Open Space Lands (O-U)" and a PUD. A total of 4.41 acres would be designated as R-UH, and 2.58 acres would be designated as O-U. Although the project proposes an increase in density, it is consistent with the General Plan Housing Element.

Government Code Section 65583(c) requires that the Housing Element set forth a "five-year schedule of actions" for meeting its housing needs, including units for households in various income categories as well as units for "special needs populations." Section 4.3 of the Housing Element aims to describe and quantify the need for units for each of these identified groups.

Regional Housing Share

Section 4.3.1 of the County of Santa Cruz General Plan states "California Government

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Code Sections 65583(a)(1) and 65584 require that a Housing Element include "documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels...[including] the locality's share of the regional housing need." The overall housing unit demand for the Monterey Bay Area region is estimated by the California Department of Housing and Community Development (HCD). The Association of Monterey Bay Area Government (AMBAG) has constructed a Regional Housing Needs Determination (RHND) model to distribute HCD's projected demand for housing by jurisdiction within the region. Each jurisdiction is assigned a share of HCD's housing growth overall, as well as a number of units in various income categories so that lower income households will be appropriately distributed throughout the counties and region."

Regional Housing Needs Determination

Table 3 shows the AMBAG adopted RHND estimates for housing demand in each jurisdiction within Santa Cruz County, and for the entire Monterey Bay Area. AMBAG projected a need for 3,441 total new housing units in the unincorporated areas of Santa Cruz County (approximately 530 units per year) during the 7.5-year planning period between January 1, 2000 and June 30, 2007. AMBAG's determination included the allocation of housing units by income category as established by HCD's regional allocation. This allocation requires that 27 percent of new units be affordable to "very low income households" (households with income of less than 50 percent of the regional median income). Another 15 percent of new units must be affordable to "low income households" (earning 50 to 80 percent of the median), and 19 percent must be affordable to "moderate income households" (earning 80 to 120 percent of median). The remaining 39 percent of units are projected to be demanded by "above moderate" households earning greater than 120 percent of the median income.

Table 3 AMBAG Regional Housing Needs Allocation					
Income Group	Total Housing Units Required	Above Moderate Income Units	Moderate Income Units	Low Income Units	Very Low Income Units
Regional Total	23,130	8,641	5,200	3,909	5,380
Monterey County	13,415	4,561	3,354	2,549	2,951
Santa Cruz County	9,715	4,080	1,846	1,360	2,429
Unincorporated Santa Cruz County Only	3,441	1,351	651	502	937
City of Capitola	337	150	63	41	82
City of Santa Cruz	2,850	1,204	543	410	694
City of Scotts Valley	804	289	161	122	232
City of Watsonville	2,283	1,087	428	284	484

EXHIBIT E

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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Housing Action Program

Section 4.7.3 of the General Plan Housing Element states "Section 65583(c) of the Government Code requires that housing elements contain "a program which sets forth a five year schedule of actions..." in order to implement stated goals, objectives and policies. Moreover, this program of actions is required to include programs that 1) identify sites available for new housing; 2) assist in development of housing; 3) reduce governmental constraints to housing; 4) improve the conditions and sustaining the amount of existing affordable housing units; 5) promote equal housing opportunities for all persons; 6) and preserve the number of existing housing units.

Goal 1 of the Housing Action Program is to "*Promote Production of Affordable Units.*" Through its planning and zoning regulations, Santa Cruz County will expand affordable housing production. Programs that expand the County's capacity to meet its affordable housing goals are described below.

Rezoning Program (20 units per acre)

Program Description: In order to provide expanded opportunities for very low and low income housing, develop new general plan and zoning polices which would provide for the following land uses:

1. Density of 20 units per acre based on the developable land area. Each site will be evaluated for developability and the number of units calculated based on 20 units per acre. The use and density of any site designated under this rezoning program and any project proposed under this rezoning program is established at the time the site is designated and will be by-right.
2. A minimum requirement that 40 percent of the units be deed-restricted with long-term affordability covenants, predominantly for low and very low income households.
3. A minimum site area of two net developable acres.
4. Incentives:
 - a. Use and density by-right as defined by Government Code Section 65583.2
 - b. Proposed development applications are exempt from CEQA
 - c. Alternative site development standards as required by State Density Bonus Law (such as height and parking standards).
 - d. Priority processing and truncated review process for the proposed development.
 - e. Dedicated Funding.

Therefore, the proposed project is consistent with the County General Plan. The proposed project does not conflict with any policies adopted for the purpose of avoiding or mitigating an environmental effect.

EXHIBIT E

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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2. Conflict with any County Code regulation adopted for the purpose of avoiding or mitigating an environmental effect?

X

Riparian Exception

A Riparian Exception is granted by the PUD for the nature trail and pedestrian footbridge, and/or a small animal keeping area. A separate Riparian Exception will be required for subsequent development on the project location in the riparian setback area.

Under Chapter 16.30.060 (d) of the County Code, specific findings must be made in order to allow a Riparian Exception. These findings in relation to the construction of a pedestrian crossing and the establishment of a 40-foot wetland buffer rather than a 100-foot buffer as specified in Chapter 16.32 of the County Code are presented below:

1. That there are special circumstances or conditions affecting the property;
One special circumstance affecting this parcel is the County's Housing Element requirement to designate parcels across the County for higher density housing. This parcel has been identified and selected by the Board of Supervisors as appropriate for rezoning and high-density use. Any subsequent housing development would be enhanced by limited use of the isolated northeast portion of this parcel is encouraged, which would require pedestrian access from the housing component to the open space.
The other condition affecting the property is the culvert at Minto Road. This culvert does not meet County drainage standards and replacement will be a requirement of any subsequent development, triggering the need for a Riparian Exception.
2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property;
The approval of the PUD would permit access to and use of the northeast portion of the parcel isolated by the riparian corridor. An Exception would be necessary to allow a pedestrian crossing near the northern project boundary to access the eastern portion of the parcel for the purpose of passive recreation. It is also necessary to bring the culvert at Minto Road up to County standards and to mitigate for any downstream impacts that the upgrading of the culvert might lead to.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;
The exception would allow for a pedestrian crossing and access to the northeast portion of the parcel. The animal keeping area will require a manure management plan to avoid impacts to the riparian corridor. The construction of drainage improvements, including a weir, will maintain

EXHIBIT E

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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downstream flow levels at pre-development levels through the upgraded culvert, preventing downstream impacts.

4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative; and

The proposed project is located outside of the Coastal Zone.

5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan."

The riparian exception would be consistent with the General Plan amendment and zone change proposed under the project. The Riparian Exception conditions will be incorporated into the PUD that is being proposed as part of this project.

The proposed project does not conflict with any regulations adopted for the purpose of avoiding or mitigating an environmental effect.

3. Physically divide an established community? _____ X _____

The project would not include any element that would physically divide an established community.

4. Have a potentially significant growth inducing effect, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? _____ X _____

Although the project proposes a General Plan amendment and zone change, allowing the construction of 88 multi-family residences would not result in a potentially significant direct growth inducing effect. The project proposes a maximum development density of 20 dwelling units per usable acre on the project site. The project would rezone the parcel and amend the General Plan from "Single-Family Residential - 10,000 square foot minimum parcel size (R-1-10)" and "Urban Low Residential (R-UL)" to "Multi-Family Residential (RM-2-R)" and "Urban High Residential" with a PUD.

The proposed project (General Plan amendment, zone change and PUD) would not foster economic growth, or the construction of additional housing, either directly or indirectly in the surrounding environment. No expansion of wastewater treatment or other infrastructure is proposed. The project only proposes minor improvements to Minto Road in order to bring it up to County standards for safety and operational

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
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purposes. As a result, no adverse impacts are anticipated.

5. Displace substantial numbers of people, or amount of existing housing, necessitating the construction of replacement housing elsewhere? _____

X

The proposed project would be constructed on vacant land and would entail a net gain in housing units.

M. Non-Local Approvals

Does the project require approval of federal, state, or regional agencies?

Yes X No _____

The project would require a Streambed Alteration Agreement (Section 1602) from the California Department of Fish and Game, a Nationwide 14 and 33 (Section 404) from the USACE, and a Water Quality Certification (Section 401) and a Construction Activities Storm Water General NPDES Permit from the Regional Water Quality Control Board. The project would also require a will serve letter from the City of Watsonville, Public Works and Utilities Department.

EXHIBIT E

N. Mandatory Findings of Significance

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant, animal, or natural community, or eliminate important examples of the major periods of California history or prehistory? Yes _____ No X

2. Does the project have the potential to achieve short term, to the disadvantage of long-term environmental goals? (A short term impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts endure well into the future) Yes _____ No X

3. Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of reasonably foreseeable future projects which have entered the Environmental Review stage)? Yes _____ No X

4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Yes _____ No X

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EXHIBIT E

References

City of Watsonville 2002.

Watsonville Municipal Airport Master Plan Draft Environmental Impact Report.
Prepared by Denise Duffy & Associates. August 2002.

County of Santa Cruz 2006.

Correspondence from Scott Carson of the County of Santa Cruz Environmental Health Service to Ms. Jane Barr of Mid Peninsula Housing Corporation dated December 26, 2006.

County of Santa Cruz 1994.

1994 General Plan and Local Coastal Program for the County of Santa Cruz, California. Adopted by the Board of Supervisors on May 24, 1994, and certified by the California Coastal Commission on December 15, 1994.

EMC Planning Group 1991.

Miskic Subdivision Draft Environmental Impact Report. Prepared by EMC Planning Group, Inc. for the County of Santa Cruz, January 1991.

Enertech Consultants 2004.

Minto Road Property Site Magnetic Field Evaluation Report, prepared for Steven Graves and Associates by Enertech Consultants. February 2004.

Environmental Investigation Services 2006a.

Phase II Limited Soil Investigation, 15 Minto Road, Watsonville, California, prepared by Environmental Investigation Services, Inc. June 9, 2006.

Environmental Investigation Services 2006b.

Additional Phase II Limited Soil Investigation, 15 Minto Road, Watsonville, California, prepared by Environmental Investigation Services, Inc. June 22, 2006.

Environmental Laboratory 1987.

Corps of Engineers Wetlands Delineation Manual. (Technical Report Y-87-1.)
Vicksburg, Mississippi: U.S. Army Corps of Engineers Experiment Station. 1987.

Fehr & Peers 2007.

Transportation Impact Analysis for the Minto High-Density Housing Site in Santa Cruz County, May 25, 2007.

Haro, Kasunich & Associates, Inc.

Geotechnical Investigation for Minto Road Subdivision APN 051-511-35,
Watsonville, California. Prepared by Haro, Kasunich & Associates, April 2004.

H.T. Harvey & Associates 2005.

Minto Road (APN 51-511-35): Riparian/Wetlands Habitat Assessment. Prepared by H.T. Harvey & Associates, Ecological Consultants, July 13, 2005.

Mid Coast Engineers 2005. (Report not approved by DPW Drainage)

Letter from Richard Wadsworth, C.E to Stephen Graves regarding the 44-unit Subdivision on Minto Road dated July, 7, 2005.

Pajaro Valley Water Management Agency (PVWMA) 2002.

Pajaro Valley Water Management Agency Revised Basin Management Plan,
February 2002.

Swain, Gayland, Pers. Comm., City of Watsonville Utility Engineer, October 18, 2007.

UPP Geotechnology Inc. 2004.

Reconnaissance Geologic Investigation, Lands of Graves APN 051-511-35, Minto
Road, Santa Cruz County, California. September 17, 2004.

APPENDIX A

**ORDINANCE GRANTING A PLANNED UNIT DEVELOPMENT AS
ALLOWED BY SANTA CRUZ COUNTY CODE RELATING TO
ESTABLISHMENT OF DEVELOPMENT STANDARDS FOR
APN: 051-511-35**

EXHIBIT E

For PUD Ordinance for APN 051-511-35, see Exhibit B to the April 23rd Planning Commission Staff Report.

EXHIBIT E .

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APPENDIX B

**MINTO ROAD HIGH DENSITY HOUSING PROJECT SITE BIOTIC
ASSESSMENT PREPARED BY ECOSYSTEMS WEST CONSULTING
GROUP, AUGUST 13, 2007**

August 13, 2007

Matt Johnston
Planning Department
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Re: Minto Road High Density Housing Project Site Biotic Assessment

Dear Matt:

This letter reports the findings of a biotic assessment on the proposed Minto Road High Density Housing Project Site (Assessor's Parcel No. 051-511-35), located on the north side of Minto Road approximately 500 feet east of its intersection with Green Valley Road in the North Watsonville Planning Area in southern Santa Cruz County. This assessment focused primarily on the presence of special-status plants within the area proposed for development.

The U.S. Soil Conservation Service Soil Survey of Santa Cruz County (1980) classifies the soil on the Minto Road property as Pinto loam, 0 to 2 percent slopes. Three-quarters of the site contains Watsonville loam. The Pinto loam is a very deep, moderately well drained soil formed in alluvium and marine deposits on coastal terraces. Permeability of Pinto loam is slow with slow runoff potential and slight erosion hazard.

A field survey was conducted on the Minto Road property on 26 June 2007. The parcel is characterized by a flat, ruderal terrace with an intermittent drainage along the eastern edge. The flat terrace portion of the parcel featured a dense non-native annual grassland dominated field on the western two-thirds of parcel. The eastern third of the parcel consists of a low gradient intermittent drainage dominated by California blackberry (*Rubus ursinus*), cattail (*Typha angustifolia*), rush (*Juncus* spp.), and arroyo willow (*Salix lasiolepis*). Prior to the field survey the flat terrace portion of the parcel had been mowed leaving a dense cover of thatch and a few scattered clumps of coyote brush (*Baccharis pilularis*), Himalaya berry (*Rubus discolor*), and blue elderberry (*Sambucus mexicana*). The mowed portion of the parcel supported a ruderal grassland/pasture dominated by non-native grasses and herbs. Annual grasses include rat-tail fescue (*Vulpia myuros*), slender wild-oat grass (*Avena barbata*), soft chess brome (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), Italian rye grass (*Lolium multiflorum*), and farmer's foxtail (*Hordeum leporinum*). Herb species include wild radish (*Raphanus sativus*), cut-leaf geranium (*Geranium dissectum*), bur clover (*Medicago polymorpha*), white-stemmed filaree (*Erodium botrys*), hairy cat's ear (*Hypocheris radicata*), green dock (*Rumex conglomerates*), morning glory (*Convolvulus arvensis*), red clover (*Trifolium hirtum*), and sow thistle (*Sonchus oleraceus*).

EXHIBIT E

No sensitive plant or animal species indigenous in the vicinity of the site were observed on the parcel. Even though the parcel had been mowed prior to this survey, there was no evidence of any remnant native flowering species. The Pinto loam soil is not an indicator for the Santa Cruz tarplant (*Holocarpha macradenia*), a state-listed endangered and federally-listed threatened plant species or Monterey spineflower (*Chorizanthe pungens* var. *pungens*), a federally-listed threatened species and robust spineflower (*Chorizanthe robusta*), a federally-listed threatened species. Three-quarters of the site contains Watsonville loam. I observed the adjacent parcels that have Watsonville loam soil, an indicator for Santa Cruz tarplant and found no evidence of this species. If the tarplant or spineflower were present, they would not have been removed by the mowing blade, since they are typically managed in their remnant habitat by this management method. No significant special-status wildlife habitat was observed on the parcel. The drainage could provide refuge for native salamanders but there are not current records for special-status amphibians within a mile of the parcel.

Based on the assessment, I do not believe that development of this parcel will result in any direct or indirect impact to special-status species or their habitats.

Should you require further information or clarification, please don't hesitate to contact me.

Sincerely,

Bill Davilla
Principal

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APPENDIX C

**SANTA CRUZ ARCHEOLOGICAL SOCIETY SITE ASSESSMENT FOR
MINTO ROAD, MARCH 30, 1989**

EXHIBIT E

EXHIBIT B

SANTA CRUZ ARCHAEOLOGICAL SOCIETY

1305 East Cliff Drive, Santa Cruz, California 95062

— PRELIMINARY PREHISTORIC CULTURAL RESOURCE RECONNAISSANCE REPORT

Parcel AP # 51-511-35 SCAS Project # SE-529-89
Planning Permit # 89-0130 Parcel Size 6.88 AC
Applicant MATT WISKIE
Nearest Recorded Prehistoric Sites:

On 3-30-89, members of the Santa Cruz Archaeological Society spent a total of 2 1/2 HRS hours on the above described parcel for the purpose of ascertaining the presence or absence of prehistoric cultural resources on the surface. Though the parcel was traversed on foot at regular intervals and diligently examined, the society cannot guarantee the surface absence of prehistoric resources where soil was obscured by grass, underbrush, or other obstacles. No core samples, test pits, or any subsurface analysis was made. A standard field form indicating survey methods used, type of terrain, soil visibility, closest fresh water, and presence or absence of historic evidence was completed and filed with this report at the Santa Cruz County Planning Department.

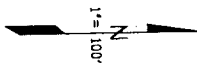
The preliminary field reconnaissance did not reveal any evidence of prehistoric cultural resources on the parcel. The proposed project would, therefore, have no direct impact on prehistoric resources. If subsurface evidence of such resources should be uncovered during construction the County Planning Department should be notified.

Further details regarding this reconnaissance are available from the Santa Cruz County Planning Department or from L.T. CARROLL Chairman of the Reconnaissance Committee, Santa Cruz Archaeological Society, at
California, Telephone (408) 684-1230

Additional Notes:

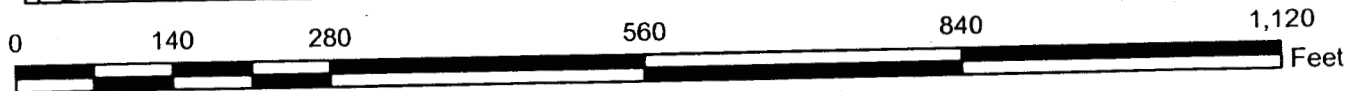
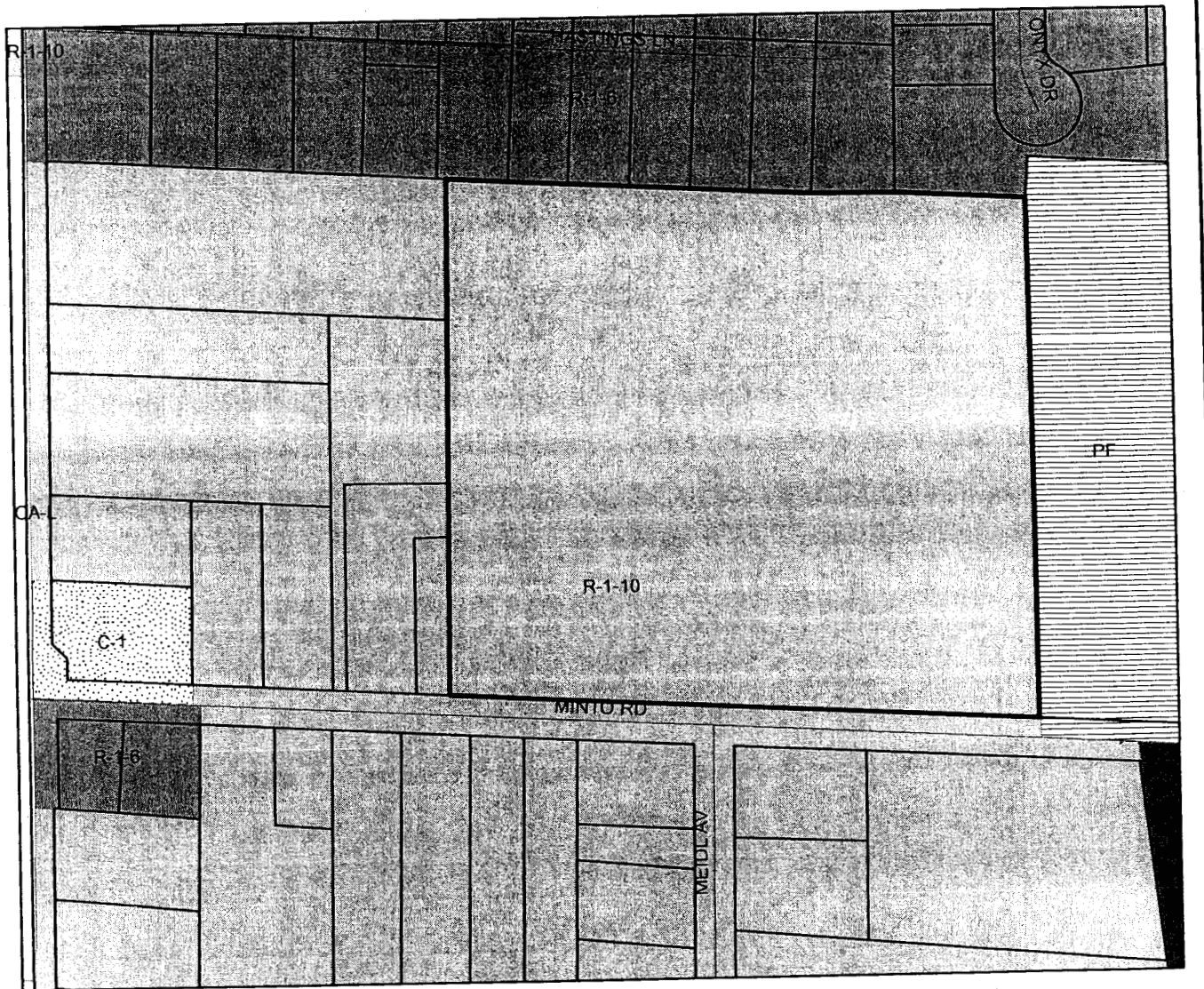
EXHIBIT E

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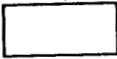




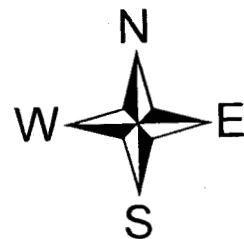
Assessor's Map No. 51-51
County of Santa Cruz, Calif.
July 2000

Existing Zoning Map



Legend

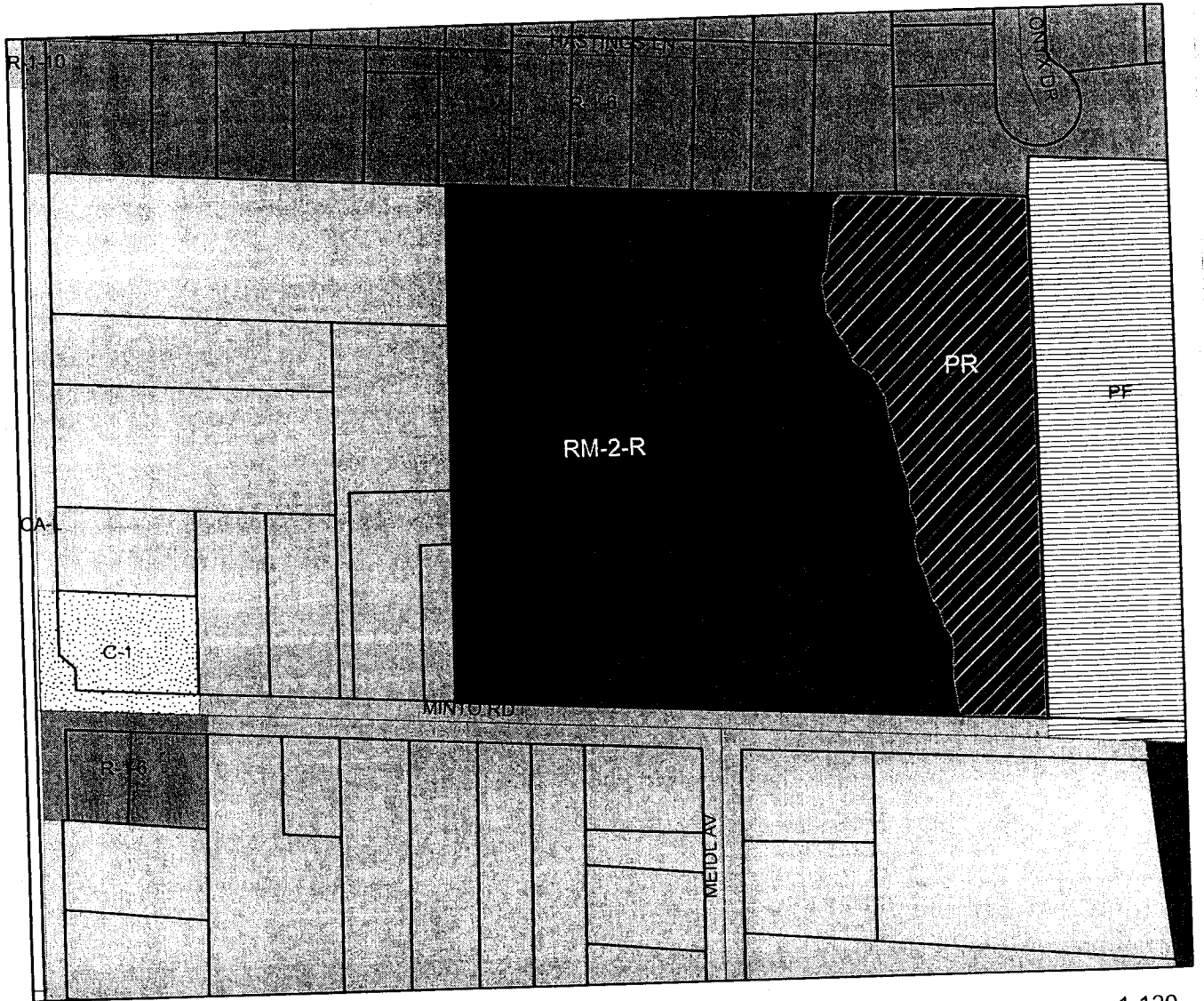
-  APN 051-511-35
-  Assessor's Parcels
-  Streets
-  State Highways



Map Created by
County of Santa Cruz
Planning Department
April 2008

EXHIBIT G

Proposed Zoning Map



Legend



APN 051-511-35



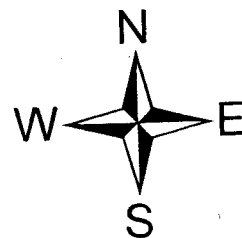
Assessor's Parcels



Streets



State Highways

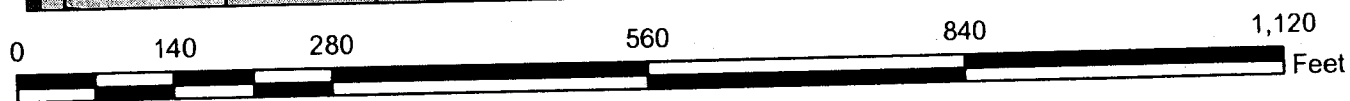
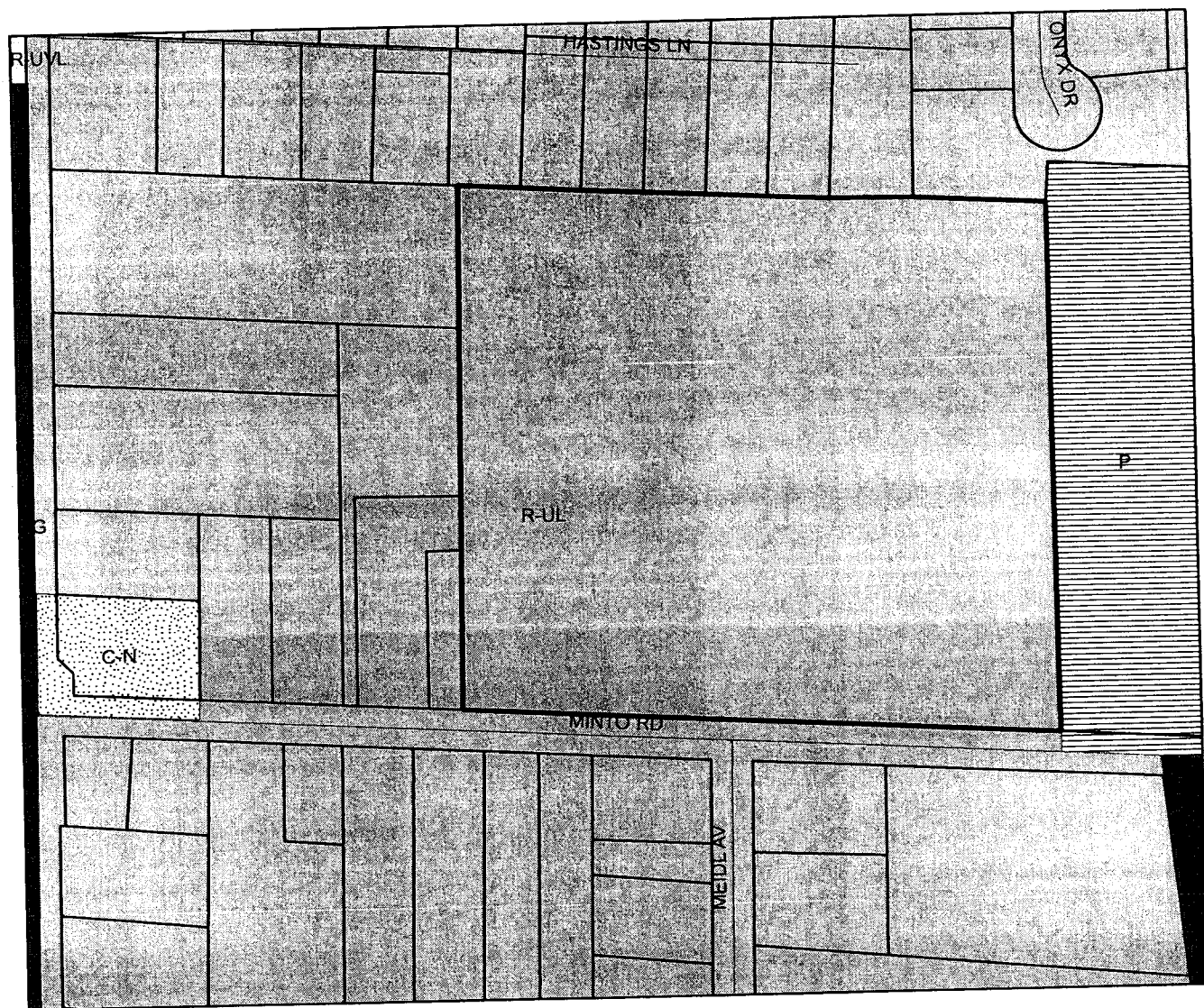


Map Created by
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April 2008

EXHIBIT 8



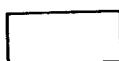
Existing General Plan Map



Legend



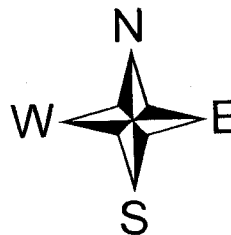
APN 051-511-35



Assessor's Parcels



Streets

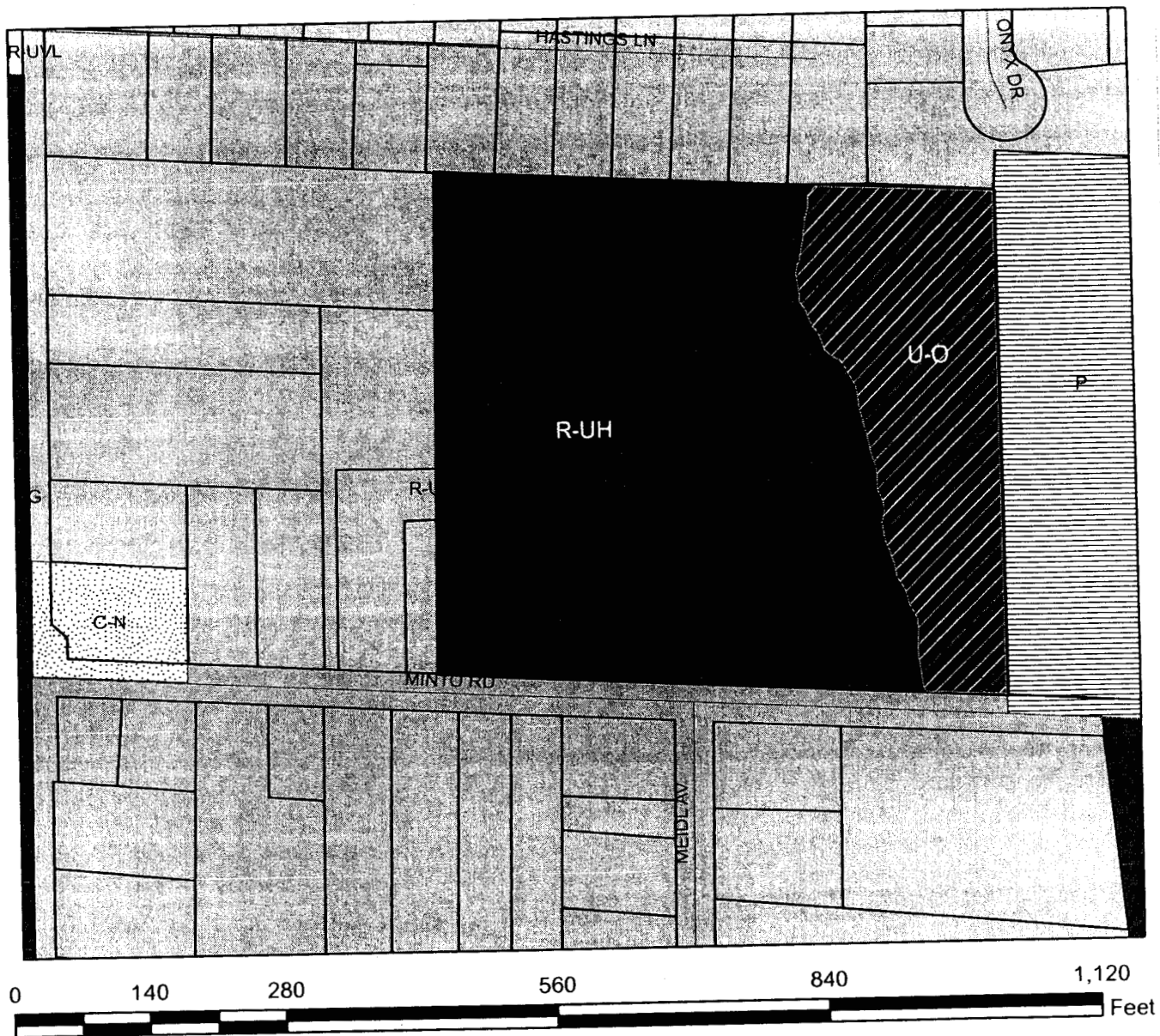


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April 2008

EXHIBIT 1



Proposed General Plan Amendment Map



Legend



APN 051-511-35



Assessor's Parcels



Streets



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Planning Department
April 2008

EXHIBIT C-1

Additions to the Staff Report for the Planning Commission

Item 10: 07-0322

Late Correspondence

To Whom It May Concern

Re: Environmental Review Initial Study

Minto Road Project

In late January, the first neighborhood group meeting regarding the Minto Road project was held by the Santa Cruz county planning dept. Many concerns and ideas were presented by community members who have lived in that neighborhood for dozens of years and are familiar with the special needs and potential dangers of a haphazard and quick approval of the affordable housing project.

We were told that we would receive the environmental review for approval within a month. Although it was dated late February, it was not received until the second week of March and we were given a few weeks to respond to a poorly written and not very well thought out proposal for development, which does not responsibly address safety, environmental issues traffic congestion, etc.

Not one of the suggestions from any neighbor has been incorporated into this report. I was under the impression that the ideas and problems presented at the January meeting would somehow be incorporated in to some aspect of this. At the very least, some mention of the community concerns could have been sent to us in an accompanying letter. Those many issues deserve to be addressed and stated together with this report.

I feel that further investigation is required to determine better solutions than presented here. I will make note below of the letter and numbers associated with the issues which I believe require further analysis

H. Transportation/Traffic

1.,2,3 4 Significant or Potentially Significant Impact

Dozens of neighbors who regularly deal with the traffic problem at the intersection of Minto and Green Valley expressed their concerns about the safety as well as the current congestion . Yet, a report is included in this Environmental Review Initial Study from Fehr and Peers Transportation Consultants dated May 25, 2007 which suggests that no traffic light is needed. There is not a resident within a 5 mile radius using Green Valley Road who does not know that a light needs to be installed now, much less after the population for this neighborhood is doubled. The community directly affected came to the meeting and expressed their concerns regarding the seriousness of the traffic at this intersection yet this report suggests it is not a problem disregarding the number of accidents and near accidents which occur now. It is irresponsible to suggest that no light is needed to deal with the traffic.

A light needs to be installed before any work begins on this project. Visibility is better at the intersection of Dick Phelps and Green Valley, which was also suggested as a place for a light. In my opinion it is a better place for a light given the congestion created at the store which no doubt will also be doubled with new homes in the area.

Secondly, the idea that to take parking away from the front of homes on the south side of Minto Road in order to provide 175 feet of additional parking space for the project is also something that doesn't even look good when drawn on paper . The logic behind such an idea is also questionable.

Cars will be lined up on both sides of the street..period..who is going to enforce illegal parking?...the sheriffs department?...the sheriffs department can barely handle burglaries...where else in an unincorporated santa cruz similar neighborhood has this been attempted?...I drove around to find such an idea in place in any of the vicinity..could not find one..Please provide some model of success in this idea...

I would also suggest that someone from check out the surrounding neighborhood in the evening or on the weekend to get the real scoop on how many cars are in this community.

Taking away the parking in front of individual homes, forcing some to use their front yard for parking space, and forcing all homeowners on the south side to back out into the street...a street which will have about 500 more cars a day to back out into...forever and ever... is not good planning. It is a recipe for disaster.

K. Public Services/Utilities

1b and 2.6. Significant or Potentially significant

Police attention , schools, fire access

There is also one access planned to the project thru Minto Road with the secondary road at Hastings being used only during construction. Two summers ago a brush fire on this subject lot during higher winds rendered Minto impassable and proved the need for another access. ...even now.

What about the school bus? The school bus is a big part of this neighborhood. ...and culturally this subject community Has the planning of this taken that into account? The use of the school bus on Minto?...Meidl?...within the project?...I see no mention...and currently it is a twice daily, fairly safe, event.

C. Biotic Resources

2, 3, 5, 6 Significant or Potentially Significant Impact

The land sits between Pinto Lake and a seasonal lake...there is a riparian corridor...Salamanders, turtles and other animals traverse... possibly as they travel between the water ...birds as well fly between the two, hawks and egrets, herons, owls....there is a high groundwater in winter..

All of those things speak to a special ecosystem...which has not been addressed in this report. The riparian corridor alone cannot be whittled down to 40 feet and then another 10 feet ...if I read correctly, that's 30 feet of riparian corridor and that is not quite enough in my opinion..

There is a lot of information about native plants although this lot has been mowed regularly for a decade and maintained as an apple orchard for decades before that...the swail however, has remained relatively untouched for the 30 or so years that I have been watching although that is not what the report says.

A. Geology and Soils

A and B...Significant or Potentially Significant Impact in my opinion

This project is on (or within a block of the Zayante fault according to this report) ..The San Andreas fault is within a few miles..... Groundwater is high in winter and the property sits between a seasonal lake and Pinto Lake yet there are no special investigations required to pave the largest percentage and put high density homes on this land. I cannot understand that...nor do I understand anything that says groundwater is low..it is not in winter

Many of these issues were introduced by the community in January. I cannot remember all of the comments and concerns of the community but I feel a more advanced dialogue would be occurring if some of the suggestions had been addressed. The analysis form which accompanied this has many boxes to check, many which stated no impact or not applicable, some of which need further investigation in my opinion.

The community which lives in the vicinity provided information which needs to be acknowledged and their opinions and input validated. Thank you.

Regards

Darlene Alexa

26 Minto Road

831-345-8088