



## Staff Report to the Planning Commission

Application Number: **09-0062**

**Applicant:** County of Santa Cruz  
**Owner:** BK Properties  
**APN:** 039-062-06

**Agenda Date:** 4/29/09  
**Agenda Item #:** 7  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to amend the General Plan and zoning of a 1.55 acre parcel to reflect the land use designations in place prior to approval of Application 06-0651 in December, 2007. Such action will result in the rescission of all Project-level approvals approved for Application No. 06-0651, including a Subdivision, Residential Development Permit, and Roadway/Roadside Exception.

Requires a General Plan Amendment from R-UM (Urban Medium Density Residential) and O-U (Urban Open Space) to R-UVL (Urban Very Low Density Residential), and a Rezoning from RM-4 (Multi-family residential - 4,000 square feet minimum) to R-1-1AC (Single family residential - 1 acre minimum).

**Location:** Property located on the northeast corner of Soquel Drive and Haas Drive.  
(6851 Soquel Drive, Aptos)

**Supervisory District:** 2nd District (District Supervisor: Ellen Pirie)

**Permits Required:** General Plan Amendment, Rezoning

### Staff Recommendation:

- Adopt the attached resolution (Exhibit D), sending a recommendation to the Board of Supervisors for **Approval** of Application Number **09-0062**, based on the attached findings and this report, and recommend certification of the environmental determination per the requirements of the California Environmental Quality Act.

### Exhibits

- |    |   |    |   |
|----|---|----|---|
| A. | Findings  | D. | Planning Commission Resolution,                   |
| B. | Categorical Exemption (CEQA determination)          |    | Ordinance, Rezoning & General Plan Amendment maps |
| C. | Assessor's parcel map, Zoning map, General Plan map |    |   |

### Parcel Information

Parcel Size: 1.55 acres  
Existing Land Use - Parcel: Single family dwelling (former office use)  
Existing Land Use - Surrounding: Single & multi-family residential neighborhood  
Project Access: Soquel Drive & Haas Drive  
Planning Area: Aptos  
Land Use Designation: R-UM (Urban Medium Density Residential)  
& O-U (Urban Open Space)  
Zone District: RM-4 (Multi-family Residential - 4,000 square feet minimum)  
Coastal Zone: ☐ Inside ☒ Outside

### Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside  
Water Supply: Soquel Creek Water District  
Sewage Disposal: Santa Cruz County Sanitation District  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: Zone 6 Flood Control District

### History

Application 06-0651 (General Plan Amendment, Rezoning, Subdivision, Residential Development Permit, Riparian Exception, Roadway/Roadside Exception) was reviewed by your Commission at a public hearing on 11/14/07. This proposal to construct 10 townhouses was recommended by your Commission to the Board of Supervisors for approval. The Board received your recommendation and approved the application at a public hearing on 12/11/07. During the public hearings, neighbors and concerned citizens stated their concerns, including but not limited to, the riparian corridor buffer exception and the calculation of development density. After the Board action, these outside parties filed suit against the developer and the County regarding the proposed development. Although the Superior Court never ruled on the merits of the case, the developer decided against moving forward with the Project. As part of the settlement of the litigation, the County agreed to process an application to rescind all approvals and return the project site to its land use planning status prior to the Board's approvals in December, 2007. As part of the settlement, the developer has agreed to surrender their approvals to develop the property. Even though the development approvals have been surrendered, the General Plan amendment and rezoning associated with the project are still in effect; hence the need for the current application.

### General Plan Amendment and Rezoning

The proposed General Plan amendment and rezoning (as indicated in Exhibit D) will return the land use designations on the subject property to those that were in place prior to the approval of Application 06-0651 in 2007. If approved, this change will be consistent with the intent of settlement agreement between the County, the property owner, and outside parties who opposed the development. In the event the proposed rezoning and general plan are not approved, the Settlement Agreement will no longer be in effect and the litigation will resume..

The parcel is currently zoned RM-4 (Multi-family Residential - 4,000 square feet minimum)

zone district and is designated as R-UM (Urban Medium Density Residential) and O-U (Urban Open Space) in the General Plan. This application will rezone the parcel back to the R-1-1AC (Single family residential - 1 acre minimum) zone district and will amend the General Plan land use designation back to R-UVL (Urban Very Low Density Residential). The return to the original zoning and land use designation on this parcel will not have any adverse effect on the surrounding land uses or the natural environment because it will maintain the current status quo.

### **Additional Approvals**

The Subdivision, Residential Development Permit, Riparian Exception, Roadway/Roadside Exception approvals associated with the approval of Project 06-0651 (the "Project-Level Approvals") have been surrendered by the developer as a part of the settlement agreement. In addition, these Project-Level Approvals were dependent upon the General Plan amendment and rezoning of the subject property. These Project-Level Approvals are being rescinded as part of this Application No. 09-0062 and in any event are effectively void once the General Plan Amendment and Rezoning approved under Application No. 06-0651 have been amended so as to rescind them.

### **Environmental Determination**

The proposed amendment to the General Plan land use designation and rezoning of the property will return the property to the land use designation and zone district in place prior to the approval of application 06-0651. No improvements are proposed and no change in existing conditions will occur on the project site as a result of this application. For these reasons, this project qualifies for an exemption to further review under the California Environmental Quality Act (CEQA) because it does not constitute a Project.

### **Conclusion**

Staff recommends approval of the current application as it is consistent with the County's existing Settlement Agreement. It will return the Project property to its status prior to the County's approval of Application 06-0651 in December, 2007.

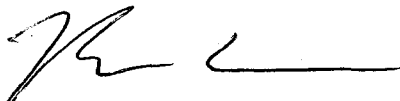
### **Staff Recommendation**

- Adopt the attached resolution (Exhibit D), sending a recommendation to the Board of Supervisors for **Approval** of Application Number **09-0062** based on the attached findings and this report and recommend certification of the environmental determination per the requirements of the California Environmental Quality Act.

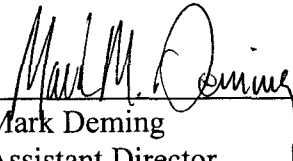
**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.**

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

Report Prepared By: \_\_\_\_\_

  
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Santa Cruz CA 95060  
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E-mail: [randall.adams@co.santa-cruz.ca.us](mailto:randall.adams@co.santa-cruz.ca.us)

Report Reviewed By: \_\_\_\_\_

  
Mark Deming  
Assistant Director  
Santa Cruz County Planning Department

## **General Plan Amendment and Rezoning Findings**

All necessary General Plan Amendment and Rezoning Findings can be made because the General Plan amendment and Rezoning will re-establish the Land Use Designation and Zone District that lawfully existed prior to the County's approval of Application No. 06-0651 and is consistent with the Settlement Agreement entered into by the County.

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 09-0062  
Assessor Parcel Number: 039-062-06  
Project Location: 6851 Soquel Drive

**Project Description:** Proposal to amend the General Plan and zoning of a 1.55 acre parcel to reflect the land use designations in place prior to approval of subdivision application 06-0651

**Person or Agency Proposing Project:** County of Santa Cruz

**Contact Phone Number:** (831) 454-3218

- A. ☒ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☐ **Categorical Exemption**

F. **Reasons why the project is exempt:**

The project will return the property to the land use designation and zone district in place prior to the approval of application 06-0651. No improvements are proposed and no change in existing conditions will occur on the project site; therefore no significant environmental impacts will occur as a result of this application and it is not a Project subject to CEQA review.

\_\_\_\_\_  
Randall Adams, Project Planner

Date: \_\_\_\_\_

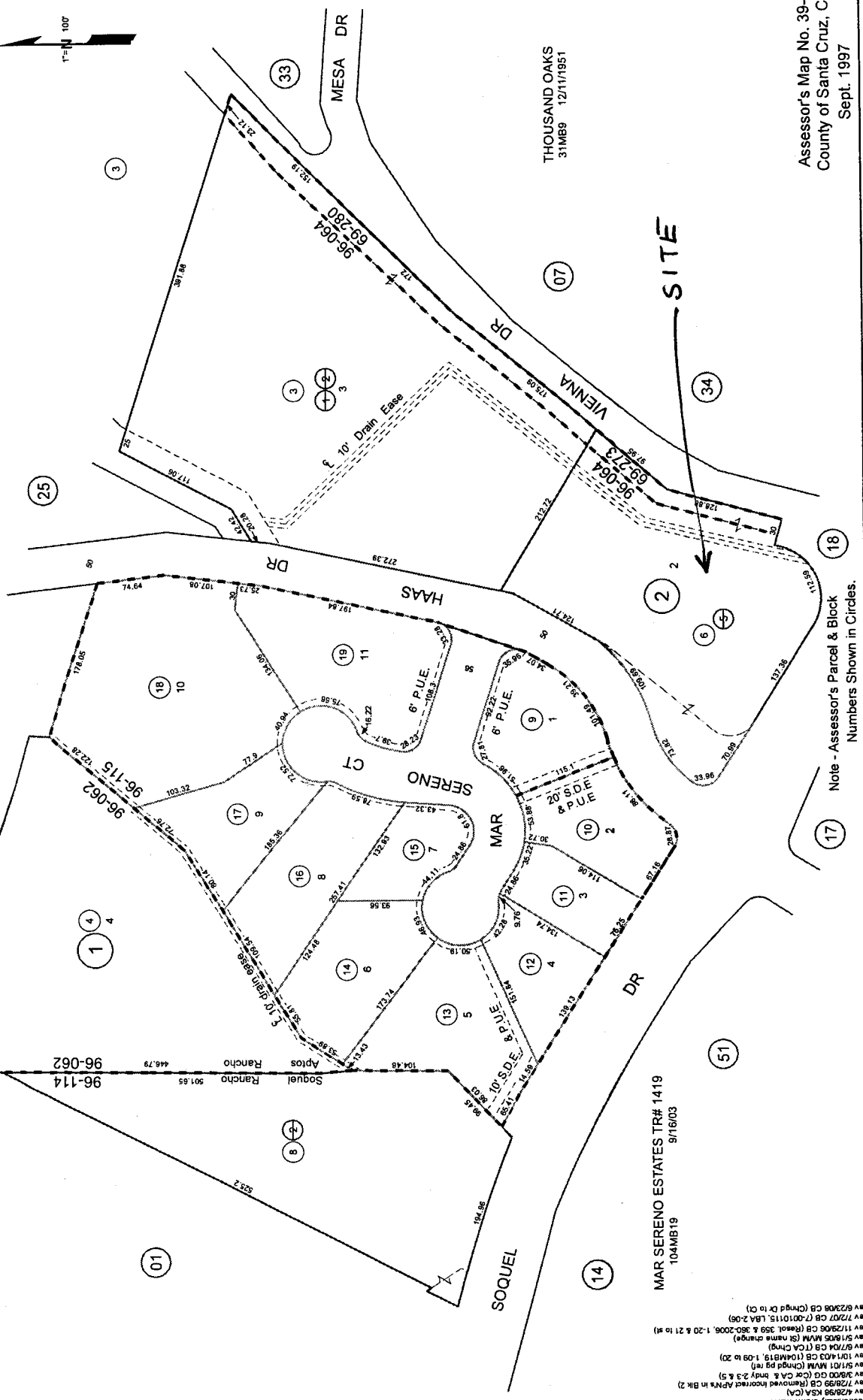
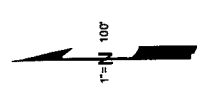
**FOR TAX PURPOSES ONLY**

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**POR SOQUEL & APTOS RANCHOS**  
**SEC. 12, T.11S., R.1W., M.D.B. & M.**

**Tax Area Code**  
69-273 69-280 96-062  
96-064 96-114 96-115

**39-06**



MAR SERENO ESTATES TR# 1419  
104MB19  
9/16/03

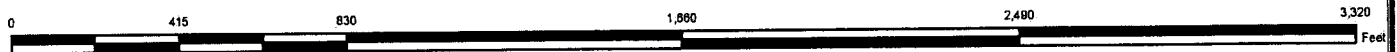
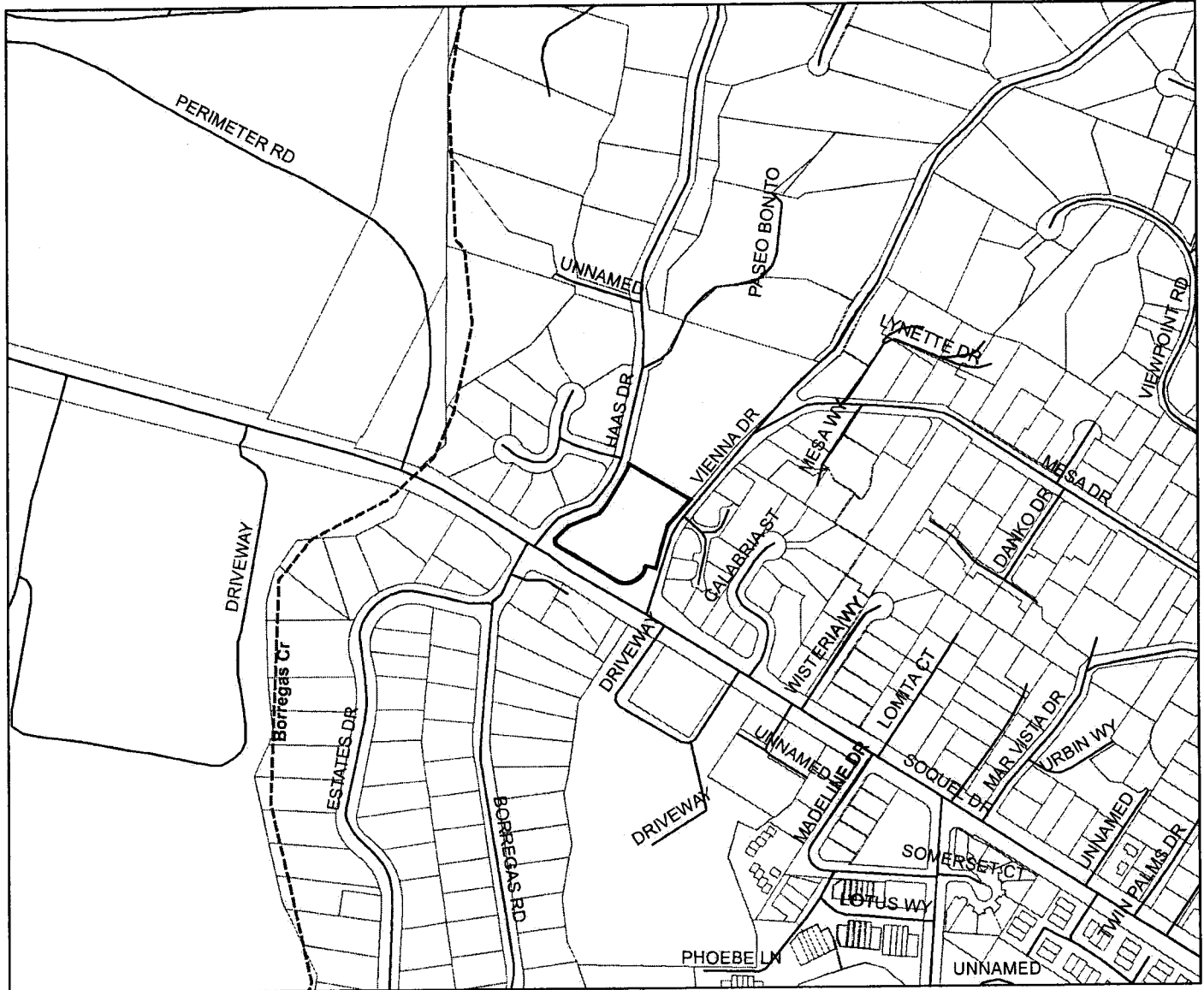
Electronically drawn 1/27/97 WRLP  
Rev 4/28/98 KSA (CA)  
Rev 3/8/00 GJ (Cor C/A & bndy 2.3 & 5)  
Rev 7/20/00 GJ (Removed incorrect APNs in Blk 2)  
Rev 5/1/01 M/M (Chngd pg ref)  
Rev 10/14/03 CB (104MB19, 1-09 to 20)  
Rev 5/17/04 CB (TCA Chng)  
Rev 5/16/05 M/M (St name change)  
Rev 11/29/06 CB (Revol: 359 & 360-2006, 1-20 & 21 to #)  
Rev 7/20/07 CB (7-0010115, LBA 2-06)  
Rev 6/23/08 CB (Chngd Dr to Ct)

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

Assessor's Map No. 39-06  
County of Santa Cruz, Calif.  
Sept. 1997

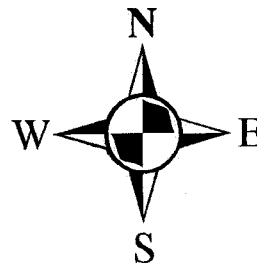


# Location Map



## Legend

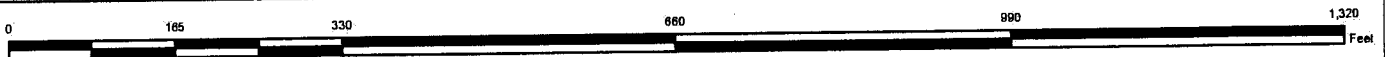
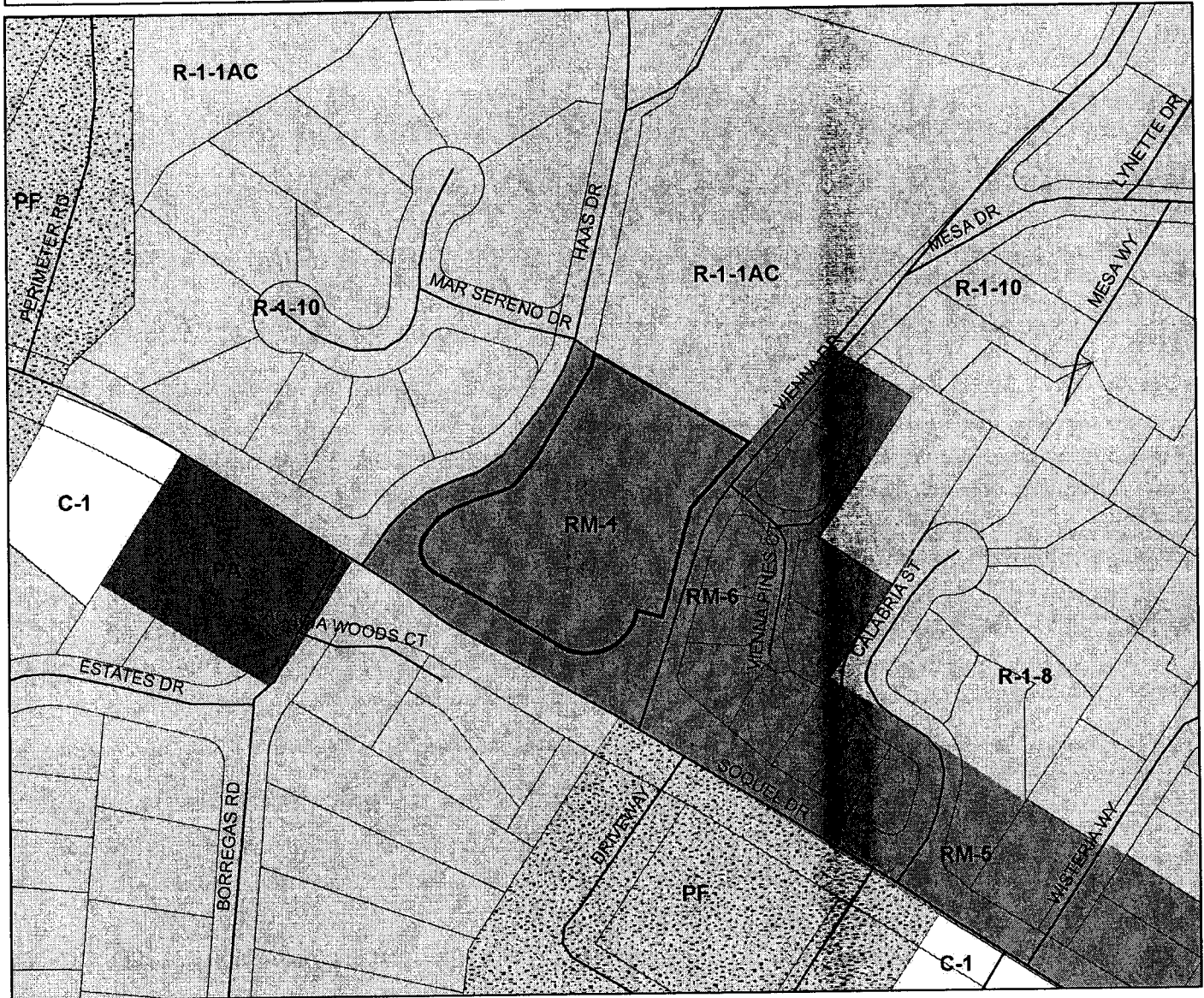
-  APN 039-062-06
-  Assessors Parcels
-  Streets
-  INTERMITTENT STREAM



Map Created by  
County of Santa Cruz  
Planning Department

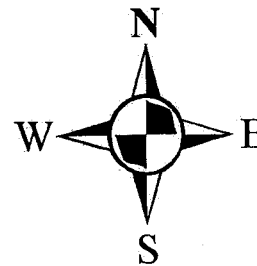


# Zoning Map



## Legend

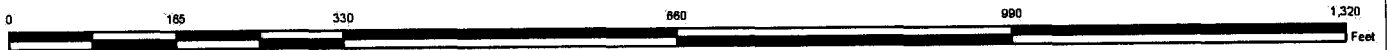
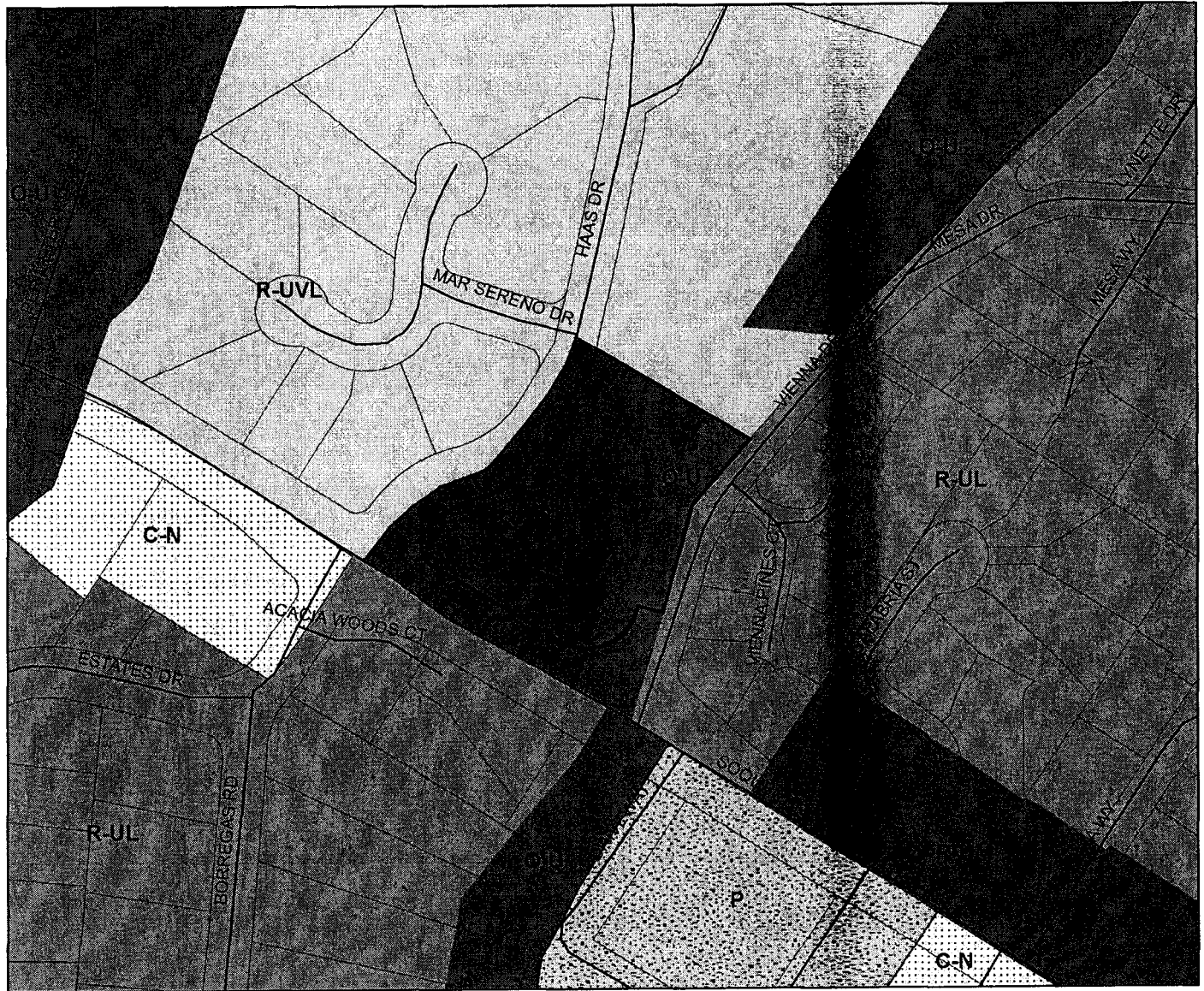
- APN 039-062-06
- Assessors Parcels
- Streets
- RESIDENTIAL-SINGLE FAMILY (R-1)
- RESIDENTIAL-MULTI FAMILY (RM)
- COMMERCIAL-PROF OFFICE (PA)
- PUBLIC FACILITY (PF)
- COMMERCIAL-NEIGHBORHOOD (C-1)



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Planning Department

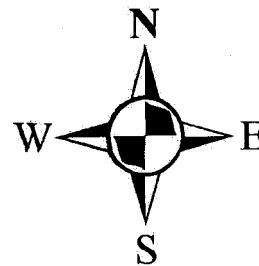


# General Plan Designation Map



## Legend

- APN 039-062-06
- Assessors Parcels
- Streets
- Residential - Urban Very Low Density (R-UVL)
- Residential - Urban Low Density (R-UL)
- Urban Open Space (O-U)
- Residential - Urban Medium Density (R-UM)
- Public Facilities (P)
- Commercial-Neighborhood (C-N)



Map Created by  
County of Santa Cruz  
Planning Department

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

RESOLUTION NO. \_\_\_\_\_

On the motion of Commissioner  
duly seconded by Commissioner  
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION  
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS  
ON PROPOSED AMENDMENTS TO THE GENERAL PLAN AND ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 09-0062, involving property located at 6851 Soquel Drive, Aptos (APN 039-062-06), and the Planning Commission has considered the proposed General Plan amendment, and rezoning, and all testimony and evidence received at the public hearing, and the attached staff report.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached resolution amending the General Plan by changing property from the "R-UM" Urban Medium Density Residential and "O-U" Urban Low Density land use designation(s) to the "R-UVL" Urban Very Low Density land use designation;

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing property from the "RM-4" Multi-Family Residential - 4,000 square foot minimum zone district to the "R-1-1AC" Single Family Residential - 1 acre minimum zone district;

BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in the Report to the Planning Commission.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

\_\_\_\_\_  
Albert Aramburu, Chairperson

ATTEST: \_\_\_\_\_  
MARK DEMING, Secretary

APPROVED AS TO FORM:

  
COUNTY COUNSEL

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

RESOLUTION NO. \_\_\_\_\_

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

RESOLUTION ADOPTING A GENERAL PLAN LAND USE DESIGNATION REFERRED TO AS APPLICATION NO. 09-0062 CONCERNING APN 039-062-06 AND RESCINDING ALL PROJECT-LEVEL APPROVALS RELATING TO PROJECT 06-0651

WHEREAS, the Board of Supervisors for the County of Santa Cruz has held a public hearing on Application No. 09-0062, involving property located within the Aptos planning area, and the Planning Commission has considered the proposed General Plan Land Use Designation Amendment and rezoning, all testimony and evidence received at the public hearing, and the attached staff report; and

WHEREAS, the Board of Supervisors finds that the proposed General Plan Land Use Designation Amendment, as shown on the attached exhibit, is consistent with the County's Settlement Agreement in the *Thousand Oaks Neighbors v. County of Santa Cruz* litigation; and

WHEREAS, the Board of Supervisors has reviewed the environmental determination associated with this project and finds that the General Plan Land Use Designation Amendment has been processed consistent with applicable provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors hereby certifies the environmental determination and adopts the General Plan Land Use Designation Amendment by changing the "Urban Medium Density Residential" and "Urban Open Space" designation for an area, as shown the attached map, to "Urban Very Low Density Residential".

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors rescinds (by separate ordinance) the rezoning which occurred under Application No. 06-0651 and hereby rescinds the Subdivision Approval, Residential Development Permit, Riparian Exception and Roadway/Roadside Exception made under Application No. 06-0651.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by the following vote:

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

\_\_\_\_\_  
Neal Coonerty  
Chairperson of the Board of Supervisors

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

APPROVED AS TO FORM:


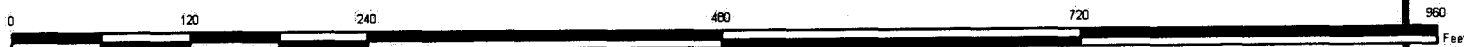
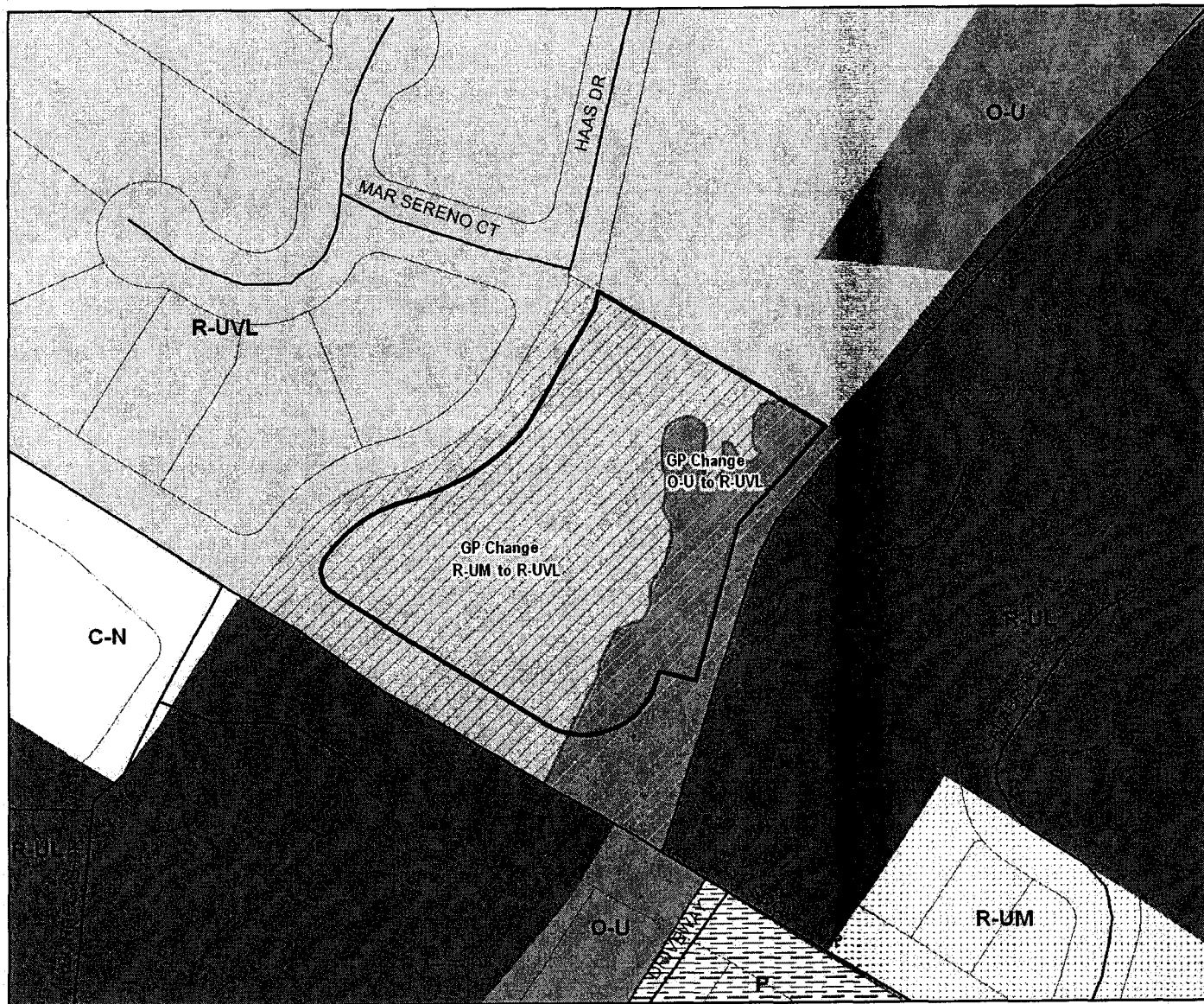
  
\_\_\_\_\_  
COUNTY COUNSEL

Exhibit: General Plan Amendment Map

DISTRIBUTION:      County Counsel  
                         Planning-Randall Adams  
                         Assessor  
                         County GIS

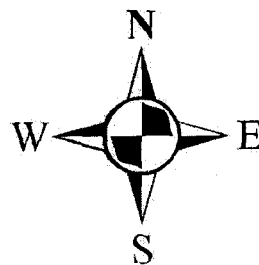


# General Plan Amendment Map



## Legend

- APN 039-062-06
- Streets
- Assessors Parcels
- R-UM to R-UVL
- O-U to R-UVL
- Residential - Urban Very Low Density (R-UVL)
- Urban Open Space (O-U)
- Residential - Urban Low Density (R-UL)
- Residential - Urban Medium Density (R-UM)
- Commercial-Neighborhood (C-N)
- Public Facilities (P)



Map Created by  
County of Santa Cruz  
Planning Department

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

ORDINANCE AMENDING CHAPTER 13  
OF THE SANTA CRUZ COUNTY CODE  
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER

---

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 regarding the property located on the northeast corner of the intersection of Soquel Drive and Haas Drive, at 6851 Soquel Drive, Aptos; finds that the zoning established herein, as shown on the attached exhibit, is consistent with the Settlement Agreement in the *Thousand Oaks Neighbors v. County of Santa Cruz* litigation 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 CEQA Exemption for the project.

SECTION II

1. 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 .

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:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
039-062-06	RM-4	R-1-1AC

SECTION IV

This ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2009, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

\_\_\_\_\_  
Neal Coonerty  
Chairperson of the Board of Supervisors

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

APPROVED AS TO FORM:

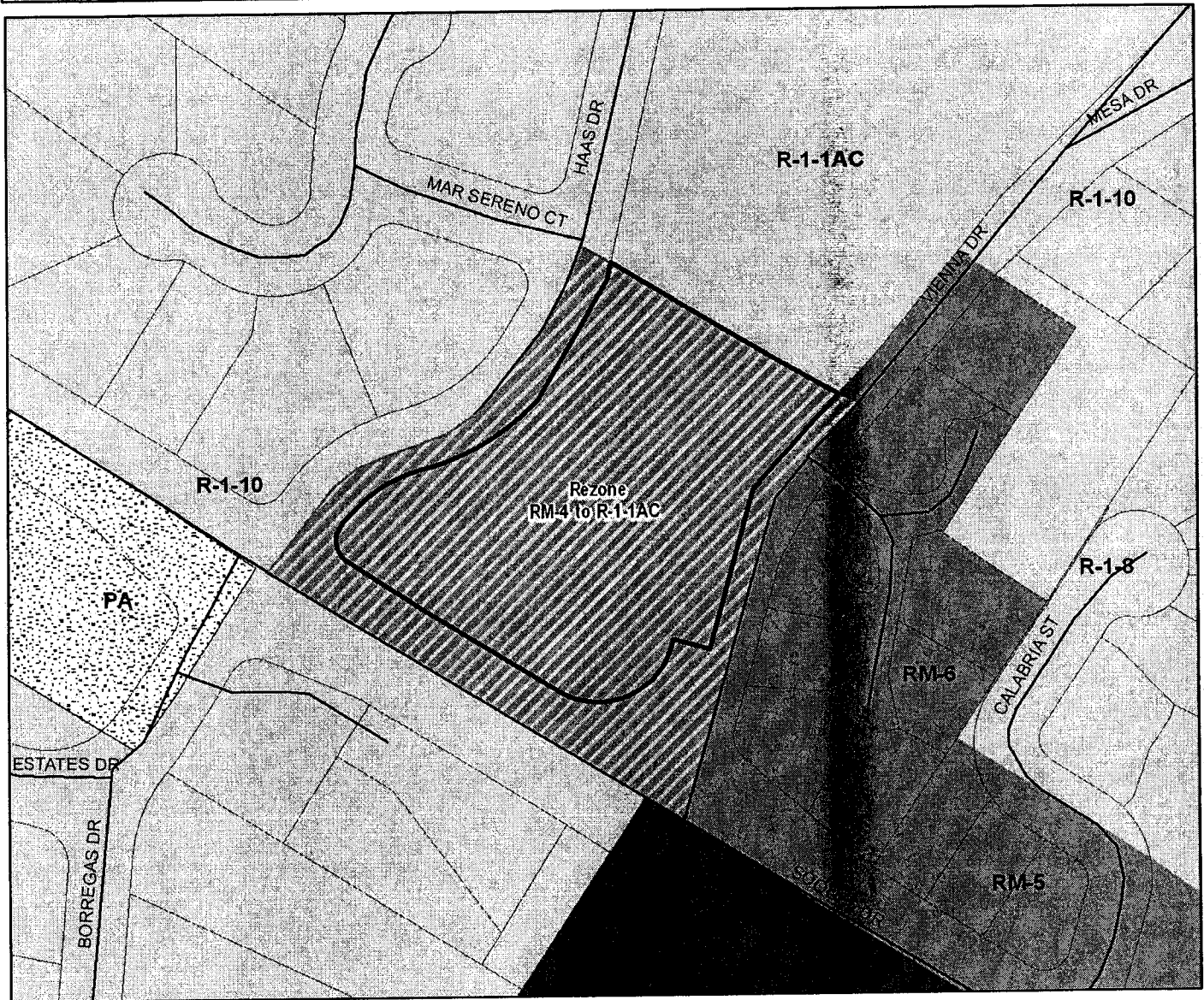
  
\_\_\_\_\_  
Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel  
Planning-Randall Adams  
Assessor  
County GIS

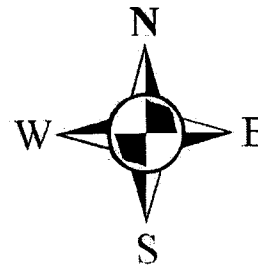


# Re-zoning Map



## Legend

- APN 039-062-06
- Streets
- Assessors Parcels
- RM-4 to R-1-1AC
- RESIDENTIAL-SINGLE FAMILY (R-1)
- RESIDENTIAL-MULTI FAMILY (RM)
- PUBLIC FACILITY (PF)
- COMMERCIAL-PROF OFFICE (PA)



Map Created by  
County of Santa Cruz  
Planning Department