



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

**TOM BURNS, PLANNING DIRECTOR**

January 25, 2006

**AGENDA DATE: February 8, 2006**

Planning Commission  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**SUBJECT: Application # 06-0020 - General Plan Amendment and Rezoning for APN 071-061-01**

Commissioners:

On April 19, 2005, at the request of Supervisor Stone, the Board of Supervisors directed Planning staff to process a Board-initiated General Plan amendment and rezoning for Assessor Parcel Number (APN) 071-061-01 (see Exhibit E). This 9,192 square foot parcel, located at 7354 Highway 9 in Felton (roughly across from San Lorenzo Valley High School), contains one single-family dwelling. It previously had a Suburban Residential (R-S) General Plan designation, but in 2003 it was changed to Neighborhood Commercial (C-N). The proposed action would return APN 071-061-01 to its previous residential General Plan designation and rezone the parcel from Neighborhood Commercial (C-1) to Single-Family Residential (R-1-15),

## BACKGROUND

Prior to 2003, APN 071-061-01 had a Suburban Residential (R-S) General Plan designation but was zoned Neighborhood Commercial (C-1) due to a previous commercial use in a portion of the house on the property. However, the site does not have appropriate access off of Highway 9 to serve a commercial use. Moreover, the structure on the property has been used solely as a single-family dwelling since at least 1988.

In late 2003, the Board of Supervisors approved a number of rezonings and General Plan amendments for properties located along Highway 9 in San Lorenzo Valley. This action resolved a number of inconsistencies between the General Plan and County zoning maps. As part of that effort, it had been planning staffs intention that APN 071-061-01 should retain its R-S General Plan designation and be rezoned from C-1 to R-1-15 (Single-Family Residential, 15,000 sq. ft. minimum lot size). However, at the request of the then-property owner, APN 071-061-01 instead retained its C-1 zoning and was given a Neighborhood Commercial (C-N) General Plan designation. That action caused the existing house on the property to be considered a significantly non-conforming use as defined in the zoning ordinance which, in turn, has resulted in substantial problems for the current owner, as significantly non-conforming residential uses may not be repaired, remodeled, expanded or reconstructed.

Moreover, the property is inappropriate for a commercial use because it does not have direct access to Highway 9, as the driveway enters onto Lazy Woods Drive.

## **REQUIRED FINDINGS**

As required by County Code Section 13.10.215, your Commission must make required findings to recommend approval of the proposed rezoning. Exhibit C lists these findings and provides staffs rationale for the making of each of them.

## **ENVIRONMENTAL REVIEW**

This proposed action has undergone environmental review and has been found to not have an environmental impact. Staff has prepared a CEQA Initial Study, which has undergone its 28-day review period, and is proposing that your Commission recommend Board approval of the attached CEQA Negative Declaration.

## **RECOMMENDATION**

Because APN 071-061-01 does not have appropriate access off of Highway 9 to serve a commercial use and has been used solely for residential purposes since at least 1988, staff believes that the General Plan designation for APN 071-061-01 was inappropriately changed in 2003 to Neighborhood Commercial (C-N). Staff believes that instead the previous Suburban Residential (R-S) General Plan designation should have been retained, and that the zoning should be changed to single-family residential (R-1-15) to reflect the current and best use for the property.


To rectify this situation, staff proposes that your Commission adopt a resolution recommending that the Board of Supervisors change the General Plan land use designation of APN 071-061-01 from Neighborhood Commercial (C-N) back to Suburban Residential (R-S), and change the zoning from Neighborhood Commercial (C-1) to Single-family Residential, 15,000 square-foot minimum lot size (R-1-15).

Your Commission must make the required findings specified in Section 13.10.215 in recommending this zoning change to the Board of Supervisors. Staff recommends that your Commission make these required rezoning findings listed above and explained in Exhibit C.

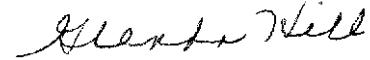
It is therefore RECOMMENDED, based on the attached Findings (Exhibit C), that your Commission:

1. Conduct a public hearing; and
2. Adopt the attached Resolution (Exhibit A) recommending Board of Supervisors approval of the proposed General Plan amendment and rezoning, and certification of the proposed CEQA Negative Declaration.

Sincerely,



Frank Barron, AICP  
Planner III  
Policy Section



Glenda Hill, AICP  
Principal Planner  
Policy Section

Exhibits:

- A. Resolution Recommending Board of Supervisors Approval
- B. Draft Rezoning Ordinance
- C. Required Rezoning Findings
- D. CEQA Initial Study
- E.** CECA Negative Declaration
- F. Letter of April 12, 2005 from Supervisor Stone to the Board of Supervisors
- G. Location Maps

cc: Victor Quiroz

**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 BOARD OF SUPERVISORS ADOPTION OF  
A GENERAL PLAN LAND USE DESIGNATION AMENDMENT, CHANGING  
ASSESSORS PARCEL NUMBER 071-061-01 FROM NEIGHBORHOOD  
COMMERCIAL TO SUBURBAN RESIDENTIAL USE, AND ASSOCIATED  
REZONING FROM COMMERCIAL (C-1) TO RESIDENTIAL (R-1-15)**

WHEREAS, Assessor Parcel Number (APN) 071-061-01, located on Highway 9 in San Lorenzo Valley and depicted in Attachments 1 and 2, previously had a Suburban Residential (R-S) General Plan land use designation, but in 2003, at the behest of the then-landowner, was changed to Neighborhood Commercial (C-N); and

WHEREAS, because APN 071-061-01 does not have appropriate access off of Highway 9 to serve a commercial use and has been used solely for residential purposes since at least 1988, that the General Plan land use designation change to Neighborhood Commercial (C-N) was inappropriate; and

WHEREAS, the General Plan designation of the parcel as "Neighborhood Commercial" has caused the existing house on the property to be considered a significantly non-conforming use which has restricted the ability of the property owner to repair, remodel, expand or reconstruct the house; and

WHEREAS, on April 19, 2005, at the request of Supervisor Stone, the Board of Supervisors directed Planning staff to process a Board-initiated General Plan amendment and rezoning for Assessor Parcel Number (APN) 071-061-01; and

WHEREAS, the proposed General Plan amendment and rezoning has undergone environmental review and has been found to not have an environmental impact, and a CEQA Negative Declaration has been prepared.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based upon the attached rezoning findings required by County Code Section 13.10.215, recommends that the Board of Supervisors: (1) amend the General Plan land use designation of APN 071-061-01 changing it from "Neighborhood Commercial" to "Suburban Residential"; (2) adopt the proposed Ordinance

**Exhibit A**

rezoning the subject parcel from C-1 to R-1-15; and (3) certify the CEQA Negative Declaration for these actions.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2006 by the following vote:

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

\_\_\_\_\_  
Chairperson

ATTEST: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
COUNTY COUNSEL

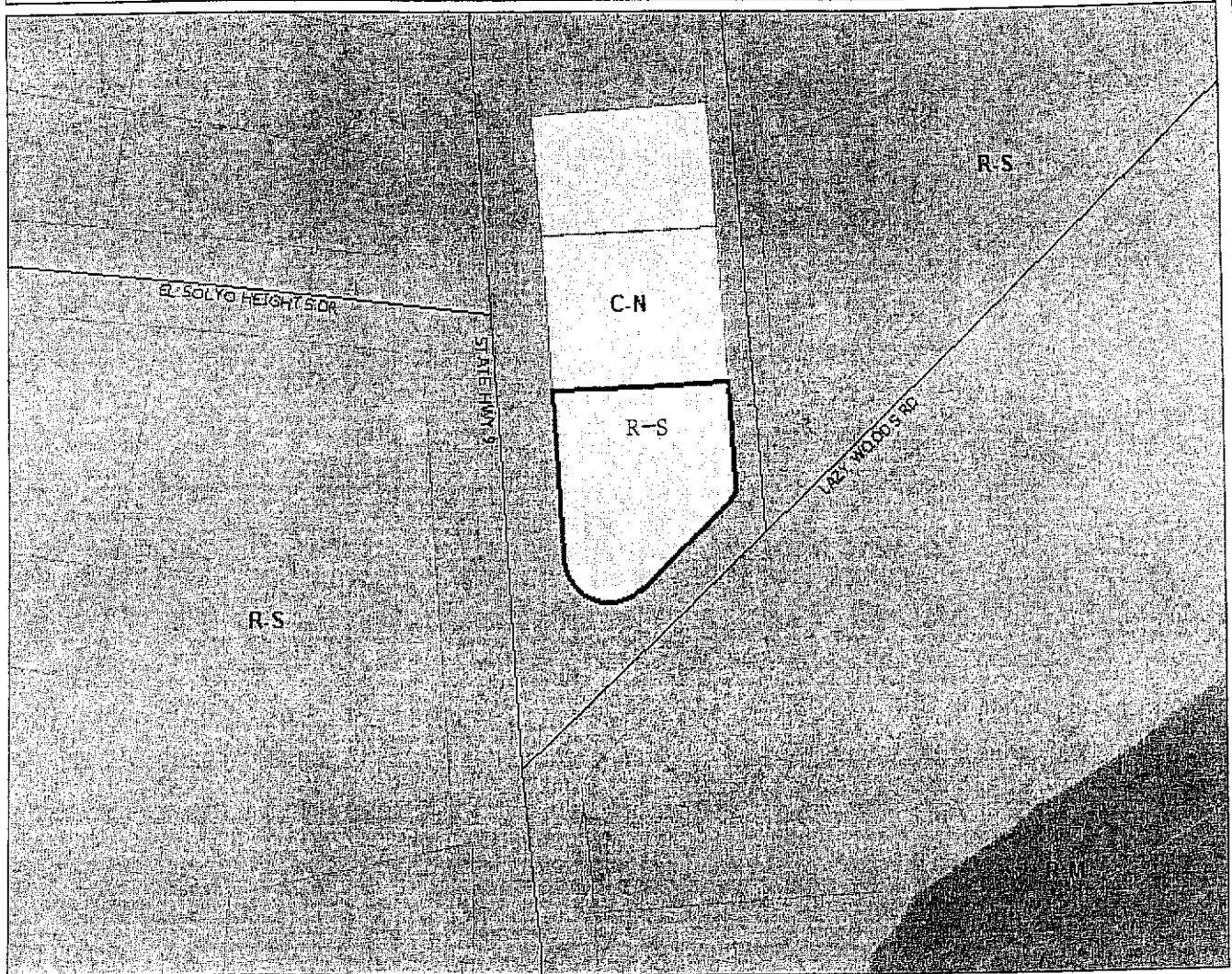
Attachments:

1. General Plan Map with Proposed New Land Use Designation
2. Zoning Map with Proposed New Zoning Designation








DISTRIBUTION: County Counsel  
Planning Dept.

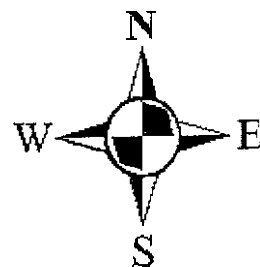


# General Plan Designation Map



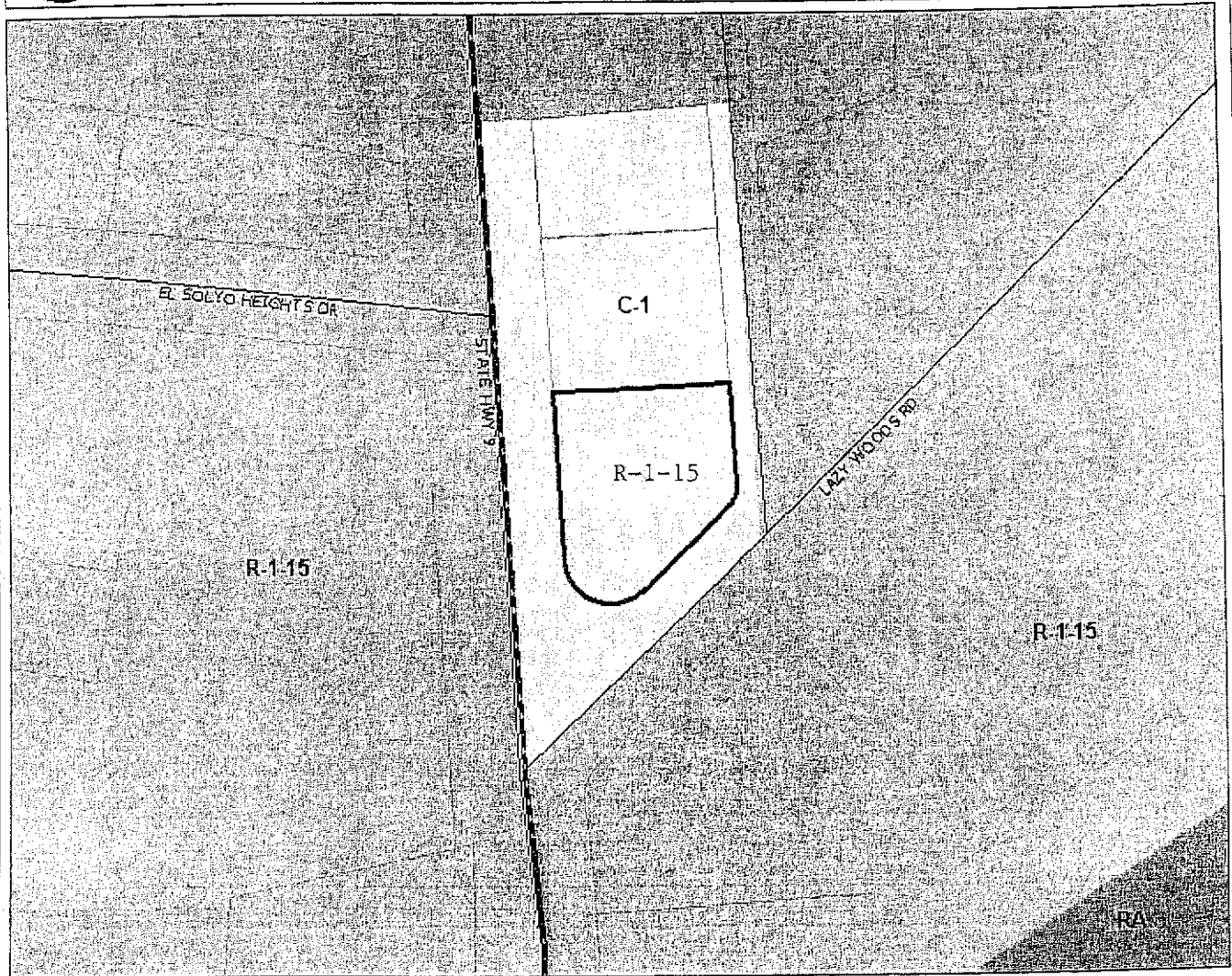
## Legend

-  APN 071-061-01
-  Assessors Parcels
-  State Highways
-  Streets
-  Commercial-Neighborhood (CN)
-  Residential-Suburban (R-S)
-  Residential-Mountain (R-M)



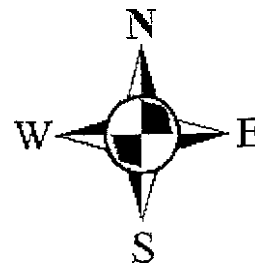
Map Created by  
County of Santa Cruz  
Planning Department  
November 2005

# Zoning Map



## Legend

-  APN 071-061-01
-  Assessors Parcels
-  Streets
-  State Highways
-  COMMERCIAL-NEIGHBORHOOD (C-1)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  AGRICULTURE RESIDENTIAL (RA)



Map Created by  
County of Santa Cruz  
Planning Department  
November 2005

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING CHAPTER 13.10  
OF THE SANTA CRUZ COUNTY CODE  
CHANGING THE ZONING DESIGNATION OF APN 071-061-01 FROM  
NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT TO SINGLE-FAMILY  
RESIDENTIAL 01-1-15) DISTRICT**

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 located on the northeast corner of the intersection of State Highway 9 and Lazy Woods Road in Felton (APN 071-061-01); 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 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 district 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 district is appropriate for the level of utilities and community services available to the land; and
3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

**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 depicted in Attachment 1 and as follows:



Assessor's Parcel Number

Existing Zone District

New Zone District

071-061-01

C-1

R-1-15

**SECTION IV**

This ordinance shall take effect on the 3<sup>1st</sup> day after the date of final passage.

PASSED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_ 2006, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST: \_\_\_\_\_  
Clerk of the Board

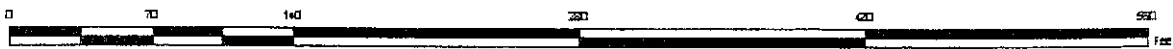
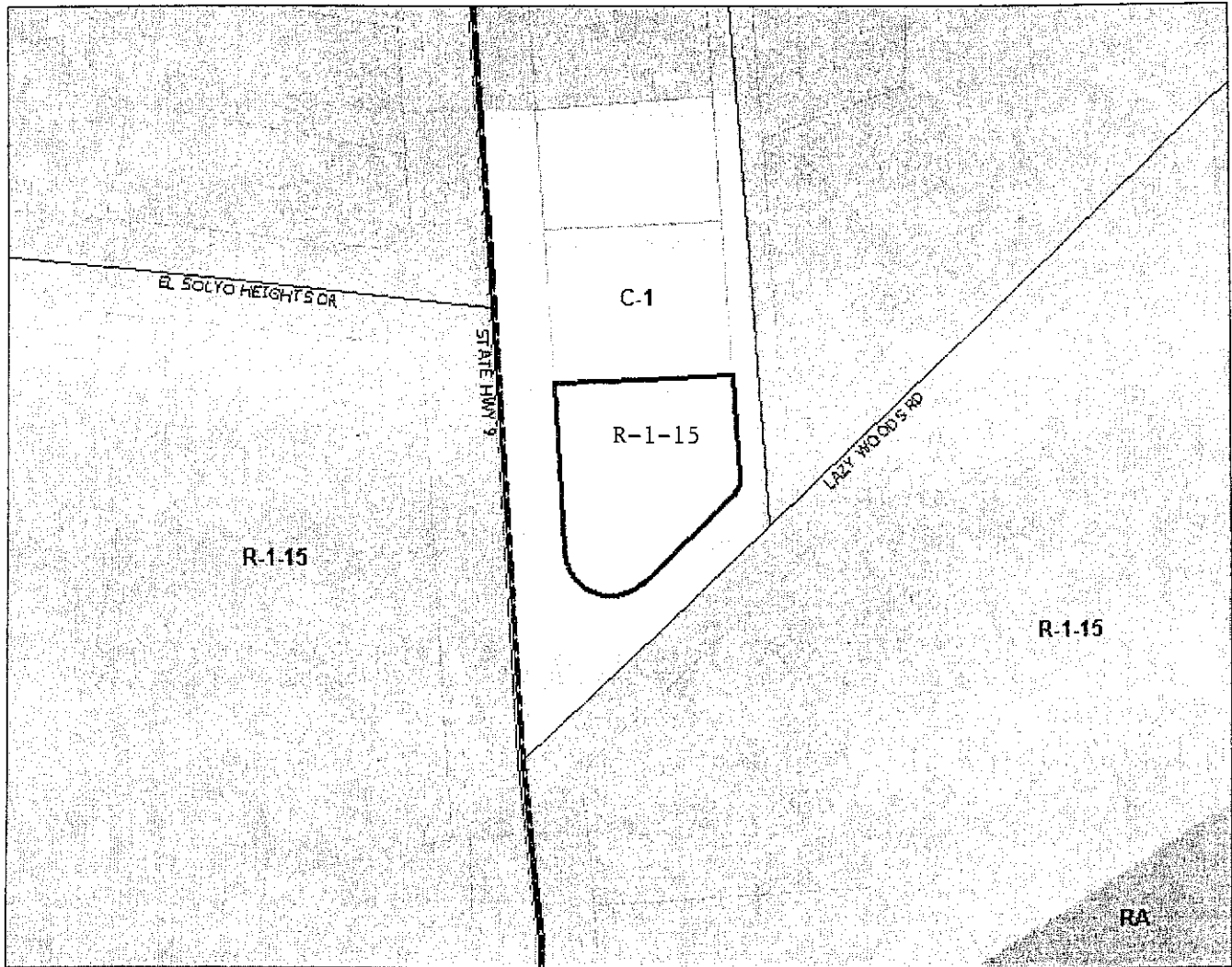
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant County Counsel








Attachment 1: Zoning **Map** with Proposed New Zoning Designation

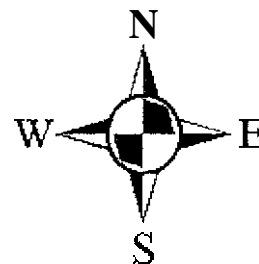
DISTRIBUTION: County Counsel  
Planning Dept.  
Assessors Office  
County GIS

# Zoning Map



## Legend

-  APN 071-061-01
-  Assessors Parcels
-  Streets
-  State Highways
-  COMMERCIAL-NEIGHBORHOOD(C-1)
-  RESIDENTIAL-SINGLEFAMILY (R-1)
-  AGRICULTURE RESIDENTIAL (RA)



Map Created by  
County of Santa Cruz  
Planning Department  
November 2005

**Rezoning Findings**

as

Required Under County Code Section 13.10.215

1. The proposed zone district **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

This finding can be made because the General Plan land use designation of the subject parcel (APN 071-061-01) is being changed from Neighborhood Commercial (C-N) to Suburban Residential (R-S) to reflect the existing and best use of the parcel, thus the proposed rezoning from Neighborhood Commercial (C-1) to Single-family Residential (R-1-15) will be consistent with the new General Plan land use designation.

2. The proposed zone district is appropriate of the level of utilities and community service available to the land; and

This finding can be made because the level of utilities and community service available to the subject parcel is appropriate for the existing residential use, is a lower level than that required of a commercial use, and thus it is appropriate to rezone it from C-1 to R-1-15.

3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

This finding can be made because since at least 1988 the house on the subject parcel has been used solely for residential purposes. Prior to that, part of the dwelling had been used for a commercial enterprise, despite the fact that the parcel does not have adequate access from Highway 9, thus making it inappropriate for commercial use.



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> 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: Victor M. Quiroz

APPLICATION NO.: N/A (Quiroz Property Rezoning)

APN: 071-061-01

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.)

\_\_\_\_\_ Mitigations will be attached to the Negative Declaration.

XX 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 Paia Levine, Environmental Coordinator at (831) 454-3178, 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: January **20,2006**

Frank Barron  
Staff Planner

Phone: 454-2530

Date: December 14,2005

COUNTY OF SANTA CRUZ  
PLANNING DEPARTMENT

Date: November 10, 2005  
Staff Planner: Frank Barron

# ENVIRONMENTAL REVIEW INITIAL STUDY

APPLICANT: Victor M. Quiroz  
SUPERVISORAL DISTRICT: 5th  
OWNER: Victor M. Quiroz  
APPLICATION NO: N/A  
LOCATION: 7353 Highway 9

APN: 071-061-01

## EXISTING SITE CONDITIONS

Parcel Size: 9,192 sq. ft.  
Existing Land Use: Non-conforming single family residence  
Vegetation: Redwood forest  
Slope: +/- 5%  
Nearby Watercourse: San Lorenzo River  
Distance To: Approx. 300 ft.  
Rock/Soil Type: Lompico-Felton Complex, 5-30% Slopes

## ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Groundwater Supply: None Mapped	Liquefaction: Negligible Potential
Water Supply Watershed: Yes (San Lorenzo)	Fault Zone: None Mapped
Groundwater Recharge: Yes (portion)	Scenic Corridor: None Mapped
Timber or Mineral: None Mapped	Historic: None Mapped
Agricultural Resource: None Mapped	Archaeology: None Mapped
Biologically Sensitive Habitat: Yes (portion)	Noise Constraint: None Mapped
Fire Hazard: None Mapped	Electric Power Lines: None
Floodplain: No (FEMA Zone C)	Solar Access: Adequate
Erosion: Negligible Potential	Solar Orientation: Level
Landslide: None Mapped	Hazardous Materials: None

## SERVICES

Fire Protection: Felton Fire Dept.  
School District: SLWSD  
Sewage Disposal: On septic system

Drainage District: Zone 8  
Project Access: Lazy Woods Drive  
Water Supply: SLVWD

## PLANNING POLICIES

Zone District: C-1  
General Plan: Neighborhood Commercial  
Urban Services Line:        Inside  
Coastal Zone:        Inside

Special Designation: No

  X   Outside  
  X   Outside

## **PROJECT SUMMARY DESCRIPTION:**

Changing the General Plan land use designation and zoning of APN 071-061-01 from commercial to residential.

## **PROJECT SETTING AND BACKGROUND:**

**Setting:** The project site is located in the northern portion of the San Lorenzo Valley town of Felton, across State Highway 9 from San Lorenzo Valley High School, at the NE intersection of Highway 9 and Lazy Woods Road, and across from the Highway 9 intersection with El Solyo Heights Drive. It is surrounded on the east by single family homes on similarly sized parcels zoned R-1-15 (Single-Family Residential, 15,000 s.f. minimum lot size) and with a R-S (Suburban Residential) General Plan land use designation. Adjacent to the north are two similarly sized parcels, also fronting on Highway 9, that are zoned C-1 (Neighborhood Commercial) and with a C-N (Neighborhood Commercial) General Plan designation.

Natural vegetation in the area is primarily redwood-dominant evergreen forest. The San Lorenzo River and its riparian corridor lie approximately 300-feet to the southeast of the site.

**Background:** The proposed project involves the change of the General Plan land use designation of the subject property from C-N (Neighborhood Commercial) to R-S (Suburban Residential) and a rezoning from C-1 (Neighborhood Commercial) to R-1-15 (Single-family Residential – 15,000s.f. minimum lot size). This parcel is zoned commercial despite the fact that it has a (non-conforming) house built upon it and has been used solely as a residence continuously since at least 1988. As part of a 2003 Planning Department effort to rezone non-conforming parcels along Highway 9, this parcel was to be rezoned from C-1 to R-1-15. However, the owner at that time specifically requested that the C-1 zoning be retained, and the Planning Department honored that request.

## **DETAILED PROJECT DESCRIPTION:**

This project consists of a General Plan Amendment for APN 071-061-01, located at 7354 Highway 9 in Felton (at the NE of intersection of Hwy. 9 and Lazy Woods Rd.), that would change the General Plan land use designation from Neighborhood Commercial (C-N) to Suburban Residential (R-S), and a rezoning of the parcel from Neighborhood Commercial (C-1) to Single Family Residential - 1,500 sq. ft. minimum lot size (R-1-15). This change is consistent with the current solely residential use of the property (i.e., a single family dwelling). The site is 9,192 s.f. in size and has no frontage access to Highway 9, making it an inappropriate site for a commercial use.

## **DISCUSSION:**

The subject property is used as a residence despite its commercial-zoning designation. As such, the proposed rezoning and General Plan land use designation change to residential would not

result in any new environmental impacts. However, if the current commercial designation is retained, it is possible that a commercial use could occur on the site in the future. Any future use of the subject parcel that is consistent with the commercial designation would likely result in an intensification of the use, and perhaps of environmental impacts as well. For example, commercial uses generally generate a greater number of vehicle trips than residential uses, have higher water use rates, create more impervious surfaces that restrict groundwater recharge and increase runoff, and create greater loads on sanitary systems. Rezoning to a residential designation will, therefore, in general either be benign relative to potential environmental impacts, or create environmental benefit. Specific potential impacts are discussed in the body of the checklist.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
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## **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

All of Santa Cruz County is subject to some hazard from earthquakes. However, the proposed project would not involve in **my** change to the existing use of the property and would limit the future use to residential rather than commercial. This will tend to lessen the exposure of people to geologic and/or geotechnic hazards.

- b. Seismic ground shaking?

\_\_\_\_\_ X

See comment A-1-a.

- c. Seismic-related ground failure, including liquefaction?

\_\_\_\_\_ X

See comment A-1-a.

- d. Landslides?

\_\_\_\_\_ X

See comment A-1-a.

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

See comment A-1-a.



Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
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4. Result in soil erosion or the substantial loss of topsoil? \_\_\_\_\_ X

Since the proposed project would not involve in any change to the existing use of the property or any additional ground disturbance, no additional erosion from the site shall be created.

5. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to property? \_\_\_\_\_ X

The project site's soil type (Lompico-Felton complex) is not considered an expansive soil type.

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

Since the proposed project would not involve in any change to the existing use of the property or the installation of any new septic systems, and residential uses create smaller septic loads than commercial uses, there will be no new septic system-related impacts created by the project.

7. Result in coastal cliff erosion? \_\_\_\_\_ X

Project site is not located adjacent to, or otherwise near, a coastal cliff.

### **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

Project site is not located within a floodway or the 100-year floodplain

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

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
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See comment B-1

3. Be inundated by a seiche or tsunami? \_\_\_\_\_ X

The subject parcel is not located in a potential tsunami inundation zone

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

The subject property is partially within a mapped ground-water recharge area. The area is served by the San Lorenzo Valley Water District (SLVWD). Since the proposed project would not involve in any change to the existing use of the property or any additional water use, and residential uses generally create less impermeable surface than commercial uses do, there should be no water supply or groundwater recharge impacts from the project.

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

See comment B-4. No commercial or industrial activities are proposed that would generate a significant amount of contaminants to a public or private water supply.

6. Degrade septic system functioning? \_\_\_\_\_ X

See comment A-6. The proposed project will not include the installation of any additional septic systems at the proposed building site.

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 existing drainage pattern will not be altered by the proposed project. All runoff will be collected and discharged into the same drainage area that the project site has drained to prior to the proposed project. Further, the change in zoning makes new impervious surfaces less likely.

Significant Or Potentially Significant impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
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- a. 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

See comment B-7.

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

X

See comment R-7

10. Otherwise substantially degrade water supply or quality?

X

### **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

The subject property is partially in a mapped biotic resource area (for Santa Cruz manzanita). However, since the proposed project would not involve in any change to the existing use or area of disturbance of the property, no biotic resource impacts shall be created by the project.

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

X

See comment C-1.

3. Interfere with the movement of any native resident or migratory fish or

X

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
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wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?

The project does *not* propose any activity that will otherwise restrict or interfere with movement of migratory fish or wildlife species.

4. Produce nighttime lighting that will illuminate animal habitats?

X

Exterior lighting on the proposed project will not result in a significant impact to any animal habitat.

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

X

See comment C-1.

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

See comment C-1. No trees are proposed to be removed as a **part** of this project.

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

There are no conservation plans or biotic conservation easements in effect or planned in the project vicinity.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant impact	Not Applicable
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#### 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 does not contain any designated timber resources, nor is it adjacent to timber resource land.

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

The project site does not contain any designated agricultural resources, nor is it adjacent to agricultural resource land.

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 project will not involve the use of large amounts of fuel, water, and energy, or the use of these resources in a wasteful manner.

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

The project will not include or require the substantial extraction or consumption of minerals, energy resources, or other natural 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

While the parcel fronts on Highway 9, a scenic highway, the project does not propose any activity that will obstruct or otherwise degrade the scenic corridor. In general, residential uses create less visual impact than commercial uses.

- X

X

X

X

X

22

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

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

X

No archaeological resources have been identified on the project site.

3. Disturb any human remains, including those interred outside of formal cemeteries?

X

The presence of human remains has not been identified on the project site.

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

X

No paleontological resources have been identified on the project site.

### **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 proposed project will not involve handling or storage of hazardous materials. It is less **likely** for significant quantities of hazamats to be associated with residential development ~~than~~ with commercial development.

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

The project site is not listed as a known hazardous materials site.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

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

The parcel and the project are not located within the Airport Clear Zones and safety hazards for people residing in the project area are low.

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

There are no high-voltage transmission lines on the project site.

5. Create a potential fire hazard? X

The proposed project would not involve any change to the existing use of the property. No new potential fire hazards would be created by the project.

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

The project will not involve processes which could result in the release of bio-engineered organisms or chemical agents.

#### 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

Because the proposed project would not involve any change to the existing use of the property, no additional traffic shall be generated by the project. Further, residential use generates less traffic than commercial uses.



Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

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

X

Adequate parking exists on the project site. Because the proposed project would not involve in any change to the existing use of the property there will be no increase in parking demand. Further, commercial uses require greater amounts of parking areas than do residential uses.

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

X

The proposed project will comply with current road design requirements to prevent potential hazards to motorists, bicyclists, and/or pedestrians.

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

See comment H-1.

### **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

Because the proposed project would not involve any change to the existing use of the property, there will be no increase in noise levels. Further, residential uses generate less noise, in general, than do commercial uses.

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

X

Noise levels at the project site are not anticipated to exceed established standards. See I-1.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
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3. Generate a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

X

See Comment I-1

#### **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

Because the proposed project would not involve any change to the existing use of the property, there will be no detrimental impact on air quality due to the project. Further, residential uses tend to generate fewer pollutants than commercial development.

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

X

See Comment J-1. The proposed project does not include activities that could conflict with or obstruct any adopted air quality plan.

3. Expose sensitive receptors to substantial pollutant concentrations?

X

See Comment J-1. The proposed project does not include activities that could generate a substantial concentration of pollutants.

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

X

See Comment J-1. The proposed project does not include activities that could emit potentially objectionable odors.

#### **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

significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

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

Because the proposed project would not involve any change to the existing use of the property, there will be no additional impact on fire protection services due to the project.

b. Police protection? X

Because the proposed project would not involve any change to the existing use of the property, there will be no additional impact on police protection services due to the project.

c. Schools? X

Because the proposed project would not involve any change to the existing use of the property, there will be no additional impact on area schools due to the project.

d. Parks or other recreational activities? X

Because the proposed project would not involve any change to the existing use of the property, there will be no additional impact on parks or recreational services due to the project.

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

Because the proposed project would not involve any change to the existing use of the property, there will be no additional impact on other public facilities due to the project.

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

Because *the* proposed project would not involve any change to the existing use of the property, there will be no additional impact on the storm drainage system due to the project. The project will drain to existing drainage facilities, which **are** adequate to accommodate the volume of runoff generated. Further, residential uses tend to generate less runoff than do commercial uses.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

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

Because the proposed project would not involve any change to the existing use of the property, and that existing use is served by a septic system, there will be no additional impact on wastewater treatment facilities due to the project.

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

X

See Comment K-3.

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

X

Because the proposed project would not involve any change to the existing use of the property, there will be no additional impact on water supplies due to the project. Further, residential water use tends to be less than commercial water use.

6. Result in inadequate access for fire protection?

X

Because the proposed project would not involve any change to the existing use of the property, there will be no impact on fire protection access due to the project.

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

X

Because the proposed project would not involve any change to the existing use of the property, there will be no additional impact on landfill capacity due to the project.

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

X

The project will not include any activity that would result in a breach of statutes or regulations related to solid waste management.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Impact	Not Applicable
---	---	------------------------------------	----------------

### **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 proposed project does not conflict with any policies adopted for the purpose of avoiding or mitigating an environmental effect.

2. Conflict with any County Code regulation adopted for the purpose of avoiding or mitigating an environmental effect?

X

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 will not include any element that will 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

Because the proposed project would not involve any change to the existing use of the property, and does not involve extensions of utilities, there will be no direct *or* indirect growth inducing effects caused by the project. Use of the property will likely be less intense with the change in zoning.

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

X

Because the proposed project would not involve any change to the existing use of the property, and does not entail a gain in housing units nor will involve demolition of any existing housing units, there will be no population of housing displacement due to the project.

**M. Non-Local Approvals**

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

Yes                      No      X

**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, 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

## TECHNICAL REVIEW CHECKLIST

	<u>REQUIRED</u>	<u>COMPLETED*</u>	<u>N/A</u>
Agricultural Policy Advisory Commission (APAC) Review	_____	_____	<u>X</u>
Archaeological Review	_____	_____	<u>X</u>
Biotic Report/Assessment	_____	_____	<u>X</u>
Geologic Hazards Assessment (GHA)	_____	_____	<u>X</u>
Geologic Report	_____	_____	<u>X</u>
Geotechnical (Soils) Report	_____	_____	<u>X</u>
Riparian Pre-Site	_____	_____	<u>X</u>
Septic Lot Check	_____	_____	<u>X</u>
Other:	_____		
	_____		

\*Attach summary and recommendation from completed reviews

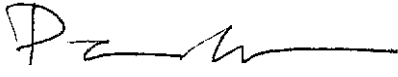
List any other technical reports or information sources used in preparation of this initial study:

### ENVIRONMENTAL REVIEW ACTION

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ 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 mitigation measures described below have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find the proposed project **MAY** have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

12/16/05  
Date

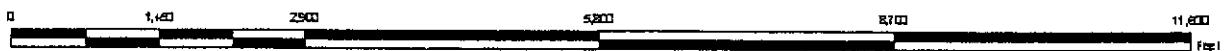
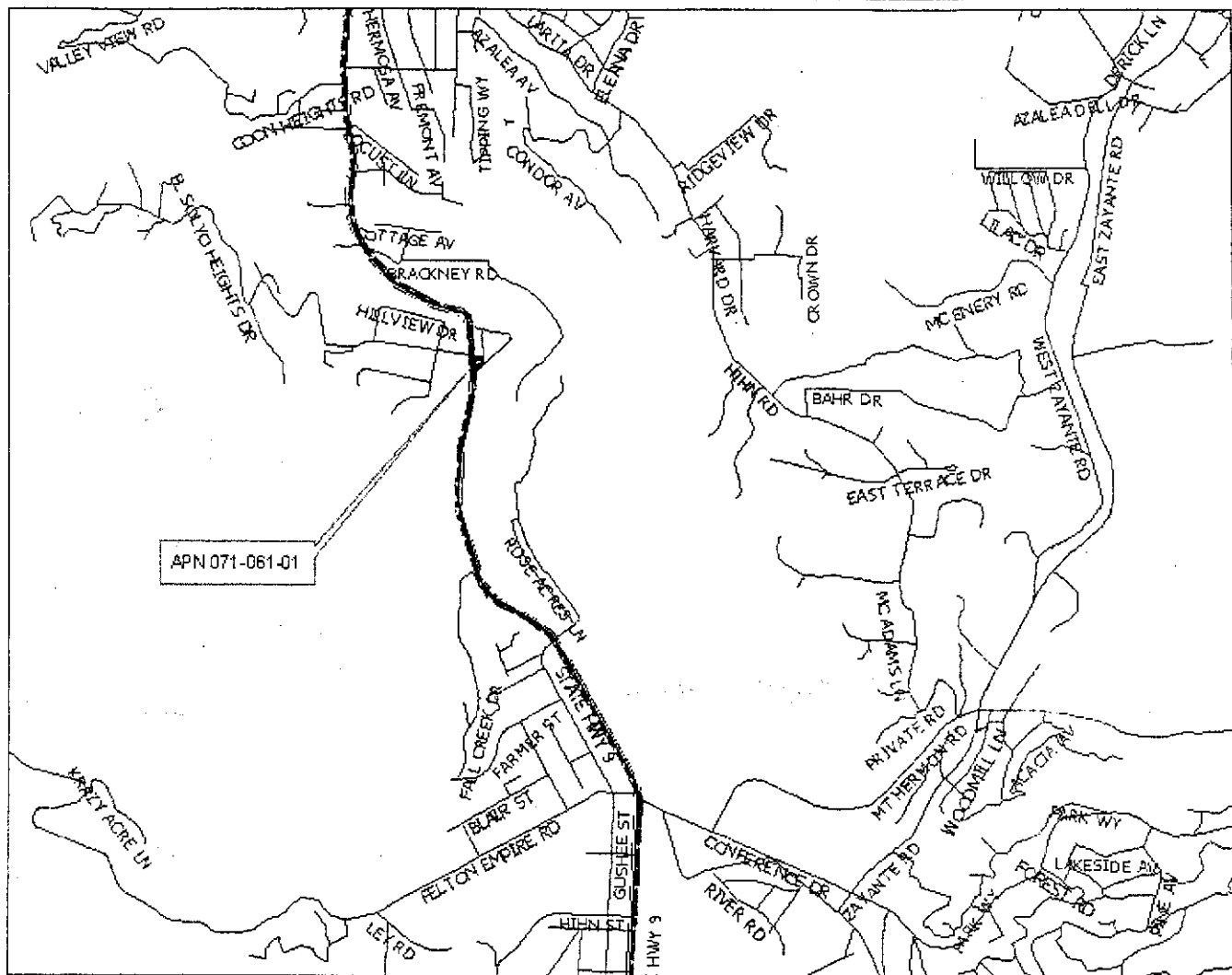
  
Signature  
Paula Levine  
For: Ken Hart  
Environmental Coordinator

Attachments:




1. Vicinity Map
2. Assessor's Parcel Map
3. Map of Zoning Districts
4. Map of General Plan Designations



# Location Map



## Legend

-  APN 071-061-01
-  Streets
-  State Highways



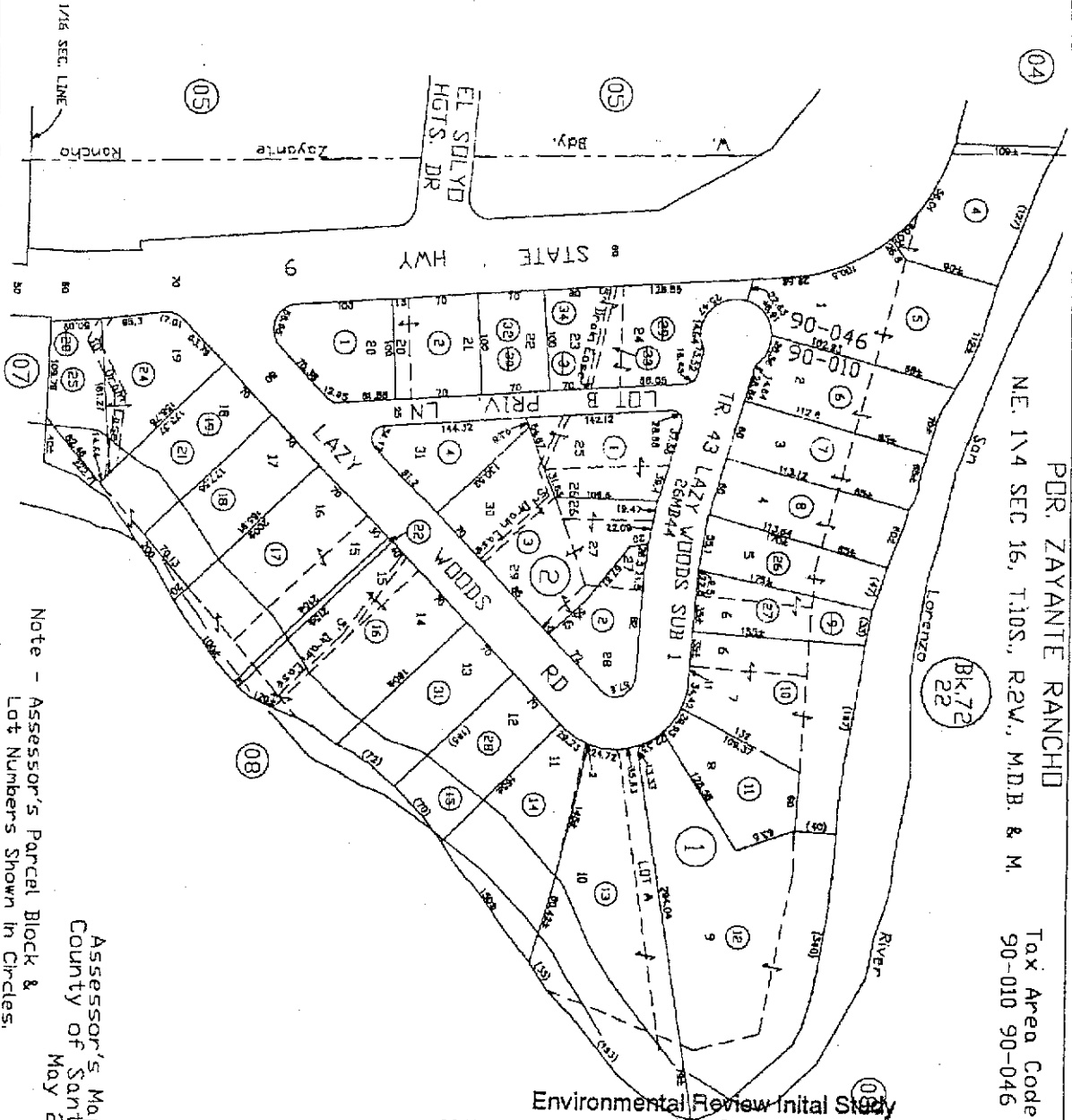
Environmental Review Initial Study  
 ATTACHMENT 1  
 APPLICATION NA (Quiroz)  
Property Rezoning

Map Created by  
 County of Santa Cruz  
 Planning Department  
 November 2005

Electronically Approved 5/11/00 Jss

FOR TAX PURPOSES ONLY

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Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

Assessor's Map No. 71-06  
County of Santa Cruz, Calif.  
May 2000

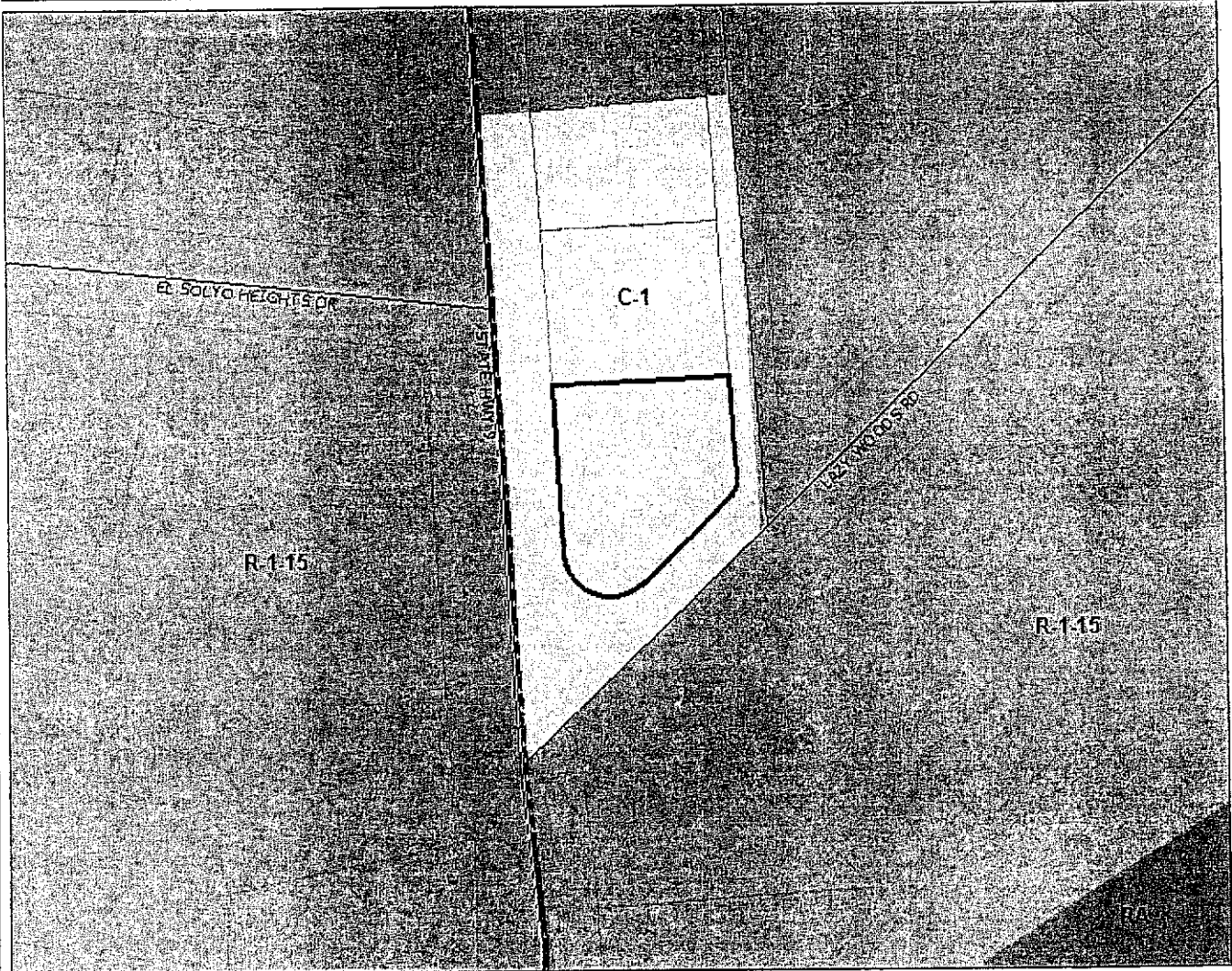
Environmental Review Initial Study  
ATTACHMENT 2  
APPLICATION N/A (Quiroz Property Rezoning)

PDR ZAYANTE RANCH  
NE 1/4 SEC 16, T10S, R2W, M.D.B. & M.

Tax Area Code  
90-010 90-046

71-06

# Zoning Map



## Legend

-  APN 071-061-01
-  Assessors Parcels
-  Streets
-  State Highways
-  COMMERCIAL-NEIGHBORHOOD (C-1)
-  RESIDENTIAL-SINGLEFAMILY (R-1)
-  AGRICULTURE RESIDENTIAL (RA)

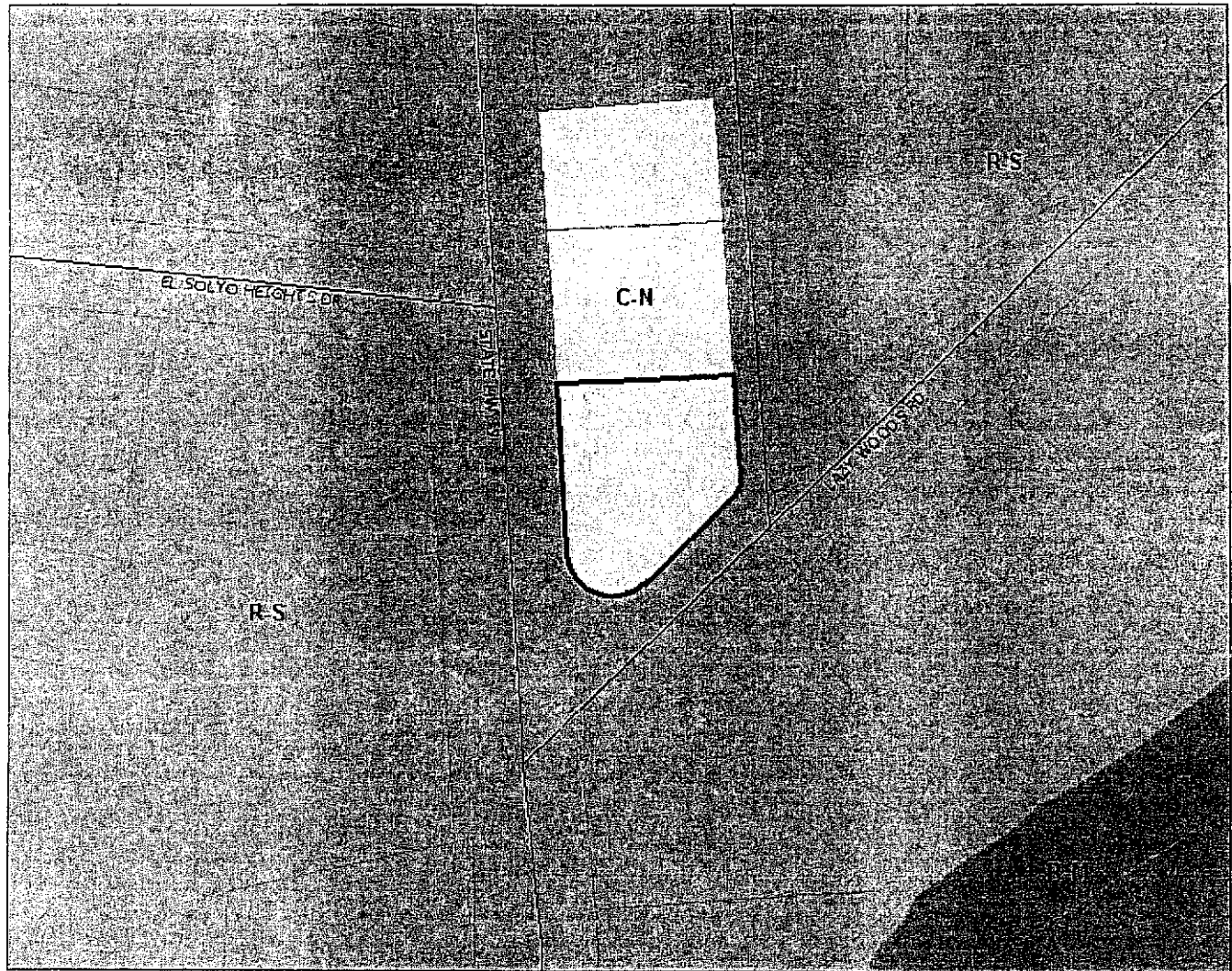


Environmental Review Initial Study  
 ATTACHMENT 3  
 APPLICATION N/A (Quiroz Property  
 Rezoning).

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 Planning Department  
 November 2005



# General Plan Designation Map



## Legend

- APN 071-061-01
- Assessors Parcels
- State Highways
- Streets
- Commercial-Neighborhood (CN)
- Residential-Suburban (R-S)
- Residential-Mountain (R-M)



Environmental Review Initial Study  
 ATTACHMENT 4  
 APPLICATION *U/A (Givroz Property Rezoning)*

Map Created by  
 County of Santa Cruz  
 Planning Department  
 November 2005



EXHIBIT F

# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTACRUZ, CA 95060-4069

(831) 454-2200 FAX (831) 454-3262 TDD: (831) 454-2123

**JANET K. BEAUTZ**  
FIRST DISTRICT

**ELLEN PIRIE**  
SECOND DISTRICT

**MARDI WORMHOUDT**  
THIRD DISTRICT

**TONY CAMPOS**  
FOURTH DISTRICT

**MARK W. STONE**  
FIFTH DISTRICT

AGENDA: 4/19/05

April 12, 2005

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

Dear Members of the Board:

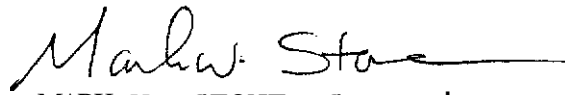
As you are aware, in late 2003, the Board completed a number of rezonings and General Plan amendments for properties along the Highway 9 corridor in the San Lorenzo Valley. That work resolved a number of long-standing problems with regard to General Plan, zoning, and land use consistencies in that area and was well received by the community. It has recently come to my attention, however, that there may be problems with regard to one of the affected properties, APN 071-061-01. As I understand it, this property had its zoning and General Plan designation changed from residential to commercial at the request of the then-property owner. That property has since been sold and it has become apparent that the land use changes are causing significant problems for the current owner as the uses on the property are solely residential in nature.

I have consulted with our Planning Director on how best to resolve this issue and he has suggested that, given the facts, it appears that this General Plan change and rezoning, in spite of it being requested by the property owner, should not have been honored given its inconsistency with the current land uses. He therefore believes that it was processed in error and should be corrected.

BOARD OF SUPERVISORS  
April 12, 2005  
Page 2

I am therefore requesting that the Board direct Planning staff to process a Board-initiated General Plan amendment and rezoning for this property to return it to its previous residential designation.

Sincerely,

A handwritten signature in cursive script that reads "Mark W. Stone". The signature is written in dark ink and is positioned above the printed name.

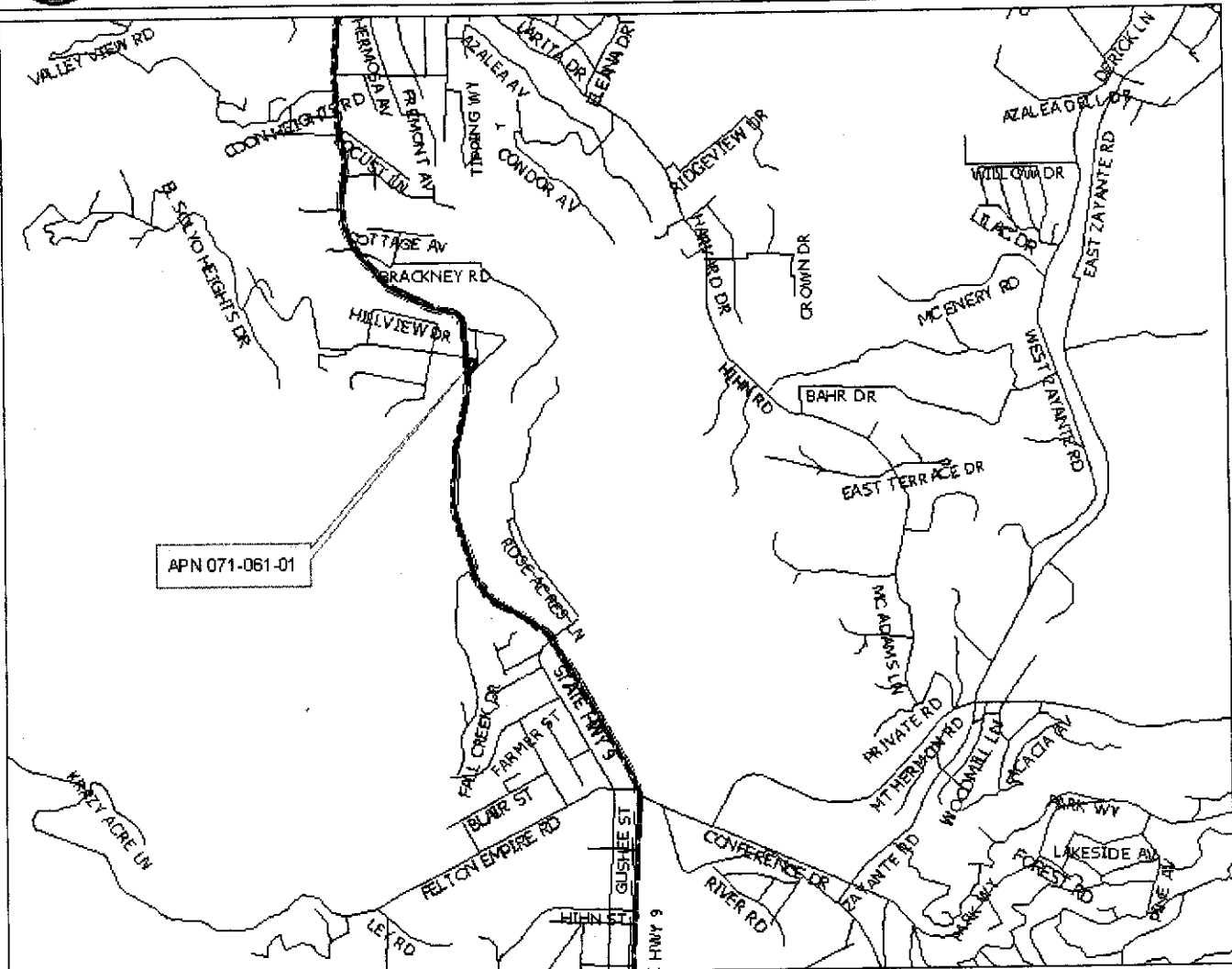
MARK W. STONE, Supervisor  
Fifth District

MWS :pmp




✓ cc: Planning

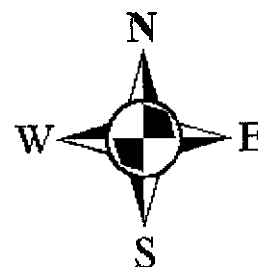
1596B5

## Location Map



### Legend

-  APN 071-061-01
-  Streets
-  State Highways

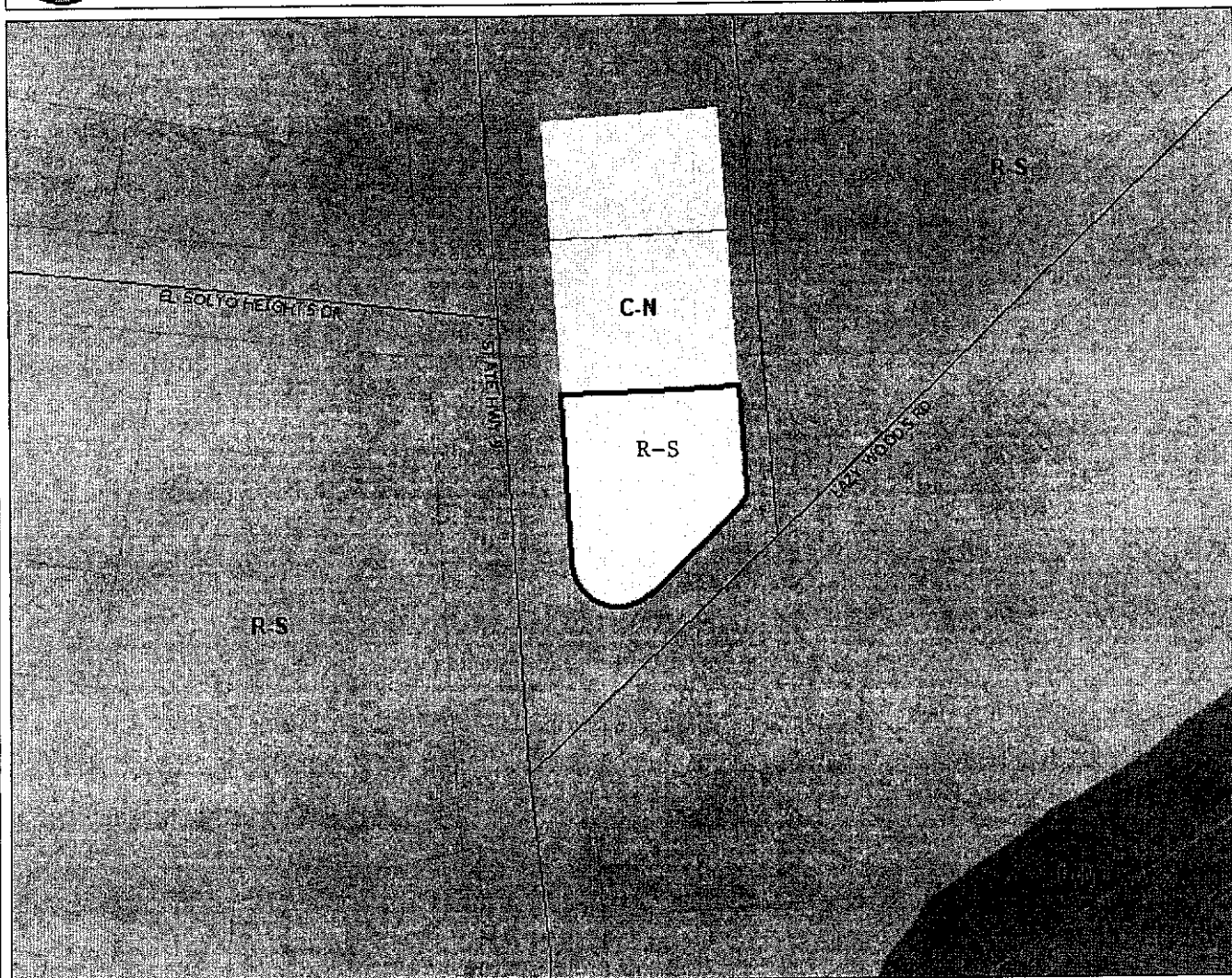


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Planning Department  
November 2005










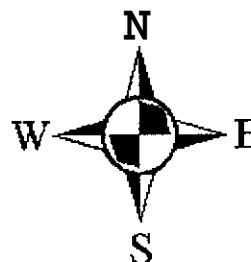


# General Plan Designation Map



## Legend

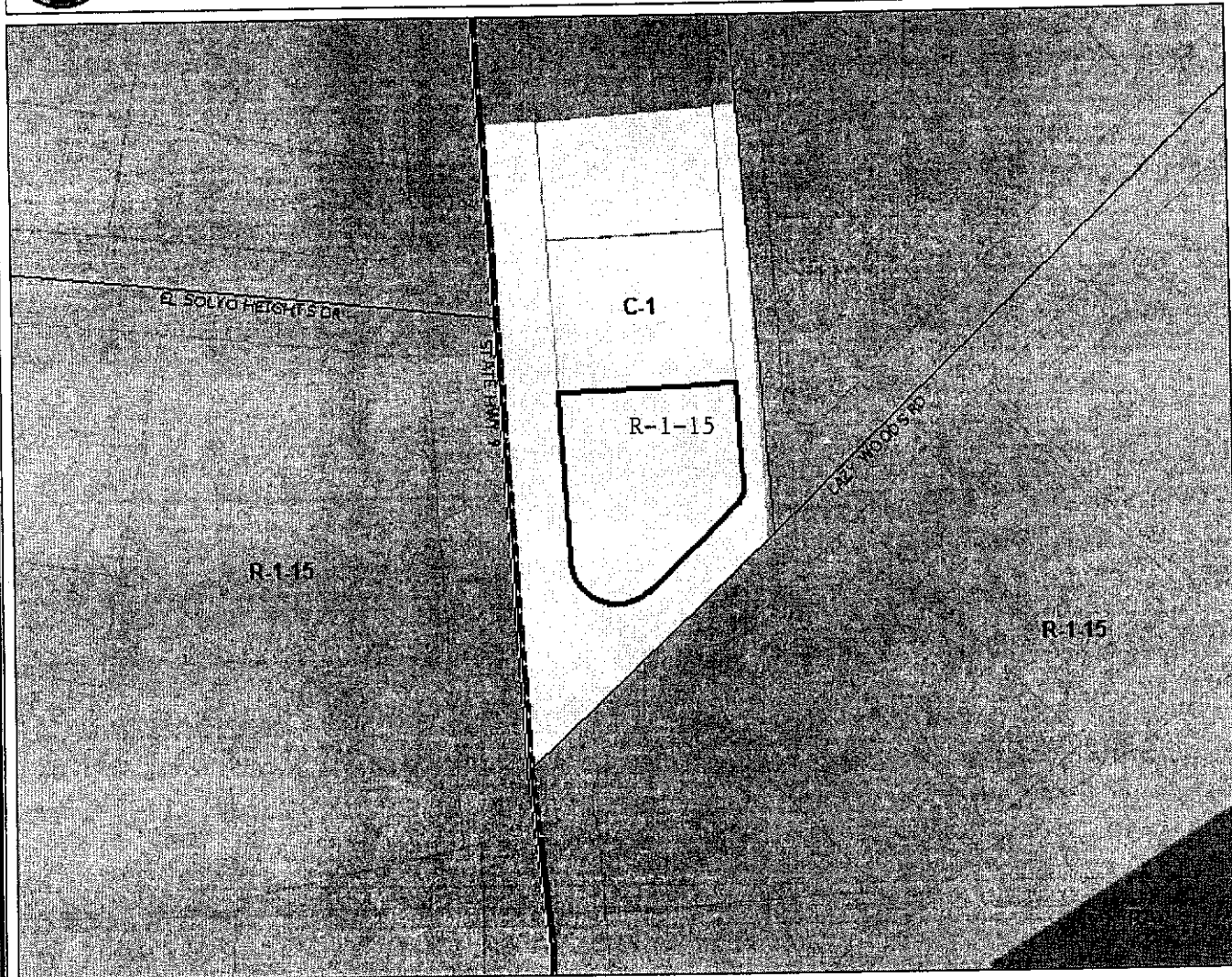
-  APN 071-061-01
-  Assessors Parcels
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-  Commercial-Neighborhood (C-N)
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-  Residential-Mountain (R-M)



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November 2005

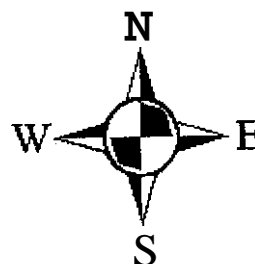


# Zoning Map



## Legend

-  APN 071-061-01
-  Assessors Parcels
-  Streets
-  State Highways
-  COMMERCIAL-NEIGHBORHOOD (C-1)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  AGRICULTURE RESIDENTIAL (RA)



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County of Santa Cruz  
Planning Department  
November 2005